

Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

December 18, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Vernon J. Lloyd
Vice President - Production
White Springs Agricultural Chemicals, Inc.
Post Office Box 300
White Springs, Florida 32096

Dear Mr. Lloyd:

Re: Extension Request/DEP File No. 0470002-047-AC (PSD-FL-297A)
White Springs Agricultural Chemicals, Inc.

The Department has reviewed your consultant's letter of July 17, 2003 and subsequent submittal received October 24, 2003 requesting an extension of the expiration date of the above referenced permit. The purpose of the extension is to allow more time to complete construction. This request is acceptable and the expiration date is hereby extended from October 1, 2003 to October 1, 2004. The extension is conditioned upon the following amendments to the original permit:

SECTION I. FACILITY INFORMATION

Regulatory Classification

The Agricultural Chemicals Complex is classified as a major source of air pollution or Title V source because it has the potential to emit at least 100 tons per year of particulate matter, nitrogen oxides and sulfur dioxide.

(Add the following Condition)

The White Springs Agricultural Chemicals Facility is also classified as a "Major Source" per 40 CFR 63.2, Definitions [adopted and incorporated by reference by the Department at Paragraph 62-204.800(11)(d)] because it consists of a group of stationary sources located within a contiguous area and under common control that emit or have the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.

SECTION III. EMISSION UNIT(S) SPECIFIC CONDITIONS

(Add the following Conditions)

COMMON CONDITIONS: 40 CFR 63 - NEW SOURCE PERFORMANCE STANDARDS - NATIONAL STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

"More Protection, Less Process"

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This permit addresses the following emission units.

<u>EMISSION UNIT NO.</u>	<u>EMISSION UNIT DESCRIPTION</u>
<u>020</u>	<u>B Phosphoric Acid Plant</u>
<u>069</u>	<u>D Phosphoric Acid Plant</u>
<u>070</u>	<u>C & D Superphosphoric Acid Plant</u>

These emission units shall comply with all applicable requirements of:

- 40 CFR 63, General Provisions, Subpart A – General Provisions adopted by reference in Rule 62-204.800(11)(d), F.A.C.
- 40 CFR 63, Subpart AA – National Emissions Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants, adopted by reference in Rule 62-204.800(11)(b), F.A.C.

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 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 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) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, 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 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 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, as well as the Rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

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.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

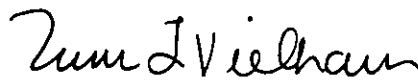
Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This permitting decision is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this order will not be effective until further order of the Department.

Any party to this permitting decision (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.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,



Trina L. Vielhauer, Chief

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 12/18/03 to the person(s) listed:

Vernon J. Lloyd, WSAC*
Gregg Worley, EPA
John Bunyak, NPS
Chris Kirts, DEP
John Koogler, P.E., K & A
Charlie Pults, WSAC

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.

Victoria Gibson 12/18/03
(Clerk) (Date)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Vernon J. Lloyd
 Vice President - Production
 White Springs Agricultural Chemicals, Inc.
 Post Office Box 300
 White Springs, FL 32096

2. Article Number (Copy from service label)

7000 2870 0000 7028 3659

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

[Signature] 12-22-03

C. Signature Agent Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service
 CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)**

7000 2870 0000 7028 3659

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To
 Vernon J. Lloyd
 Street, Apt. No.; or PO Box No.
 Po Box 300
 City, State, ZIP+ 4
 White Springs, FL 32096

PS Form 3800, May 2000 See Reverse for Instructions



KOUGLER & ASSOCIATES
ENVIRONMENTAL SERVICES
4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 • FAX/377-7158

KA 102-00-03

October 23, 2003

RECEIVED

OCT 24 2003

BUREAU OF AIR REGULATION

Mr. Syed Arif, P.E.
Florida Department of
Environmental Protection
Twin Towers Office Building
2600 Blair Stone Rd
Tallahassee, FL 32399-2400

Subject: Permit Extension Request
White Springs Agricultural Products, Inc
File No. 0470002-39-AC, PSD-FL-297

Dear Mr. Arif:

This is in response to your letter dated July 29, 2003, for additional information on the request for an extension of the above referenced permit to October 1, 2005.

As previously indicated, construction work started soon after the permit was issued and has been continuing. The construction work is expected to continue for some time into the future and so a conservative future permit expiration date is proposed. The BACT determination will not need to be revisited, as there have been no delays in commencing construction or any break in the construction work approaching the 18-month provision of the rule.

Specifically, the following had been commenced within 18 months of permit issuance and have been completed without a break in construction activity of 18 months:

- Removal of old pugmills
- Installation of new pugmill
- Burner replacement
- New baghouse on limestone bin
- New baghouse on fines return
- New baghouse on material handling units
- Pump and piping changes in phosphoric acid, superphosphoric and clarification areas.

October 23, 2003

The following are currently ongoing without a break in construction activity of 18 months:

- Purchasing of pumps, piping, ducting, seals, etc. for the project
- Purchasing of other components under approved capital funding
- Installation engineering design drawings for the project
- Removal of equipment to be replaced
- Addition of new screens in product shipping
- Addition of mills in material handling area

The following will be undertaken in 2004 through 2005 without a break in construction activity of 18 months:

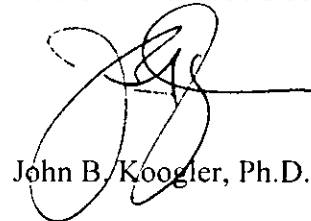
- Complete all screen replacement
- Complete all mills replacement
- Complete all pump, piping, ducting, instrumentation, controls, etc.
- Removal of existing deduster
- Addition of fines holding bin
- Replace dryer fan
- Complete the conversion of Phosphoric acid plant
- Replacement of acid filter
- Replacement of reaction vessels
- Complete all emissions testing
- Complete the Title V permit revision application upon completion of construction

Regarding the issue of applicability of 40CFR63, Subparts AA and BB, the permittee is engaged in ongoing discussions with the Department in an effort to resolve the matter in an amicable manner.

If you have any questions, please do not hesitate to call Pradeep Raval or me.

Very truly yours,

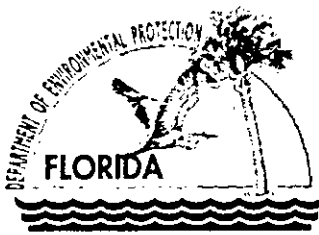
KOOGLER & ASSOCIATES



John B. Koogler, Ph.D., P.E.

JBK:par

C: Charlie Pults, WSAC
Rita Felton-Smith, FDEP



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

July 29, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. John B. Koogler, Ph.D., P.E.
Koogler & Associates Environmental Services
4014 N.W. 13th Street
Gainesville, FL 32609

Re: Extension Request/DEP File No. 0470002-039-AC (PSD-FL-297A)
White Springs Agricultural Chemicals, Inc.

Dear Mr. Koogler:

The Department reviewed your request of July 17, 2003 to extend the expiration date of the construction permit from October 1, 2003 to October 1, 2005.

Per Rule 62-4.080(3), F.A.C., an extension for a construction permit shall be granted if the applicant can demonstrate reasonable assurances that upon completion, the extended permit will comply with the standards and conditions required by applicable regulation.

We already have fairly extensive information about the facility and the control equipment. To complete the reasonable assurance requirement allowing extension of the permit, please submit the following information:

1. List any additional tasks to be performed to achieve "normal operating conditions" and the approximate dates for completing those tasks.
2. Please provide documentation to show that there was not a delay of more than 18 months in either commencing construction or any break in construction activities.
3. Identify additional production and emission testing that needs to be conducted and provide estimated dates for completion of those tasks.
4. Provide a statement (and basis for believing) that the facility will comply with all applicable regulations including 40 CFR 63 Subpart AA.

According to Rule 62-4-080(3), the permit will remain in effect until the Department takes final action. Permit applicants are advised that Rule 62-4.055(1), F.A.C. now requires applicants to respond to requests for information within 90 days. If you have any questions regarding this matter, please call Syed Arif, P.E. at 850/921-9528.

Sincerely,

A. A. Libero, P.E. Administrator
New Source Review Section

Cc: Rita Felton-Smith, DEP NED
Charlie Pults, WSAC *

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U.S. Postal Service
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7001 0320 0001 3692 5467

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To	
Charlie Pults	
Street, Apt. No. or P.O. Box No.	
P.O. Box 300	
City, State, ZIP+4	
White Springs, FL 32096	



4014 NW THIRTEENTH STREET
GAINESVILLE, FLORIDA 32609
352/377-5822 ■ FAX/377-7158

KA 102-00-03

July 17, 2003

RECEIVED

JUL 21 2003

BUREAU OF AIR REGULATION

Mr. Syed Arif, P.E.
Florida Department of
Environmental Protection
Twin Towers Office Building
2600 Blair Stone Rd
Tallahassee, FL 32399-2400

Subject: Permit Extension Request
White Springs Agricultural Products, Inc
File No. 0470002-39-AC, PSD-FL-297
0470002-047-AC

Dear Mr. Arif:

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Construction work started soon after the permit was issued and has been continuing. The construction work is expected to continue for some time into the future and so a conservative future permit expiration date is proposed. The BACT determination will not need to be revisited, as there have been no delays in commencing construction or any break in the construction work approaching the 18-month provision of the rule.

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Very truly yours,

KOOGLER & ASSOCIATES

John B. Koogler, Ph.D., P.E.

JBK:par

C: Charlie Pults, WSAC
Rita Felton-Smith, FDEP