

Memorandum

Florida Department of Environmental Protection

TO: Trina Vielhauer

THRU: Jim Pennington

FROM: John Reynolds *JR*

DATE: June 18, 2004

SUBJECT: DEP File No. 0470002-049-AC
Swift Creek Acid Clarification Plant Minor Modification
Two Phosphoric Acid Aging Tanks

Attached for your review is the Draft construction permit, Technical Evaluation and Preliminary Determination, Intent to Issue, and Public Notice for modifying the existing Swift Creek Acid Clarification Plant by adding two phosphoric acid aging tanks. The Swift Creek Complex is located near White Springs, Hamilton County, Florida.

There will be no increase in production or product throughput resulting from this modification. The purpose of the two additional tanks is to increase clarification and polishing capacity for the current level of production. There will be no measurable increase in actual emissions or potential emissions resulting from this modification since the tanks will be vented to a 99+ percent efficient fluoride scrubber.

The permit clock is currently on Day 73.

Attachments



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

June 18, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Paul H. Barrett
General Manager
White Springs Agricultural Chemicals, Inc.
P. O. Box 300
White Springs, Florida 32096

Re: DEP File No. 0470002-049-AC/ Two Phosphoric Acid Aging Tanks

Dear Mr. Barrett:

Enclosed is one copy of the Draft air construction permit to modify the existing Swift Creek Acid Clarification Plant located near White Springs, Hamilton County, by installing two additional phosphoric acid aging tanks. The Department's Technical Evaluation and Preliminary Determination, Intent to Issue Air Construction Permit and the Public Notice of Intent to Issue Air Construction Permit are also included.

The Public Notice must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Mr. Jim Pennington, Administrator, North Permitting Section, at the above letterhead address. If you have any other questions, please contact Mr. John Reynolds, Permit Engineer, at 850/921-9530.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/JR
Enclosures

"More Protection, Less Process"

Printed on recycled paper.



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

PERMITTEE:

White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, Florida 32096

Authorized Representative:

Paul H. Barrett
General Manager

DEP Permit No.:	0470002-049-AC
Project:	Install Two Phosphoric Acid Aging Tanks/Swift Creek
SIC No.:	2874
Expiration:	March 31, 2005

PROJECT AND LOCATION:

Permit to install two phosphoric acid aging tanks in the acid clarification section of the existing tank farm for the Swift Creek Complex.

The facility is located E of SR 137, E of US 41, N of White Springs in Hamilton County, Florida.

The UTM coordinates are: Zone 17; 328.3 km E and 3368.8 km N.

STATEMENT OF BASIS:

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The above named permittee is authorized to construct the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

ATTACHED APPENDICES MADE A PART OF THIS PERMIT:

Appendix GC General Conditions

Michael G. Cooke, Director
Division of Air Resource
Management

AIR CONSTRUCTION PERMIT 0470002-049-AC
SECTION I. FACILITY INFORMATION

FACILITY DESCRIPTION

White Springs Agricultural Chemicals, Inc. (WSAC) operates a phosphate fertilizer manufacturing facility near White Springs, Hamilton County, Florida, producing sulfuric acid, wet-process phosphoric acid, ammoniated phosphate fertilizers and related products. WSAC is applying for a non-PSD permit to install two additional phosphoric acid aging tanks in the acid clarification section of the existing tank farm for the Swift Creek Complex. This permit addresses only the Acid Clarification Plant and does not supersede any provisions of any other permit affecting the Swift Creek Complex.

REGULATORY CLASSIFICATION

Phosphate rock processing plants are listed as a Major Facility Category in Table 62-212.400-1, F.A.C., "Major Facility Categories." Therefore, stack and fugitive emissions of over 100 TPY of a regulated pollutant are sufficient to classify the installation as a "Major Facility" per the definitions in Rule 62-210.200, F.A.C., subject to the Significant Emission Rates given in Table 62-212.400-2, F.A.C. and the requirements of Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD) and Best Available Control Technology (BACT) if applicable.

This facility is classified as a "Major or Title V Source" per Rule 62-210.200, F.A.C., because it has the potential to emit at least 100 tons per year of particulate matter. This facility in its entirety is also a major source of hazardous air pollutants (HAPs).

Rule 62-296.403(2), F.A.C. requires that existing phosphate processing plants or plant sections processing or handling phosphoric acid or products of phosphoric acid processing shall not exceed 0.4 pounds per ton of P₂O₅. This rule applies to the Acid Clarification Plant including the two phosphoric acid aging tanks to be installed under this permit.

PERMIT SCHEDULE:

- 04-06-04: Date of Receipt of Application
- 04-06-04: Application Complete
- 06-xx-04: Issued Intent to Issue Permit
- xx-xx-04: Notice of Intent published

RELEVANT DOCUMENTS:

The documents listed below are specifically related to this permitting action and form the basis of the permit. They are on file with the Department:

- Application received April 6, 2004

AIR CONSTRUCTION PERMIT 0470002-049-AC
SECTION II. GENERAL REQUIREMENTS

Regulating Agencies: All documents related to applications for permits to operate, reports, tests, minor modifications and notifications shall be submitted to the Department's Northeast District Office, 7825 Baymeadows Way, Suite 200B, Jacksonville, Florida 32256-7590. All applications for permits to construct or modify an emissions unit(s) *subject to the Prevention of Significant Deterioration or Nonattainment (NA) review requirements* should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), 2600 Blair Stone Road, MS 5505, Tallahassee, Florida 32399-2400 (phone number 850/488-0114).

General Conditions: The owner and operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]

Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.

Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297 and the Code of Federal Regulations Title 40, Part 60, adopted by reference in the Florida Administrative Code (F.A.C.) regulations. The facility is subject to all applicable provisions of the Code of Federal Regulations Title 40, Part 63, Subpart BB. 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.]

Expiration: This air construction permit shall expire on **March 31, 2005** [Rule 62-210.300(1), F.A.C.]. The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. However, the permittee shall promptly notify the Department's Northeast District Office of any delays in completion of the project, which would affect the startup day by more than 90 days. [Rule 62-4.090, F.A.C.]

Application for Title V Permit: An application for a Title V operating permit, pursuant to Chapter 62-213, F.A.C., must be submitted to the Department's Northeast District Office at least ninety days before expiration of this construction permit, but no later than 180 days after commencing operation. [Chapter 62-213, F.A.C.]

Permit Approval: Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, or if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. [40 CFR 52.21(r)(2)].

Annual Reports: Pursuant to Rule 62-210.370(2), F.A.C., Annual Operation Reports, the permittee is required to submit annual reports on the actual operating rates and emissions from this facility. Annual operating reports using DEP Form 62-210.900(4) shall be sent to the DEP's Northeast District office by March 1st of each year.

Stack Testing Facilities: Stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C.

Quarterly Reports: Quarterly excess emission reports, in accordance with 40 CFR 60.7 (a)(7) (c) (1997 version), shall be submitted to the DEP's Northeast District office.

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.]

AIR CONSTRUCTION PERMIT 0470002-049-AC
SECTION III. EMISSIONS UNIT(S) SPECIFIC REQUIREMENTS

SUBSECTION A. Acid Clarification Plant

The Specific Conditions listed in this section apply to the following emission units:

EMISSION UNIT NO.	EMISSION UNIT DESCRIPTION
071	Acid Clarification Plant

The Acid Clarification Plant is permitted to handle phosphoric acid containing up to 90.18 tons per hour of 100 percent P₂O₅ input on a monthly rolling average or 100 tons per hour of 100 percent P₂O₅ input on a daily rolling average. There are currently four aging tanks with a total capacity of about 400,000 gallons. This permit allows two additional aging tanks with a capacity of 40,000 gallons each for a total of six aging tanks in the modified Acid Clarification Plant having a total capacity of 480,000 gallons. Although there will be additional holding capacity, the permitted throughput capacity for the Acid Clarification Plant will not increase. The effect of the new tanks will be to improve product clarification by providing more settling and polishing capability. The four existing aging tanks are vented to a pond water scrubber for fluoride control. The two new tanks will be vented to the same fluoride scrubber.

CONSTRUCTION

1. Addition of Two Phosphoric Acid Aging Tanks:

The permittee is authorized to modify the Acid Clarification Plant by installing two new 40,000 gallon phosphoric acid clarification tanks. The tanks will be vented to the existing fluoride scrubber.

[Application dated April 6, 2004]

EMISSION AND PERFORMANCE REQUIREMENTS

2. Production:

The phosphoric acid throughput rate for the Acid Clarification Plant shall not exceed 90.18 tons of 100 percent P₂O₅ input per hour based on a monthly rolling average or 100 tons of 100 percent P₂O₅ input per hour based on a daily rolling average.

[Application dated April 6, 2004; Permit 0470002-034-AC, Rule 62-296.403(2), and 62-210.200(PTE), F.A.C.; Permit 0470002-033-AV]

3. Hours of Operation:

Operation of the modified Acid Clarification Plant shall be permitted for up to 8760 hours/year.

[Application dated April 6, 2004; Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; Permit 0470002-033-AV]

4. Emissions:

Total Fluoride emissions from the Acid Clarification Plant shall not exceed 4.51 lb/hr; 0.05 lb/ton P₂O₅ input; and 18.26 TPY.

[Application dated April 6, 2004; BACT from AC24-2722 issued 02-28-78; Rule 62-296.403(2), Permit 0470002-033-AV]

TEST METHODS AND PROCEDURES

5. The compliance test procedures for Total Fluorides shall be in accordance with EPA Methods 13A or 13B as published in 40 CFR 60, Appendix A.

[Rule 62-297.401(13), F.A.C.]

AIR CONSTRUCTION PERMIT 0470002-049-AC
SECTION III. EMISSIONS UNIT(S) SPECIFIC REQUIREMENTS

6. Before this construction permit expires, and annually, the subject emissions units shall be tested for compliance with the applicable emission limits. For the duration of all tests the emission units shall be operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then the emission unit may be tested at less than permitted capacity (i.e., 90% of the maximum operating rate allowed by the permit); in this case, subsequent emission unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emission unit is so limited, then operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit.

[Rule 62-297.310, F.A.C.]

7. The Department's Northeast District office shall be notified in writing at least 15 days prior to compliance testing. Written reports of the test results shall be submitted to that office within 45 days of test completion.

[Rule 62-297.310, F.A.C.]

APPENDIX GC
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

- 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 and 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.
- 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

APPENDIX GC
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

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 ()
 - b) Determination of Prevention of Significant Deterioration ()
 - c) Compliance with New Source Performance Standards ()
 - d) Compliance with National Emission Standards for Hazardous Air Pollutants ()
- 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.

In the Matter of an
Application for Permit by:

Paul H. Barrett, General Manager
White Springs Agricultural Chemicals, Inc.
P.O. Box 300
White Springs, Florida 32096

DEP File No. 0470002-049-AC
Two Phosphoric Acid Aging Tanks
Hamilton County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit (copy attached) for the proposed project, detailed in the application specified above.

The applicant, White Springs Agricultural Chemicals, Inc., applied on April 6, 2004, to the Department for a permit to install two phosphoric acid aging tanks in the Acid Clarification Plant at the Swift Creek Complex. A Best Available Control Technology (BACT) determination was not required since there will be no measurable increase in air emissions. The facility is located in Hamilton County, Florida.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an Air Construction permit is required.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Construction Permit. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting 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 Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of the enclosed Public Notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a

significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions 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 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, 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.

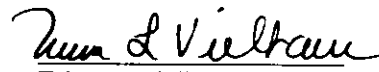
In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal 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.

Executed in Tallahassee, Florida.


Trina L. Vielhauer, Chief
Bureau of Air Regulation

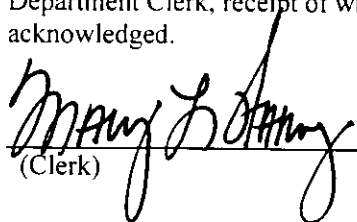
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Construction Permit (including the Public Notice and the DRAFT permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6/22/04 to the person(s) listed:

Paul H. Barrett, White Springs Agricultural Chemicals, Inc.*
John B. Koogler, P.E., Koogler & Associates, Inc.
Jerry Kissell, DEP-SWD

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.


(Clerk) 6/22/04
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0470002-049-AC

White Springs Agricultural Chemicals, Inc.
Hamilton County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to White Springs Agricultural Chemicals, Inc. for installation of two phosphoric acid aging tanks in the Acid Clarification Plant at the Swift Creek Complex located E of SR 137, E of US 41, N of White Springs, Hamilton County, Florida. The applicant's name and mailing address are: White Springs Agricultural Chemicals, Inc., P. O. Box 300, White Springs, Florida 32096.

This permit is a minor modification of the existing Acid Clarification Plant and does not involve a measurable increase in actual or potential emissions. Therefore, there is no requirement for review under the Department's Prevention of Significant Deterioration (PSD) rules and a Best Available Control Technology determination is not required. There will be no increase in production or product throughput as a result of this modification. The purpose of the two new aging tanks is to provide additional clarification and polishing capacity for the current production level.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of this Public Notice of Intent to Issue Air Construction Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions 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. Mediation is not available in this proceeding.

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, 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.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/921-9533

Department of Environmental Protection
Northeast District Office
7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590
Telephone: 904/807-3300
Fax: 904/448-4319

The complete project file includes the application, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, North Permitting Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

TECHNICAL EVALUATION
AND
PRELIMINARY DETERMINATION

WHITE SPRINGS AGRICULTURAL CHEMICALS, INC.

Two Phosphoric Acid Aging Tanks
Swift Creek Complex
Hamilton County, Florida

DEP File Number
0470002-049-AC

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

June 18, 2004

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

I. APPLICATION INFORMATION

A. Applicant

White Springs Agricultural Chemicals, Inc.
P. O. Box 300
White Springs, Hamilton County, Florida 32096

Authorized Representative: Mr. Paul H. Barrett, General Manager

B. Facility Location

The applicant's facility is located E of SR 137, E of US 41, N of White Springs. UTM coordinates of the site are: Zone 17, 328.3 km East and 3368.8 km North.

Facility Identification Code (SIC): Major Group No. 28, Industry Group Nos. 2874.

C. Reviewing and Process Schedule

04-06-04: Date of Receipt of Application
04-06-04: Application complete
06-18-04: Intent Issued

II. PROJECT DESCRIPTION/EMISSIONS

This permit allows the installation of two phosphoric acid aging tanks in the Acid Clarification Plant at the Swift Creek Complex. The Acid Clarification Plant is permitted to handle phosphoric acid containing up to 90.18 tons per hour of 100 percent P₂O₅ input on a monthly rolling average or 100 tons per hour of 100 percent P₂O₅ input on a daily rolling average. There are currently four aging tanks with a total capacity of about 400,000 gallons. This permit allows two additional aging tanks with a capacity of 40,000 gallons each for a total of six aging tanks in the modified Acid Clarification Plant having a total capacity of 480,000 gallons. Although there will be additional holding capacity, the permitted throughput capacity for the Acid Clarification Plant will not increase. The effect of the new tanks will be to improve product clarification by providing more settling and polishing capability. The four existing aging tanks are vented to a pond water scrubber for fluoride control. The two new tanks will be vented to the same fluoride scrubber.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

There will be no detectable change in actual or potential emissions resulting from this project. The only exhaust from the tanks will be a small flow of air pulled by the scrubber which has the capability of removing over 99 percent of the incoming fluoride concentration. This will result in essentially no change in actual or potential emissions, as the slight increase due to the <1 percent that exits the scrubber would not be measurable by current test methods.

III. RULE APPLICABILITY

The proposed facility modification is subject to the applicable provisions of Chapter 403, Florida Statutes, Chapters 62-4, 62-212 and 62-296, Florida Administrative Code (F.A.C.). The facility is located in an area designated attainment or maintenance for all criteria pollutants in accordance with F.A.C. Rule 62-275.400.

Rule 62-296.403, F. A. C., Phosphate Processing, requires that existing plants meet a fluoride limit for the entire complex, including the Acid Clarification Plant, of 0.4 lb/ton P₂O₅. The plant meets this requirement.

IV. AIR QUALITY ANALYSIS

The proposed modification of the Acid Clarification Plant will not result in a measurable increase of any regulated pollutant. Therefore, an air quality analysis was not required.

V. CONCLUSION

Based on the information submitted by Cargill Fertilizer, Inc., the Department has determined that the proposed project will comply with all applicable state air pollution regulations.

P.E. Certification Statement

White Springs Agricultural Chemicals, Inc.
Swift Creek Complex
Acid Clarification Plant

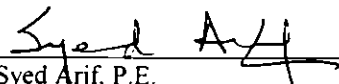
DEP File No.: 0470002-049-AC
Facility ID No.: 0470002

Project: Air Construction Permit for modifying the existing Acid Clarification Plant by installing two additional phosphoric acid aging tanks at the applicant's facility located E of SR 137, E of US 41, N of White Springs, Hamilton County, Florida. A determination of Best Available Control Technology pursuant to Rule 62-212.400, F.A.C. was not required. There will be no measurable increase in actual emissions or potential emissions resulting from this modification.

I HEREBY CERTIFY that the engineering features described in the above referenced application and related additional information submittals, if any, and subject to the proposed permit conditions, provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).

I conducted this review.

(Seal)



Syed Arif, P.E.
Registration Number: 51861

6/22/04
Date

Permitting Authority:
Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
New Source Review Section
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/921-9528
Fax: 850/921-9533

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. Paul Barrett
 General Manager
 White Springs Agricultural
 Chemicals, Inc.
 Post Office Box 300
 White Springs, Florida, 32096

2. Article Number (Transfer from service label) 7000 1670 0013 3110 3421

PS Form 3811, August 2001 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *6/24/06*

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

3. Service Type
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 Registered Return Receipt for Merchandise
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102595-02-11540

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Restricted Delivery Fee (Endorsement Required)	
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Sent To
 Mr. Paul H. Barrett
 Street, Apt. No. or PO Box No.
 Post Office Box 300
 City, State ZIP+4
 White Springs, Florida 32096

PS Form 3800, May 2000

See Reverse for Instructions