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JUDITH S. KAVANAUGH

REPLY TO: Sarasota

July 28, 1986

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BAQM

Mr. Pradeep Raval
Bureau of Air Quality Management
Department of Environmental Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32301

Re: Occidental Chemical Agricultural Products Inc. Proposed
Prilled Sulphur Storage and Handling Facility
Permit No. AC-24-119008

Dear Pradeep:

This letter is written on behalf of Freeport McMoran Inc. ("Freeport"), clients of this office, to comment on the above described permit application. As you know, Freeport was the original petitioner for sulphur rulemaking and was a major participant in the formulation of the revisions to Chapter 17-2, Florida Administrative Code to regulate the storage and handling of sulphur in Florida ("sulphur rule"). Freeport has also participated in the DER's implementation of the sulphur rule, and as part of that participation has some questions regarding the permit application submitted by Occidental Chemical Agricultural Products Inc. ("Occidental") described above and whether it complies with the sulphur rule.

Generally, Freeport has a concern about the relevant lack of detail provided in the permit application. The application is voluminous, but consists in large part of data Occidental previously submitted in the rulemaking to support its unsuccessful attempts to obtain a provision in the rule to allow the importation into Florida of environmentally inferior forms of sulphur, including mixtures of prilled and slated sulphur. Because of the lack of new data, it is difficult to determine whether or not the facility will comply with the product specifications or housekeeping practices prescribed by the sulphur rule relating to solid sulphur handling facilities.

You have indicated that DER also has questions which will require additional information from Occidental as to the details of the facility, and Freeport will not duplicate the Department's efforts. However, there are two general areas which Freeport believes require clarification to determine whether Occidental is providing reasonable assurance to the Department that it will comply with the sulphur rule.

1. The application does not provide reasonable assurance that Occidental will be handling only standard sulphur pellets at the facility, as required by Rule 17-2.600(11), Florida Administrative Code.

Although the Occidental permit application characterizes the facility as a "prilled sulphur storage and handling facility", the bulk of the information submitted, including the required air quality analysis addresses prilled/slatted sulphur mixes. Such mixtures do not meet the threshold test for solid sulphur storage and handling in Florida because these mixes do not meet the specifications for standard sulphur pellet set out at DER Rule 17-2.100.

Unlike Agrico, which in its permit applications appropriately specified air and water formed prilled sulphur, and submitted valid data to demonstrate that those forms meet the standard sulphur pellet definition, the Occidental application refers generically to "prilled sulphur" or "prilled/slate sulphur" without specifying or providing data or other reasonable assurance that the material it intends to handle will in fact meet the standard sulphur pellet specifications. Freeport respectfully requests that the Department require Occidental to commit affirmatively to standard sulphur pellets to the exclusion of mixed prills and slates, and provide appropriate data, and materials testing to demonstrate that whatever product or products it intends to import into Florida will meet the specifications for standard sulphur pellets in the sulphur rule.

As you know, Occidental continues to maintain its position that inferior forms of solid sulphur are acceptable in Florida. In order to insure that the Department does not inadvertently commit itself to unacceptable data, the Department should make clear in any permit that it does not accept and is in no way validating the information Occidental has provided relating to prilled/slatted mixtures, and that the Department does not intend to permit prilled/slatted mixtures.

2. The moisture and silt contents utilized in the air quality analysis are not representative of the range of materials which would be acceptable in Florida

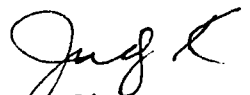
As you know, there are many different forms of "prilled sulphur". Some meet the standard sulphur pellet definition, some do not. Occidental has failed to specify the range of mixtures

and materials representative of mixtures of prill it intends to handle, thus it is not possible to determine if the material would be acceptable in Florida. Just as Agrico appropriately provided a range of values based on actual materials it intended to handle in Florida, so Occidental should base its permit application on products it will actually be handling rather than attempting, through a so-called "worst case" air quality analysis, to validate and unrepresentative technical data about forms of sulphur which cannot be handled in Florida. Occidental's air quality analysis is flawed because of its reliance on data which does not represent any actual combination of circumstances which can be permitted in Florida. Occidental should be required to base its air analysis on a facility such as would be permitted in Florida, and provide reasonable assurance through data representative of operations based on the range of materials it intends to handle.

These are Freeport's primary areas of concern. It is to be hoped that these can be addressed simply by requesting that Occidental provide additional detail and technical analysis to support an actual prilled sulphur facility to handle an acceptable material. We appreciate your courtesy and consideration of Freeport's concerns, and will be happy to discuss any questions you may have about Freeport's position. I thank you again for your assistance in this regard, and I remain

Sincerely,

PEEPLES, EARL & BLANK, P.A.



Judith S. Kavanaugh
For the Firm

JSK/rcm

copy: D. J. Miller
Robert F. Wilkinson