

ENVIRONMENTAL PROTECTION COMMISSION OF
HILLSBOROUGH COUNTY, as Delegated by
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PERMIT ISSUANCE

CERTIFIED MAIL

Rick Keck, EHS Manager
TriEst Ag Group, Inc.
7610 US Highway 41 North
Palmetto, FL 34221

Permit No.: 0571054-008-AF
County: Hillsborough

_____ /
Enclosed is Permit Number 0571054-008-AF to operate a fumigant blending and repackaging facility located at 4310 National Guard Drive in Plant City, issued pursuant to Section 403.087, Florida Statutes. Please read this new permit thoroughly as there are changes from the previous permit.

The EPC will issue the final permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Section 120.569 and 120.57 F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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, F.S. The petition must contain the information set forth below and must be filed (received) in the Legal Department of the EPC at 3629 Queen Palm Dr., Tampa, Florida 33619, Phone 813-627-2600, Fax 813-627-2602. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any persons other

than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 (fourteen) days of receipt of this permit. Under Section 120.60(3), however, any person who asked the EPC for notice of agency action may file a petition within 14 (fourteen) days of receipt of that notice, regardless of the date of publication.

A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the F.A.C.

A petition that disputes the material facts on which the EPC'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 and the name, address, and telephone number of each petitioner's representative, if any, which shall be the address for service purposes during the course of the proceedings; and an explanation of how the petitioner's substantial interests will be affected by the EPC's determination;
- (c) A statement of how and when the petitioner received notice of the EPC 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 EPC's proposed action;
- (f) A statement of specific rules or statutes the petitioner contends requires reversal or modification of the EPC's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the EPC to take with respect to the EPC's proposed action.

A petition that does not dispute the material facts upon which the EPC'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the EPC'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 EPC on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573, F.S. is not available in this proceeding.

This action is final and effective on the date filed with the Clerk of the EPC unless a petition is filed in accordance with above. Upon the timely filing of a petition, this order will not be effective until further order of the EPC.

Any person listed below may request to obtain additional information, a copy of the application (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), all relevant supporting materials, and all other materials available to the EPC that are relevant

to the permit decision. Interested persons may contact Diana M. Lee, P.E., at the above address or call (813) 627-2600, for additional information.

Any party to this 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 EPC's Legal Office at 3629 Queen Palm Dr, Tampa, Florida 33619 and 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 Tampa, Florida

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

Richard D. Garrity, Ph.D.
Executive Director

cc: Robert A. Baker, P.E. - Baker Environmental Engineering, Inc. (e-mail)
Jeff From – TriEst Ag Group, Plant City (e-mail)

CERTIFICATE OF SERVICE

The undersigned duly designated clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on _____ to the listed persons.

FILING AND ACKNOWLEDGEMENT

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

Clerk

Date

PERMITTEE:

TriEst Ag Group, Inc.
Plant City Facility
4310 National Guard Drive
Plant City, Florida 33563

PERMIT/CERTIFICATION

Permit No.: 0571054-008-AF
County: Hillsborough
Expiration Date: April 7, 2019
Project: Fumigant Blending & Packaging

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rules 62-204, 62-210, 62-212, 62-296, 62-297, and 62-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the EPC and made a part hereof and specifically described as follows:

TriEst Ag Group, Inc. supplies distributors and growers with soil fumigants. The Plant City facility is an agricultural supply facility. Typically, the chemicals (fumigants) arrive in bulk, railroad tank cars, tanker trucks, or iso-tanks (truck mounted tanks). Then they are stored in the railroad tank cars, iso-tanks, or in on-site tanks before being blended and/or packaged into smaller containers. There are four fumigants, Methyl Bromide (MB), Telone, Methyl Iodide and Chloropicrin, involved in repackaging and blending operations at the Plant City facility, which they can be repackaged as 100% in their own group, or blended with Chloropicrin and packaged into different proportions of mixtures. The facility-wide potential to emit for VOC, total HAPs and individual HAP (MB) are 11.8 TPY, 10 TPY, and 7.9 TPY, respectively.

PROCESS FLOW

There are four fumigants that are blended and/or packaged at the facility in three basic groups:

1. Methyl Bromide and Methyl Bromide/Chloropicrin mixtures - an existing fumigant repackaged, or blended and packed on-site;
2. Telone and Telone/Chloropicrin mixtures - an existing fumigant repackaged, or blended and packaged on-site;
3. Methyl Iodide and Methyl Iodide/Chloropicrin mixtures – an existing fumigant repackaged, or blended and packaged on-site;
4. 100% Chloropicrin can be repackaged at all three groups.

Methyl Bromide, Telone, and Methyl Iodide fumigants are repackaged as 100% in their own group, as well as being blended with Chloropicrin and packaged into mixtures. The actual proportions of mixtures vary with each fumigant group such as 98% to 2%, 75% to 25%, 65% to 35%, 50% to 50%, etc. (i.e., Methyl Bromide to Chloropicrin, Telone to Chloropicrin, and Methyl Iodide to Chloropicrin). In addition to the normal mixes, surfactants (Atlox, T-Multz and Exxol) can be added to some of the blends, as needed.

The process is described as it applies to each fumigant as follows:

Step 1 – On Site Storage:

Majority of the fumigants arrive on-site in railroad tank cars, tanker trucks, or iso-tanker trucks at a very low positive pressure and ambient temperature. Typically, the fumigants are stored on-site in the railroad tank cars or iso-tankers until they are used in blending and packaging. However, Methyl Bromide, shipped to the plant as 98:2 Methyl Bromide/Chloropicrin mix, can be stored in nine on-site storage tanks. Alternately, 100% Methyl Bromide is received and stored at the plant in 110 gallon non bulk tanks or in railroad cars until packaged. For safety reasons, Telone is stored in railcars, tankers, or iso-tanks on-site until a complete transfer, one time, can be made into an on-site 20,000 gallon storage tank (ambient pressure and temperature tank) for packaging and blending.

Step 2 – Blending and Packaging:

The containers used for blending and packaging the fumigants are known as “pigs” and “cylinders”. Each pig will hold approximately 110 gallons and each cylinder can hold between 5 to 50 gallons.

Nitrogen gas is injected into Methyl Bromide, Chloropicrin, and Methyl Iodide fumigant railcar tank cars, iso-tankers, or on-site tanks to push the fumigant to the weighing scales. A pump is used to move the Telone from the railcar tanks, tankers, and iso-tanks to the on-site storage tank (closed loop system) and a pump is used to move Telone from the storage tank to the scales.

Each of the fumigant mixtures has its own blending area and weighing scales. Each cylinder or pig is weighed on a scale as it is being filled. The Methyl Bromide/Chloropicrin blending process has four (4) scales. The Telone/Chloropicrin blending process has three (3) scales in the main Telone area. The Methyl Iodide/Chloropicrin blending process has one scale in the Methyl Iodide blending area.

The cylinders or pigs are placed under a slight positive pressure (<2 psi) with Nitrogen gas. Up to this point in the process, all fittings are in liquid service.

Step 3 – Venting of Displaced Gases:

The displaced gases from the cylinders or pigs can be vented by two different pollution control systems. For the Methyl Bromide/Chloropicrin mixtures and some 100% Chloropicrin batches, the gases are pulled through the Barney condenser system for cooling and condensing the vapors back into a liquid. The condensed liquids are sent to a collection pig, and the remaining gases are returned to a Methyl Bromide/Chloropicrin, 98:2, fumigant railcar tank or vented to the ambient air.

For the Telone/Chloropicrin and Methyl Iodide/Chloropicrin mixtures and for some of the 100% Chloropicrin batches, the gases are vented through a series of three (3) activated carbon canisters before reaching ambient air.

All fittings from the cylinder’s or pig’s discharge points through the Barney condenser or activated carbon canisters are in gaseous service.

Step 4 – Returned Containers:

The pigs and cylinders are transported to agricultural facilities where they are pressurized with Nitrogen. The Nitrogen displaces the liquid fumigants for application into the soil.

Cylinders and pigs returned after use are decanted to remove any remaining liquid and vented through the same air pollution controls as used for packaging (Barney condenser or the activated carbon canisters). This venting is to reduce the pressure to about atmospheric pressure in order to re-fill the vessel. These cylinders and pigs are usually returned pressurized with approximately 30 to 40 psi from the Nitrogen.

The labeling standards for products containing methyl bromide are required by 40 CFR 82 and are included in the permit. The facility also serves as a distribution station for several products (Dimethyl Disulfide and Allyl Isothiocyanate) produced at other facilities. There is no repackaging or blending of these distributed products at Plant City facility.

Plant City facility occasionally refinishes pigs and cylinders using a hand-held roller brush. The coatings used have VOC content below 5.0 lbs/gallon. This activity is exempt from permitting pursuant to Rule 62-210.300(3)(a)27., F.A.C.

The facility also serves as a distribution station for several products, such as Dimethyl Disulfide (Paladin) and Allyl Isothiocyanate (Dominus/IRF-135), produced at TriEst's other facilities. There is no repackaging or blending of the distributed products.

Location: 4310 National Guard Drive, Plant City, FL 33563

UTM Coordinates: 17-385.5 E 3098.3 N

NEDS NO: 0571054

Emission Unit ID Nos.: 001 – Fugitive Equipment Leaks
002 – Vapor Processing Equipment

Replace FESOP No.: 0571054-005-AF

SPECIFIC CONDITIONS:

1. A part of this permit is the attached General Conditions. [Rule 62-4.160, F.A.C.]
2. Issuance of this permit does not relieve the permittee from complying with applicable emission limiting standards or other requirements of Chapters 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C., or any other requirements under federal, state, or local law. [Rule 62-210.300, F.A.C.]
3. All applicable rules of the Environmental Protection Commission of Hillsborough County including design discharge limitations specified in the application shall be adhered to. The permit holder may also need to comply with county, municipal, federal, or other state regulations prior to construction. [Rule 62-4.070(7), F.A.C.]
4. The permittee shall not cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62 210.200 (Definitions) and 62-296.320(2), F.A.C.]
5. As requested by the permittee, in order to establish the facility as a Synthetic Non-Title V Source for criteria pollutants and hazardous air pollutants, the maximum amount of material that may be processed within a rolling 12-month period are as follows:

[Rule 62-4.070(3), F.A.C., FESOP No. 0571054-005-AF and FESOP Renewal Application received January 21, 2014]

Material	Usage Limit
Methyl Bromide and Methyl Iodine, combined	12,000,000 (lbs)
Methyl Iodine	4,000,000 (lbs)
Chloropicrin	12,000,000 (lbs)
Telone (1,3-dichloropropene)	8,000,000 (lbs)
Surfactants (Atlox, T-Multz, Exxol)	6,720,000 (lbs)

6. [Reserved]
7. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Florida Department of Environmental Protection or its delegated agent, the Environmental Protection Commission of Hillsborough County. Known and existing vapor emission control devices or systems include, but are not limited to, the following:

General:

- 1) Equipping all pressure relief valves with diaphragms;
- 2) Maintaining the connections from the front decanting area, the back decanting area, the

SPECIFIC CONDITIONS:

rail car unloading, the storage tanks, the main scales, the pressure relief stations, and all the system piping to the vapor processing equipment;

- 3) Maintaining the vapor processing equipment in good working order; and
- 4) On a weekly basis, inspecting all components (i.e., valves, compressor seals, pressure relief valves, and connectors) for leaks. Detection methods incorporating sight, sound, and smell are acceptable. All detected leaks shall be repaired immediately.

Methyl Bromine Processing:

- 5) Using the vapor processing equipment (Barney System) to recover the methyl bromide and chloropicrin on each and every system purge;
- 6) In order to verify that the Barney System is in good operating condition prior to processing, verify and record that the system temperature is below 38 °F;
- 7) At the end of each day of operations, purging the methyl bromide and vapor recovery equipment lines with nitrogen and emptying the chloropicrin lines of liquid product, and directing the exhaust to the vapor processing equipment;
- 8) Before purging any outdated DOT cylinders and pigs with air, they shall be purged once with nitrogen while directing all the exhaust to the vapor processing equipment.

Telone and Chloropicrin/Methyl Iodide Processing:

- 9) All displaced air from the processing of Telone (1,3-Dichloropropene) and chloropicrin/methyl iodide blends must be vented through the activated carbon canister system before being discharged to the ambient air.

[Rule 62-296.320(1), F.A.C.]

8. The permittee shall maintain and operate the Vapor Processing Equipment in accordance with the **Periodic Monitoring Plan** as attached to this FESOP renewal, to ensure proper operation and compliance with the permit.

[Rule 62-4.070, F.A.C., FESOP No. 0571054-005-AF and FESOP Renewal Application received January 21, 2014]

9. When the Environmental Protection Commission of Hillsborough County (EPC) after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Rules 62-204, 62-210, 62-212, 62-296, or 62-297, F.A.C., or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the source to conduct compliance tests which identify the nature and quantity of pollutant emissions from the source and to provide a report on the results of said tests to the EPC. [Rule 62-297.310(7)(b), F.A.C.]

10. In order to demonstrate continuous compliance with Specific Conditions 5, 6, and 7, the permittee shall maintain a monthly recordkeeping system. The record shall include, but not be limited to the following information:

- A) Date (mm/dd/yyyy) of record;
- B) The amount, in pounds, of each fumigant received and processed monthly, and the

SPECIFIC CONDITIONS:

rolling total for the preceding, consecutive 12-months;

- C) The amount, in pounds of each surfactant added to each fumigant blends monthly, and the rolling total for the preceding, consecutive 12-months;
- D) Records of daily, weekly, and monthly inspections.
- E) Records of any control equipment malfunctions or periods of downtime.

[Rule 62-4.070(3), F.A.C.]

11. These records shall be maintained onsite and made available to the Environmental Protection Commission of Hillsborough County, state or federal air pollution agency upon request and kept on file for at least three years from the date of measurement.

[Rules 62-4.070(3), and 62-4.160(14)(b), F.A.C.]

12. The permittee must submit to the Environmental Protection Commission of Hillsborough County each calendar year, a completed DEP Form 62-210.900(5), "Annual Operating Report (AOR) for Air Pollutant Emitting Facility", for the preceding calendar year. The AOR shall be submitted by April 1 of the following year. [Rule 62-210.370(3), F.A.C.]

The Labeling of Products Using Ozone-Depleting Substances

13. Warning Statement Requirements.

- (a) *Required warning statements.* Unless otherwise exempted by this permit, each container in which a class I or class II substance (e.g., methyl bromide) is stored or transported and each product containing a class I substance shall bear the following warning statement, meeting the requirements of this permit for placement and form:

WARNING: Contains [*insert name of substance*], a substance which harms public health and environment by destroying ozone in the upper atmosphere.

- (b) *Exemptions from warning label requirement.* The following products need not bear a warning label:
 - (1) Products containing trace quantities of a controlled substance remaining as a residue or impurity due to a chemical reaction, and where the controlled substance serves no useful purpose in or for the product itself.
 - (2) Containers containing a controlled substance in which trace quantities of that controlled substance remain as a residue or impurity;
 - (3) Waste containing controlled substances or blends of controlled substances bound for discard;
 - (4) Products intended only for export outside of the United States shall not be considered "products introduced into interstate commerce" provided such products are clearly designated as intended for export only;
 - (5) Products that are otherwise not subject to the requirements of this subpart that are being repaired, using a process that uses a controlled substance.

SPECIFIC CONDITIONS:

- (6) Products, processes, or substitute chemicals undergoing research and development, by which a controlled substance is used. Such products must be labeled when they are introduced into interstate commerce.

- (c) *Interference with other required labeling information.* The warning statement shall not interfere with, detract from, or mar any labeling information required on the labeling by federal or state law.

[40 CFR 82.106]

14. Placement of Warning Statement. The warning statement shall be placed so as to satisfy the requirement of the Clean Air Act that the warning statement be "clearly legible and conspicuous." The warning statement is clearly legible and conspicuous if it appears with such prominence and conspicuousness as to render it likely to be read and understood by consumers under normal conditions of purchase. Such placement includes, but is not limited to, the following:

- (a) *Display panel placement.* For any affected product or container that has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement described in Specific Condition No. 15 may appear on any such display panel of the affected product or container such that it is "clearly legible and conspicuous" at the time of the purchase. If the warning statement appears on the principal display panel or outer packaging of any such affected product or container, the warning statement shall qualify as "clearly legible and conspicuous," as long as the label also fulfills all other requirements of this permit and is not obscured by any outer packaging, as required by paragraph (b) of this specific condition. The warning statement need not appear on such display panel if either:
 - (1) The warning statement appears on the outer packaging of the product or container, consistent with specific condition (b) of this specific condition, and is clearly legible and conspicuous; or
 - (2) The warning statement is placed in a manner consistent with paragraph (c) of this specific condition.

- (b) *Outer packaging.* If the product or container is normally packaged, wrapped, or otherwise covered when viewed by the purchaser at the time of the purchase the warning statement described in Specific Condition No. 15 shall appear on any outer packaging, wrapping or other covering used in the retail display of the product or container, such that the warning statement is clearly legible and conspicuous at the time of the purchase. If the outer packaging has a display panel that is normally viewed by the purchaser at the time of the purchase, the warning statement shall appear on such display panel. If the warning statement so appears on such product's or container's outer packaging, it need not appear on the surface of the product or container, as long as the statement also fulfills all other requirements of this permit. The warning statement need not appear on such outer packaging if either:
 - (1) The warning statement appears on the surface of the product or container, consistent

SPECIFIC CONDITIONS:

- with paragraph (a) of this specific condition, and is clearly legible and conspicuous through any outer packaging, wrapping or other covering used in display; or
- (2) The warning statement is placed in a manner consistent with paragraph (c) of this specific condition.
- (c) *Alternative placement.* The warning statement may be placed on a hang tag, tape, card, sticker, invoice, bill of lading, supplemental printed material, or similar overlabeling that is securely attached to the container, product, outer packaging or display case, or accompanies the product containing or manufactured with a controlled substance or a container containing class I or class II substances through its sale to the consumer or ultimate consumer.
- (d) *Products not viewed by the purchaser at the time of purchase.* Where the purchaser of a product cannot view a product, its packaging or alternative labeling such that the warning statement is clearly legible and conspicuous at the time of purchase, as specified under paragraphs (a), (b), or (c) of this specific condition, the warning statement may be placed in the following manner:
- (1) Where promotional printed material is prepared for display or distribution, the warning statement may be placed on such promotional printed material such that it is clearly legible and conspicuous at the time of purchase; or
- (2) The warning statement may be placed on the product, on its outer packaging, or on alternative labeling, consistent with paragraphs (a), (b), or (c) of this specific condition, such that the warning statement is clearly legible and conspicuous at the time of product delivery, if the product may be returned by the purchaser at or after the time of delivery or if the purchase is not complete until the time of delivery (e.g., products delivered C.O.D.).
- [40 CFR 82.108]

15. Form of label bearing warning statement.

- (a) *Conspicuousness and contrast.* The warning statement shall appear in conspicuous and legible type by typography, layout, and color with other printed matter on the label. The warning statement shall appear in sharp contrast to any background upon which it appears. Examples of combinations of colors which may not satisfy the proposed requirement for sharp contrast are: black letters on a dark blue or dark green background, dark red letters on a light red background, light red letters on a reflective silver background, and white letters on a light gray or tan background.
- (b) *Name of substance.* The name of the class I or class II substance to be inserted into the warning statement shall be the standard chemical name of the substance as listed in 40 CFR part 82, appendix A to subpart A, except that:
- (1) The acronym "CFC" may be substituted for "chlorofluorocarbon."
- (2) The acronym "HCFC" may be substituted for "hydrochlorofluorocarbon."
- (3) The term "1,1,1-trichloroethane" may be substituted for "methyl chloroform."
- (c) *Combined statement for multiple class I substances.* If a container containing or a product contains or is manufactured with, more than one class I or class II substance, the warning statement may include the names of all of the substances in a single warning statement, provided that the combined statement clearly distinguishes which substances the container

SPECIFIC CONDITIONS:

or product contains and which were used in the manufacturing process.

- (d) *Format.*
 - (1) The warning statement shall be blocked within a square or rectangular area, with or without a border.
 - (2) The warning statement shall appear in lines that are parallel to the surrounding text on the product's PDP, display panel, supplemental printed material or promotional printed material.
- (e) *Type style.* The ratio of the height of a capital letter to its width shall be such that the height of the letter is no more than 3 times its width; the signal word "WARNING" shall appear in all capital letters.
- (f) *Type size.* The warning statement shall appear at least as large as the type sizes prescribed by this paragraph. The type size refers to the height of the capital letters. A larger type size materially enhances the legibility of the statement and is desirable.
 - (1) *Display panel or outer packaging.* Minimum type size requirements for the warning statement are given below and are based upon the area of the display panel of the product or container. Where the statement is on outer packaging, as well as the display panel area, the statement shall appear in the same minimum type size as on the display panel.

	Area of display panel (sq. in.)					
	0-2	>2-5	>5-10	>10-15	>15-30	>30
Type size (in.) ¹						
Signal word.....	3/64	1/16	3/32	7/64	1/8	5/32
Statement.....	3/64	3/64	1/16	3/32	3/32	7/64

>Means greater than.

¹Minimum height of printed image of letters.

- (2) *Alternative placement.* The minimum type size for the warning statement on any alternative placement which meets the requirements of Specific Condition No. 16(c) is 3/32 inches for the signal word and 1/16 of an inch for the statement.
- (3) *Promotional printed material.* The minimum type size for the warning statement on promotional printed material is 3/32 inches for the signal word and 1/16 of an inch for the statement, or the type size of any surrounding text, whichever is larger.

[40 CFR 82.110]

16. Removal of label bearing warning statement.

- (a) *Prohibition on removal.* Except as described in paragraph (b) of this specific condition, any warning statement that accompanies a product or container introduced into interstate commerce, as required by 40 CFR 82, Subpart E, must remain with the product or container and any product incorporating such product or container, up to and including the point of sale to the ultimate consumer.
- (b) *Incorporation of warning statement by subsequent manufacturers.* A manufacturer of a

SPECIFIC CONDITIONS:

product that incorporates a product that is accompanied by a label bearing the warning statement may remove such label from the incorporated product if the information on such label is incorporated into a warning statement accompanying the manufacturer's product.

[40 CFR 82.112]

17. Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.

- (a) *Compliance by manufacturers and importers with requirements for labeling of containers of controlled substances, or products containing controlled substances.* Each manufacturer of a product incorporating another product or container containing a controlled substance, to which 40 CFR 82.102(a)(1) or (a)(2) applies, that is purchased or obtained from another manufacturer or supplier, is required to pass through and incorporate the labeling information that accompanies such incorporated product in a warning statement accompanying the manufacturer's finished product. Each importer of a product, or container containing a controlled substance, to which 40 CFR 82.102(a)(1) or (a)(2) applies, including a component product or container incorporated into the product, that is purchased from a foreign manufacturer or supplier, is required to apply a label, or to ensure that a label has been properly applied, at the site of U.S. Customs clearance.
- (b) *Reliance on reasonable belief.* The manufacturer or importer of a product that incorporates another product container from another manufacturer or supplier may rely on the labeling information (or lack thereof) that it receives with the product, and is not required to independently investigate whether the requirements of 40 CFR 82, Subpart E are applicable to such purchased product or container, as long as the manufacturer reasonably believes that the supplier or foreign manufacturer is reliably and accurately complying with the requirements of this subpart.
- (c) *Contractual obligations.* A manufacturer's or importer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with the requirements of 40 CFR 82, Subpart E, any products containing a controlled substance or containers of a controlled substance that are supplied to the manufacturer or importer, is evidence of reasonable belief.

[40 CFR 82.114]

18. Compliance by wholesalers, distributors and retailers.

- (a) *Requirement of compliance by wholesalers, distributors and retailers.* All wholesalers, distributors and retailers of products or containers to which 40 CFR 82, Subpart E applies are required to pass through the labeling information that accompanies the product.
- (b) *Reliance on reasonable belief.* The wholesaler, distributor or retailer of a product may rely on the labeling information that it receives with the product or container, and is not required to independently investigate whether the requirements of 40 CFR 82, Subpart E are applicable to the product or container, as long as the wholesaler, distributor or retailer reasonably believes that the supplier of the product or container is reliably and accurately complying with the requirements of 40 CFR 82, Subpart E.
- (c) *Contractual obligations.* A wholesaler, distributor or retailer's contractual relationship with its supplier under which the supplier is required to accurately label, consistent with

SPECIFIC CONDITIONS:

the requirements of 40 CFR 82, Subpart E, any products manufactured with a controlled substance that are supplied to the wholesaler, distributor or retailer is evidence of reasonable belief.

[40 CFR 82.118]

19. Prohibitions.

(a) *Warning statement.*

- (1) No container or product identified in Specific Condition No. 15(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of Specific Condition Nos. 15(a), 16, and 17, unless such labeling is not required under Specific Condition Nos. 15(b) or 20(a).
- (2) No person may modify, remove or interfere with any warning statement required by this permit or 40 CFR 82, Subpart E, except as described in Specific Condition No. 18. [40 CFR 82.124]

20. If the permittee wishes to transfer this permit to another owner, an "Application for Transfer of Permit" (DEP Form 62-210.900(7)) shall be submitted, in duplicate, to the Environmental Protection Commission of Hillsborough County within 30 days after the sale or legal transfer of the permitted facility. [Rule 62-4.120, F.A.C.]

21. The permittee shall provide timely notification to the Environmental Protection Commission of Hillsborough County prior to implementing any changes that may result in a modification to this permit pursuant to Rule 62-210.200, F.A.C., Modification. The changes do not include normal maintenance, but may include, and are not limited to, the following, and may also require prior authorization before implementation:

- A) Alteration or replacement of any equipment or major component of such equipment;
- B) Installation or addition of any equipment which is a source of air pollution;
- C) Receipt and blending of any fumigant not authorized by this permit.

Note: Items A and B are not applicable to routine maintenance, repair, or replacement of component parts of an air emissions unit. [Rules 62-210.300 and 62-4.070(3), F.A.C.]

22. Prior to 60 days before the expiration of this operating permit, the permittee shall apply for a renewal of the permit using the current version of the permit renewal application form and submit the most recent 3 months of records required by this permit. A renewal application shall be timely and sufficient. If the application is submitted prior to sixty days before the expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the EPC or, if there is court review of the final agency action, until a later date is required by Section 120.60, Florida Statutes. [Rules 62-4.090, F.A.C. and 62-4.070(3), F.A.C.]

TriEst Ag Group, Inc.
Plant City facility

Permit No.: 0571054-008-AF
Project: Fumigant Blending & Packaging

SPECIFIC CONDITIONS:

ENVIRONMENTAL PROTECTION COMMISSION
OF HILLSBOROUGH COUNTY

Richard D. Garrity, Ph.D.
Executive Director