

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PERMIT

In the Matter of an  
Application for Permit by:

Mr. Thomas W. Fuchs  
Plant Manager  
New Wales Facility  
Mosaic Fertilizer, LLC  
P. O. Box 2000  
Mulberry, Florida 33860

Permit No.: 1050059-052-AC  
New Wales Facility  
Polk County

Enclosed is Final Permit Number 1050059-052-AC. This permit authorizes changes to previously established federally enforceable conditions at the New Wales Facility. This existing facility is located at 5000 Highway 676, Mulberry, Polk County. This permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; 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 of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tampa, Florida.

*Mara Grace Nasca*

Mara Grace Nasca  
District Air Program Administrator  
Southwest District

MGN/sms

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Final Determination and the Final Permit) and all copies were sent electronically (with Received Receipt) before the close of business on 02-02-07 to the person(s) listed below.

Thomas W. Fuchs: Tom.Fuchs@mosaicco.com  
Charles David Turley, P.E.: David.Turley@mosaicco.com  
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Barbara Friday, DEP: Barbara.Friday@dep.state.fl.us [for internet posting with Region 4, U.S. EPA]  
Patricia Comer, Esq., DEP: Patricia.Comer@dep.state.fl.us

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

*Patricia Comer*  
(Clerk)

02-02-07  
(Date)

**FINAL DETERMINATION**

**PERMITTEE**

Mosaic Fertilizer, LLC  
New Wales Facility  
Facility ID No.: 1050059

**PROJECT**

Permit No.: 1050059-052-AC

Changes to Previously Established Federally Enforceable Conditions

**COUNTY**

Polk County

**PERMITTING AUTHORITY**

Florida Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
Air Permitting South Section  
Mail Station #5505, 2600 Blair Stone Road  
Tallahassee, Florida 32399-2400



January 26, 2007

## FINAL DETERMINATION

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### I. General Project Information.

Mosaic Fertilizer, LLC  
New Wales Facility  
P. O. Box 2000  
Mulberry, Florida 33860

Authorized Representative: Mr. Thomas W. Fuchs, Plant Manager

### Application Processing Schedule

Application submitted by the applicant dated August 11, 2006, received on August 14, 2006.

### Relevant Documents

Current Title V Operation Permit 1050059-014-AV issued March 26, 1999.  
1<sup>st</sup> DRAFT Title V Operation Permit 1050059-045-AV issued March 3, 2006.  
2nd DRAFT (Revised) Title V Air Operation Permit Renewal clerked on November 8, 2006.

Technical Evaluation & Preliminary Determination issued on September 15, 2006.  
Draft Air Construction Permit No. 1050059-052-AC clerked on November 8, 2006.  
Mosaic Fertilizer, LLC, request for an extension of time to file a petition for an administrative hearing dated November 20, 2006.  
DEP Order dated December 19, 2006 granting extension of time to January 22, 2007.  
Final Determination dated January 26, 2007.

### II. Public Notice.

An "Intent to Issue Air Construction Permit" to Mosaic Fertilizer, LLC - New Wales Facility for changes to previously established federally enforceable conditions was clerked on November 8, 2006. This facility is located at 5000 Highway 676, Mulberry, Polk County.

The clerked package included the Department's Draft Air Construction Permit, the "Intent to Issue Air Construction Permit," the "Technical Evaluation & Preliminary Determination," and the "Public Notice of Intent to Issue Air Construction Permit." The Department sent copies of the package to the persons listed.

The "Public Notice of Intent to Issue Air Construction Permit" was published in the Lakeland Ledger on December 16, 2006. The Draft air construction permit was available for public inspection at the Department's Southwest District Office and the permitting authority's office in Tallahassee. Proof of publication of the "Public Notice of Intent to Issue Air Construction Permit" was received on December 22, 2006. The 14-day public comment period ended on December 30, 2006.

### III. Comment(s).

No comments were received.

**IV. Department Changes.**

The following Department initiated change was made in the permit.

1. Added the specific regulatory citation in specific condition III.4. The specific condition III.4. is changed

From:

4. The testing frequency of the molten sulfur system, emissions units, -060-080, shall be in accordance with Rule 62-297, F.A.C.

To:

4. The testing frequency of the molten sulfur system, emissions units, -060-080, shall be in accordance with Rule 62-297.310(7), F.A.C.

**V. Conclusion.**

In conclusion, the change that has been made is insignificant in nature and does not impose additional public noticing requirements. The permitting authority hereby issues the Final Permit, with the change noted above.



## SECTION I. FACILITY INFORMATION

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### FACILITY DESCRIPTION

This facility is a phosphate fertilizer manufacturing complex. The fertilizer complex processes phosphate rock into several different fertilizer products and animal feed ingredients.

### PROJECT

The applicant requested changes to previously established federally enforceable conditions. This project, Permit No. 1050059-052-AC, authorizes these changes.

### REGULATORY CLASSIFICATION

Regulatory classification and applicable requirements are listed in the applicable Title V Operation Permit and the previously-issued construction permits.

Title III HAPS: This facility has the potential to emit 10 tons per year or more of any one hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, and is therefore considered a major source of hazardous air pollutants.

Title V: This facility emits or has the potential to emit more than 100 tons per year of regulated air pollutants and is therefore a Title V major source of air pollution.

PSD: The project is located in an area designated as "attainment", "maintenance", or "unclassifiable" for each pollutant subject to a National Ambient Air Quality Standard. The facility is one of the Prevention of Significant Deterioration (PSD) source categories with the lower PSD applicability threshold of 100 tons per year. Potential emissions of at least one regulated pollutant exceed 100 tons per year. Therefore, the facility is classified as a PSD-major source of air pollution with respect to Rule 62-212.400 F.A.C., PSD.

### RELEVANT DOCUMENTS

Current Title V Operation Permit 1050059-014-AV issued March 26, 1999.

1<sup>st</sup> DRAFT Title V Operation Permit 1050059-045-AV issued March 3, 2006.

2nd DRAFT (Revised) Title V Air Operation Permit Renewal clerked on November 8, 2006.

Technical Evaluation & Preliminary Determination issued on September 15, 2006.

Draft Air Construction Permit No. 1050059-052-AC clerked on November 8, 2006.

Mosaic Fertilizer, LLC, request for an extension of time to file a petition for an administrative hearing dated November 20, 2006.

DEP Order dated December 19, 2006 granting extension of time to January 22, 2007.

Final Determination dated January 26, 2007.

## SECTION II. ADMINISTRATIVE REQUIREMENTS

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### GENERAL AND ADMINISTRATIVE REQUIREMENTS

1. **Permitting Authority:** All documents related to applications for permits to construct or modify these emissions units shall be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (“Department”), at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and phone number 850/488-0114. Copies of these documents shall be submitted to the Compliance Authority.
2. **Compliance Authority:** All documents related to compliance activities such as reports, tests, and notifications should be submitted to the compliance authority.
3. **General Conditions:** The owner and operator are subject to, and shall operate under, the attached General Conditions listed in *Appendix GC* of this permit. General Conditions are binding and enforceable pursuant to Chapter 403, F.S. [Rule 62-4.160, F.A.C.]
4. **Applicable Regulations, Forms and Application Procedures:** The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
5. **New or Additional Conditions:** For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. **Construction Activities:** **No construction activities are authorized by this permit.** [Rule 62-4.070(3), F.A.C.]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

**This section addresses the following emissions unit(s).**

<b><u>E.U. ID</u></b> <b><u>No.</u></b>	<b><u>Brief Description</u></b>
-048	30% Clarification Area (Area 10)
-045	DAP Plant No. 2 – East Train
-046	DAP Plant No. 2 – West Train
-056	DAP Plant No. 2 – East Train Cooler
-029	#1 Fertilizer Rail/Truck Shipping
-037	Fertilizer Truck Loadout No. 2
-041	Fertilizer Truck Loadout No. 3
-043	Fertilizer Rail Loadout No. 2
-059	Fertilizer Rail Loadout No. 3
-060-080	Molten Sulfur System
-080	Rental Boiler

This section contains changes to previously established federally enforceable conditions to the emissions units listed above. The specific changes are shown below.

These documents associated with this specific project are on file with the permitting authority:  
Application submitted by the applicant dated August 11, 2006, received on August 14, 2006.

**ADMINISTRATIVE REQUIREMENTS**

Previous Permit Conditions: This permit authorizes specific changes to previously issued air construction permits. The following conditions are in addition to or replace those of previous air construction permits. The previous air construction permits are cited within Permitting Notes as they apply to the specific conditions stated. Unless otherwise specified, the emissions unit remains subject to all applicable conditions from previous air construction permits. [Rule 62-4.070(3), F.A.C.]

**SPECIFIC CONDITIONS**

-048	30% Clarification Area (Area 10)
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- The “Uranium Recovery System - Acid Clean Up” is renamed the “30% Clarification Area (Area 10).” The particulate matter (PM) emission limitation is removed and the annual testing requirement for PM emissions is no longer required.  
*{Permitting Note: The naming of this emissions unit had been established in an AC permit, Project No. AC53-6084. The PM emission limitation and testing requirement were contained in the 1<sup>st</sup> DRAFT Title V permit, Conditions R.2. and R.3., respectively.}*  
[Applicant request dated 08/11/06.]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

-029	#1 Fertilizer Rail/Truck Shipping
-037	Fertilizer Truck Loadout No. 2
-041	Fertilizer Truck Loadout No. 3
-043	Fertilizer Rail Loadout No. 2
-059	Fertilizer Rail Loadout No. 3

2. These emissions units require the application of a dust suppressant at all times. The emissions units are described as follows:

-029	#1 Fertilizer Rail/Truck Shipping with the application of a dust suppressant at all times.
-037	Fertilizer Truck Loadout No. 2 with the application of a dust suppressant at all times.
-041	Fertilizer Truck Loadout No. 3 with the application of a dust suppressant at all times.
-043	Fertilizer Rail Loadout No. 2 with the application of a dust suppressant at all times.
-059	Fertilizer Rail Loadout No. 3 with the application of a dust suppressant at all times.

*{Permitting Note: Appendix I-1 attached to the Title V permit shall be updated to reflect the reclassification of the emissions units as insignificant and shall include the following description for each unit "with the application of a dust suppressant at all times."}*

-080	1 Molten Sulfur Truck Loading Station
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3. The description is changed to describe only 1 truck loading station for emissions unit -080.

*{Permitting Note: Permit No. 1050059-034-AC was a minor source permit which contained a description of two loading stations. Only one station has been constructed. Only the 1 truck loading station in operation shall be described in the Title V renewal permit.}*

-060-080	Molten Sulfur System
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4. The testing frequency of the molten sulfur system, emissions units, -060-080, shall be in accordance with Rule 62-297.310(7), F.A.C.

*{Permitting Note: The 1<sup>st</sup> DRAFT Title V permit, Conditions W.3.0-W.4. shall be updated to reflect this testing frequency.}*

-060-080	Molten Sulfur System
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5. Sulfur deposition monitoring shall be conducted for two years from the date of commencement of sulfur handling. A final monitoring report with a summary shall be submitted to the compliance authority for the 24 month period of monitoring.

*{Permitting Note: Permit No. 1050059-034-AC was issued for the molten sulfur system modification. This requirement was contained in the 1<sup>st</sup> DRAFT Title V permit, Condition W.11.}*

-080	Rental Boiler
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6. Construction of a replacement rental boiler is no longer authorized. The applicant by request dated 08/14/06 surrendered Permit No. 1050059-046-AC.

*{Permitting Note: Subsection AA can be deleted from the 1<sup>st</sup> DRAFT Title V permit.}*

## GENERAL CONDITIONS

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
- Reasonable time may depend on the nature of the concern being investigated.
- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of non-compliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

**GENERAL CONDITIONS**

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The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology (not applicable to project);
  - (b) Determination of Prevention of Significant Deterioration (not applicable to project); and
  - (c) Compliance with New Source Performance Standards (not applicable to project).
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.