Memorandum

Florida Department of Environmental Protection

To: Al Linero, P.E.
Administrator, New Source Review Section

From: Joseph Kahn, P.E.
New Source Review Section

Date: March 1, 2000

Re: Facility Determination for PCS Phosphate Operations

I have reviewed the request from Pradeep Raval of Koogler and Associates dated February 28, 2000 to determine if PCS Phosphate's operations at Suwannee River Chemical Complex and Swift Creek Chemical Complex constitute one facility pursuant to Florida's rules. I have evaluated this issue considering Department rules and EPA guidance. This determination was made pursuant to Florida's rules for its Title V and PSD programs.

Of particular importance are Rules 62-210.200(126), 62-210.200(178) and 62-212.400(2)(d)2., F.A.C., which set forth the considerations required to determine what constitutes a facility with respect to the Title V and PSD programs. Rule 62-210.200(126), F.A.C., defines "facility" as all of the emissions units which are located on one or more contiguous or adjacent properties, and which are under the control of the same person (or persons under common control). Rule 62-210.200(178), F.A.C., defines "Major Source of Air Pollution" or "Title V Source" as a facility containing an emissions unit, or any group of emissions units, that: (a) emits 10 tons per year or more of any one hazardous air pollutant (HAP), 25 tons per year or more of any combination of HAPs, or any lesser quantity of a HAP as established through EPA rulemaking; (b) belongs to the same two-digit Standard Industrial Classification (SIC) Major Group, with a potential to emit 100 tons per year or more of any regulated air pollutant, considering fugitive emissions for HAPs; and (c) belongs to the same two-digit SIC Major Group, with a potential to emit 250 tons per year or more of any regulated air pollutant, not considering fugitive emissions. Rule 62-212.400(2)(d)2., F.A.C., establishes that "New Major Facilities" are those with emissions units in the same SIC Major Group that have potential emissions equal to or greater than 250 tons per year if not on the list of facility categories in Table 212.400-1.

These rules establish the criteria for determining what constitutes a facility for Title V and PSD purposes. For the two PCS Phosphate plants to be considered one facility, they would have to be located on contiguous or adjacent properties, be under the control of the same person, and be within the same two digit SIC Major Group, except for purposes of regulation for HAPs where the last criterion is not required. These criteria of Florida's rules are consistent with EPA's regulations and guidance. Since the criteria for Title V and PSD are the same, one can easily conclude that the Department's permitting of the two plants under one Title V permit already settles the issue that the two plants constitute one facility. However, since Mr. Raval specifically requested a reexamination of this issue, we can address these criteria separately:

1. Pursuant to the memo from Koogler and Associates, the two plants are under common control (control of the same person).

2. The two plants are not only adjacent but are also contiguous. In the absence of a definition from rule or specific guidance from EPA, the term contiguous should be defined by its common meaning. Webster's defines contiguous to mean, "sharing a common boundary." Despite the distance between the plants, since the company owns the property between the plants, the properties are contiguous.

3. Pursuant to the memo from Koogler and Associates, the two plants belong to the same SIC Major Group. This criterion is required for the Title V and PSD programs, but is not required for regulation of HAPs.

My conclusion is that the two PCS Phosphates plants constitute one facility for purposes of Title V, PSD, and regulation of HAPs.