Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Electronic Mail – Received Receipt Requested

Ronald Yasurek, Plant Manager
Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, FL 33547

Re: Permit Nos. 1050059-075-AV and 1050059-076-AC
New Wales Facility
Revised Title V Air Operation Permit Renewal and Minor Air Construction Permit

Dear Mr. Yasurek:

On 7/3/2012, you submitted an application for an air construction permit revision and a Title V air operation permit renewal for the Mosaic Fertilizer, LLC – New Wales Facility. The Department received the application on 7/5/2012. This facility is located in Polk County at 3095 Highway 640, Mulberry, Florida. On 8/28/2012, the Department sent you a Written Notice of Intent to Issue Air Permits. On 9/5/2012, the Department received an e-mail from Veronica Figueroa, P.E., Mosaic Fertilizer, LLC – New Wales Facility, containing comments on the Draft Permits, Written Notice of Intent to Issue Air Permits, Public Notice of Intent to Issue Air Permits, Statement of Basis and two appendices (tables) related to NESHAP 40 CFR 63, Subpart ZZZZ.

Corrections to the draft permit documents have been made in accordance with all of the comments except for the comment regarding the deletion of Emission Unit Nos. 047 and 055 in Section III, Subsections MACT A & BB. This decision was explained via telephone to Mr. David Turley of Mosaic Fertilizer, LLC on 9/7/2012.

The enclosed documents replace all documents issued to you on 8/28/2012.

Enclosed is the permit package for a revised draft/proposed Title V air operation permit renewal and a revised draft minor air construction permit for the Mosaic Fertilizer, LLC – New Wales Facility. The permit package includes the following documents:

- The revised draft minor air construction permit.
- The revised Statement of Basis for the Title V permit renewal, which summarizes the facility, the equipment, the primary rule applicability, and the changes since the last Title V revision.
- The revised draft/proposed Title V air operation permit renewal, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The revised Written Notice of Intent to Issue Title V Air Operation Permit and Minor Air Construction Permit provides important information regarding: the Permitting Authority's revised intent to issue air permits for the proposed projects; the requirements for publishing a revised Public Notice of the Permitting Authority's intent to issue air permits; the procedures for submitting comments on the revised draft/proposed Title V air operation permit and the revised draft air construction permit; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Revised Public Notice of Intent to Issue Air Permits is the actual notice that you must have

published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Revised Public Notice of Intent to Issue Air Permits must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication. Because the Title V permit renewal is being processed as a combined revised draft/proposed permit in order to reduce processing time, a duplicate copy of the proof of publication must also be transmitted by electronic mail within seven days of the date of publication to Ms. Ana Oquendo at EPA Region 4 at the following address: oquendo.ana@epamail.epa.gov.

If you have any questions, please contact the Project Engineer, Quaid Noor, by telephone at (813) 632-7600 ext. 112 or by email at quaid.noor@dep.state.fl.us.

Sincerely,

09/14/2012

Robert C. Wong
District Air Program Administrator
Southwest District

Date

Enclosures
RCW/qn/clm

REVISED WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT AND MINOR AIR CONSTRUCTION PERMIT

In the Matter of an
Application for Title V Air Operation Permit Renewal and a Minor Air Construction Permit by:

Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, FL 33547

Responsible Official:
Ronald Yasurek, Plant Manager

Permit Nos. 1050059-075-AV and
1050059-076-AC
Facility ID No. 1050059
New Wales Facility
Ttile V Air Operation Permit Renewal and
Minor Air Construction Permit
Polk County, Florida

Facility Location: Mosaic Fertilizer, LLC operates the New Wales Facility, which is located in Polk County at 3095 Highway 640, Mulberry, Florida.

Project: The purpose of Construction Permit 1050059-076-AC is to modify EU No. 053 (Phosphoric Acid Clarification and Storage Area)'s fluoride emission limit from 2.32 pounds per hour to 25 lbs per day (equivalent to 1.04 pounds per hour).

Permitting Authority: The purpose of this Title V Air Operation Permit (1050059-075-AV) is to renew the Title V air operation Permit (1050059-069-AV) and incorporate terms and conditions of air construction permit 1050059-076-AC for the above referenced facility; and also to remove the reference/specific conditions associated with the Rule 62-296.411, F.A.C. – Sulfur Storage and Handling Facilities, as this rule has been repealed. Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work.

Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility.

The Department of Environmental Protection's Air Resource Section in the Southwest District is the Permitting Authority responsible for making a permit determination for these projects. The Permitting Authority's physical address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's mailing address is: 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926. The Permitting Authority's telephone number is 813-632-7600.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft permits, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft permits by visiting the following website: http://www.dep.state.fl.us/air/emission/apds/default.asp and entering the permit numbers shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permits: The Permitting Authority gives notice of its intent to issue a revised draft/proposed Title V air operation permit renewal to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of the existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the

conditions of the revised draft/proposed permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

The Permitting Authority also gives notice of its intent to issue a revised draft minor air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that the construction permit will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the draft air construction permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Revised Public Notice of Intent to Issue Air Permits (Public Notice). The Revised Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the revised draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the revised draft/proposed Title V air operation permit, the Permitting Authority shall revise the revised draft/proposed Title V air operation permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

The Permitting Authority will accept written comments concerning the revised draft minor air construction permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Revised Draft Permit, the Permitting Authority shall revise the Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Revised Written Notice of Intent to Issue Air Permits. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Revised Written Notice of Intent to

Issue Air Permits, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permits. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

EPA Review: EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period, provided that the applicant also transmits an electronic copy of the required proof of publication directly to EPA at the following email address: oquendo.ana@epamail.epa.gov. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that result in a different decision or significant change of terms or conditions. The status regarding EPA's 45–day review of this project and the deadline for submitting a citizen petition can be found at the following website address: http://www.epa.gov/region4/air/permits/Florida.htm.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Revised Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless

the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at http://www.epa.gov/region4/air/permits/Florida.htm.

Executed in Hillsborough County, Florida.

Robert C. Wong
District Air Program Administrator
Southwest District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Revised Written Notice of Intent to Issue Title V Air Operation Permit and Minor Air Construction Permit (including the Revised Public Notice, the Revised Statement of Basis, the Revised Draft/Proposed Title V Air Operation Permit, and the Revised Draft Minor Air Construction Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on the date indicated below to the persons listed below.

Mr. Ronald Yasurek: ronald.yasurek@mosaicco.com
Mr. Rama Iyer, P.E.: rama.iyer@mosaicco.com
Mr. John B. Koogler, P.E.: jkoogler@kooglerassociates.com

Clerk Stamp

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

Digitally signed by Carol L. Moore
Date: 2012.09.14 07:27:30 -04'00'

(Clerk) (Date)

In addition, copies of this REVISED INTENT TO ISSUE TITLE V AIR OPERATION PERMIT AND MINOR AIR CONSTRUCTION PERMIT(including the Revised DRAFT/PROPOSED Title V permit package) were posted electronically as noted to the person(s) listed below:

Ms. Barbara Friday, DEP, Division of Air Resource Management (posted electronically on DEP DARM_Common drive by permit engineer and email notification sent to Barbara Friday at barbara.friday@dep.state.fl.us for posting with U.S. EPA, Region 4).