Attchment B

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

January 6, 2004

D.E.P.
JAN 9 2005
Southwest District Tampa

Mr. E. O. Morris, Vice President
Cargill Fertilizer, Inc.
8813 Highway 41 South
Riverview, Florida 33569-4865

Dear Mr. Morris:

Enclosed is the department's order for an alternate monitoring plan at Cargill's Riverview facility. This order is in response to Cargill's original request of March 10, 2003 and subsequent information submitted at the department's request.

This order stipulates that Cargill will continuously monitor liquid flow rate and pressure drop for each scrubber used to control hydrogen fluoride emissions. Furthermore, Cargill will continuously monitor fan amperage for each fan in the scrubber systems. Allowable ranges (minimum and maximum) for liquid flow and fan amperage must be established and submitted to the department for approval. For pressure drop, only a minimum allowable value must be established and submitted for approval.

Please call me at 850/921-9509 if you have any questions regarding this order.

Sincerely,

Errin Pichard

Errin Pichard, P.E., Administrator
Emissions Monitoring Section
Bureau of Air Monitoring
and Mobile Sources

EP/

Enclosure

cc: Jerry Kissel, DEP Southwest District
Jerry Campbell, EPCHC
Al Linero, DARM

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:	)	Riverview Facility
	)	
Cargill Fertilizer, Inc.	)	
	)	
Petitioner.	)	File No.: 03-C-AP

ORDER ON REQUEST FOR ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), and Title 40 of the Code of Federal Regulations Part 63, section 63.8 (40 CFR 63.8), Cargill Fertilizer, Inc., located in Hillsborough County, has petitioned for approval of alternate monitoring methods for scrubbers at the Riverview facility. The Petitioner requested approval to monitor fan amperage in lieu of establishing an upper limit on pressure drop across each scrubber. The basis for this request is the Petitioner's assertion that certain technical aspects would make limiting pressure drop in the scrubbers at this facility impractical. Petitioner agreed to continue to monitor pressure drop, liquid flow rate, and fan amperage for each scrubber. Petitioner also agreed to establish allowable ranges for liquid flow rate and fan amperage and to establish a minimum allowable pressure drop.

Having considered Petitioner's written request and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. 40 CFR 63, Subparts AA and BB require all phosphate fertilizer and phosphoric acid manufacturing plants that are major sources of hazardous air pollutants to monitor liquid flow rate to each scrubber and pressure drop across each scrubber used to control hydrogen fluoride emissions. Additionally, each affected facility must establish allowable ranges for these parameters by submitting upper and lower values for approval or by accepting the default range of ±20% of the baseline value as specified in Subparts AA and BB. Petitioner's Riverview facility is a major source of hazardous air pollutants. Specifically, Petitioner's Riverview facility emits 10 tons per year or more of HF. Therefore, Petitioner's Riverview facility is subject to these requirements.

2. On February 10, 2003, the Department received Petitioner's request for approval of an alternate monitoring plan for the Riverview facility. The alternate monitoring plan was requested for scrubbers subject to 40 CFR 63, Subparts AA and BB: the phosphoric acid production facility (Emission Unit (EU) 073), the GTSP/DAP manufacturing plant (EU 007), Nos. 3 and 4 MAP plants (EUs 022, 023, 024) and the No. 5 DAP plant (EU 055).

3. On March 10, 2003, the Department requested additional information from Petitioner.

4. On May 13, 2003, the Department received Petitioner's response to the March 10, 2003 request for additional information.

5. On July 1, 2003, the Department sent a second request for additional information to Petitioner.

6. On August 20, 2003, Department staff met with representatives of Petitioner and Petitioner's consultant, Golder Associates, in Tallahassee to discuss unresolved issues.

7. On September 25, 2003, the Department received Petitioner's response to the second request for additional information as well as information requested during the August 20 meeting.

8. On November 4, 2003, Department staff met with representatives of Petitioner and Golder Associates at the Riverview facility to discuss remaining issues with the Petitioner's request. During that meeting, Petitioner agreed to provide the department with additional data.

9. On November 14, 2003, the Department received the additional information requested during the November 4 meeting.

10. Data submitted by Petitioner demonstrates that typical pressure drops across its scrubbers can vary by more than the ±20% range allowed by 40 CFR 63, Subparts AA and BB.

11. Emissions data submitted by Petitioner demonstrates that fluoride emissions rates for most units at the facility are less than 60% of the standard. Data submitted by Petitioner also shows a poor correlation between pressure drop and fluoride emissions.

12. As a result of the correspondence and meetings listed above, Petitioner ultimately proposed to establish an allowable range for fan amperage in lieu of establishing an upper limit on pressure drop across each scrubber. Petitioner also agreed to establish a minimum allowable pressure drop for each scrubber and an allowable range for liquid flow rate to each scrubber.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), Rule 62-297.620, F.A.C., and 40 CFR 63.8.

2. Petitioner has provided reasonable justification that establishing an upper limit on pressure drop in scrubbers at this facility is impractical due to the wide variability of this parameter encountered during normal operation.

3. Petitioner has provided reasonable justification that monitoring fan amperage in lieu of establishing a maximum pressure drop is no less an effective indicator of scrubber operation than that achieved by monitoring pursuant to 40 CFR 63, Subparts AA and BB.

ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that for the phosphoric acid production facility (EU 073), the GTSP/DAP manufacturing plant (EU 007), Nos. 3 and 4 MAP plants (EUs 022, 023, 024) and the No. 5 DAP plant (EU 055):

1. Petitioner shall not be required to establish an upper limit on the pressure drop across each scrubber.

2. Petitioner shall establish a minimum allowable pressure drop across each scrubber pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

3. Petitioner shall establish minimum and maximum acceptable fan amperages for each fan in the scrubbing systems pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

4. Petitioner shall establish minimum and maximum acceptable values for liquid flow rate to each scrubber pursuant to the requirements in 40 CFR 63, Subparts AA and BB and shall submit such values to the department for approval.

5. Petitioner shall continuously monitor pressure drop and liquid flow rate for each scrubber and shall continuously monitor fan amperage for each fan in the scrubbing systems.

6. Except as provided by this order, Petitioner shall comply with all applicable provisions of 40 CFR 63, Subparts AA and BB.

7. This Order shall expire on December 11, 2013.

PETITION FOR ADMINISTRATIVE REVIEW

The Department's proposed agency action will become final upon expiration of the petition period described below unless a timely petition for an administrative hearing is filed pursuant to Sections 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 agency action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within twenty-one 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) of the Florida Statutes must be filed within twenty-one days of publication of the public notice or within twenty-one days of receipt of this notice, whichever occurs first. Under Section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within twenty-one 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 Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of how and when petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

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

Mediation is not available in this proceeding.

NOTICE OF APPEAL RIGHTS

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 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.

DONE AND ORDERED this 5th day of January, 2004 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Michael G. Cooke

MICHAEL G. COOKE, Director
Division of Air Resource Management
Mail Station 5500
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(850) 488-0114

Clerk Stamp

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Marsha Jane Rhea 1/6/04
(Clerk) (Date)