

**Walker, Elizabeth (AIR)**

---

**From:** Arif, Syed  
**Sent:** Monday, November 10, 2008 12:25 PM  
**To:** Walker, Elizabeth (AIR)  
**Subject:** FW: White Springs Agricultural Chemicals/DEP  
**Attachments:** white springs agr chemical\_\_Oct\_24\_2008\_14\_28\_18\_825.pdf

For the White Springs Agricultural Chemicals (a.k.a. PCS) official file.

-----Original Message-----

From: Moore, Ronni  
Sent: Monday, October 27, 2008 5:07 PM  
To: Arif, Syed  
Subject: FW: White Springs Agricultural Chemicals/DEP

Syed, I imagine Trina already forwarded this to you, but just in case not...

Ronda L. Moore  
Assistant General Counsel  
P Please consider the environment before printing this email.

-----Original Message-----

From: kelly.wilson@hklaw.com [mailto:kelly.wilson@hklaw.com] On Behalf Of rory.ryan@hklaw.com  
Sent: Friday, October 24, 2008 3:35 PM  
To: Vielhauer, Trina; Moore, Ronni  
Cc: rory.ryan@hklaw.com  
Subject: White Springs Agricultural Chemicals/DEP

<<white springs agr chemical\_\_Oct\_24\_2008\_14\_28\_18\_825.pdf>>  
Please see my follow up letter from our September 18, 2008 telephone conference.

Holland + Knight

Kelly A. Wilson  
Sr. Legal Secretary to  
Stephen T. Ball, Esq.  
and Rory C. Ryan  
Holland & Knight LLP  
200 S. Orange Avenue  
Suite 2600  
Orlando, FL 32801

Main 407 425-8500  
Direct 407 244-1171  
Fax 407 244-5288  
Email [kelly.wilson@hklaw.com](mailto:kelly.wilson@hklaw.com)

[www.hklaw.com](http://www.hklaw.com)

NOTICE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer

and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

# Holland+Knight

Tel 407 425 8500  
Fax 407 244 5288

Holland & Knight LLP  
200 South Orange Avenue, Suite 2600  
Orlando, FL 32801-3461  
www.hklaw.com

Rory C. Ryan  
407 244 5110  
rory.ryan@hklaw.com

October 24, 2008

## VIA EMAIL & US MAIL

Trina Vielhauer  
Chief, Bureau of Air Regulation  
Division of Air Resource Management  
2600 Blair Stone Road, MS #5505  
Tallahassee, FL 32399-2400

Ronda L. Moore  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000

RE: White Springs Agricultural Chemicals, Inc. (PCS) Facility (ID# 0470002)

Dear Trina and Ronni:

As you know, this law firm represents White Springs Agricultural Chemicals, Inc. ("PCS"), and this letter follows-up on the telephone conference between Trina and Syed with Charlie Pults and PCS's consultants from Koogler & Associates, Inc. on September 18, 2008. Following the September 18, 2008 telephone conference, on behalf of PCS, Koogler & Associates, Inc. submitted two letters: one responding to proposed Continuous Monitoring Requirements and the other concerning Particulate Matter Limits, with both responses submitted on September 24, 2008. The purpose of this correspondence is to notify the Department of PCS's willingness to accept a permit condition to the White Springs facility draft permit requiring 40 CFR 60, Appendix F quality assurance procedures (RATA and CGAs) for the sulfur dioxide Continuous Emission Monitoring Systems for emissions units 021 and 022, the C and D sulfuric acid plants, respectively. This concession is in addition to the other compromises by PCS, including the acceptance of the SO<sub>2</sub> emissions limitation of 3.5 lb/ton on a 3-hour average basis, which compromises are all made in a good faith effort toward resolution of the BART draft permit issues. While PCS is willing to accept the Department's request to add this RATA/CGA requirement for emissions units 021 and 022, PCS respectfully renews its request to the Department to reconsider and ultimately agree to PCS's revised emissions limits for units 015, 044, 065, 003, 038 and 008.

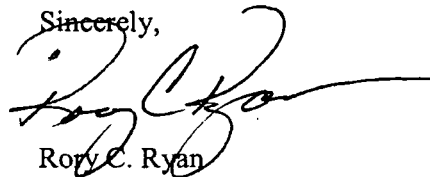
Ronda L. Moore  
Trina Vielhauer  
October 24, 2008  
Page 2

In consideration for PCS's concession regarding the RATA requirement, PCS respectfully renews its requests for emissions units 015, 044, 065, 003, and 038 that PCS receive a ten percent increase to the Department's proposed Particulate Matter BART limits. Additionally, for emissions unit 008, due to the similarity of operations of Y-Train and Z-Train, PCS requests that Y-Train have a similar limit of 9.2 lbs per hour. The reasons for this renewed request were discussed during the September 18<sup>th</sup> telephone conference and readdressed in the September 24, 2008 correspondence. My client's overriding concern is the inherent variability of the testing process and the significantly reduced tolerances allowed by the Department's proposed emissions rates likely place PCS in the position of suffering future stack test failures.

More specifically, PCS requested this ten percent increase be added to account for the inherent variability of stack testing by EPA Method 5. Collaborative studies by EPA(1) show that with competent test teams, the within-team Relative Standard Deviation (RSD) of a Method 5 test was 10.4% and the between-team RSD was a 12.1%. More recently, ASTM(2) reported that when the stack gas PM concentration was less than 150 mg/dscm (approx. 0.065 gr/dscf), the RSD of a Method 5 test will be below 10% (it was not specified whether this was the within-team or between-team RSD). ASTM further reported that the accuracy of Method 5 test (the departure of the average of three test runs from the true stack gas particulate matter concentration) is 14.7%. In sum, given that the precision and accuracy of one standard deviation of the Method 5 test are both in the range of approximately 10-15% of the emission rate being measured, PCS respectfully requests a ten percent increase be added to the proposed Department limits. Additionally, PCS requests that emission unit 008 (Y-Train) have an emission limit similar to that of Z-Train of 9.2lb/hr due to similarity of operations and emission.

In conclusion, PCS is willing to accept the Department's proposed RATA/CGA requirement for emissions units 021 and 022, but correspondingly requests the Department recognize PCS's position concerning the Department's proposed Particulate Matter limits and agree to PCS's request for ten percent increase to the proposed Department limits. Resolution of these two remaining issues related to the pending draft permit would allow for the necessary revisions to the draft permit to be completed, the pending petition for formal administrative hearing be dismissed, and assist the Department in the completion of its SIP within the required timeline. Please advise if this compromise is acceptable to the Department.

Sincerely,



Rory C. Ryan

RCR/kw  
Enclosure

cc: Karin S. Torain, Esq.  
Charlie Pults, P.E.  
Max Lee, PhD., P.E.

Ronda L. Moore  
Trina Vielhauer  
October 24, 2008  
Page 3

Koogler & Assoc.

References

- (1) USEPA, *Quality Assurance Handbook for Air Pollutant Measurement Systems: Volume III. Stationary Sources Specific Methods*, Section 3.4, Revision No. 0, EPA/600/4-77/027b, January 15, 1980.
- (2) ASTM, *Reference Method Accuracy and Precision (ReMAP): Phase 1 – Precision of Manual Stack Emission Measurements*, Lanier, W. S. and Hendrix, C. D., February 2001.

# 5219240\_v5

Rory C. Ryan  
407 244 5110  
rory.ryan@hklaw.com

November 5, 2008

**VIA EMAIL & US MAIL**

Trina Vielhauer  
Chief, Bureau of Air Regulation  
Division of Air Resource Management  
2600 Blair Stone Road, MS #5505  
Tallahassee, FL 32399-2400

Ronda L. Moore  
Assistant General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000

RECEIVED

NOV 07 2008

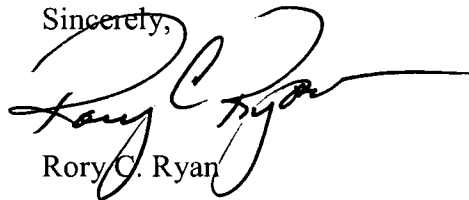
BUREAU OF AIR REGULATION

RE: White Springs Agricultural Chemicals, Inc. (PCS) Facility (ID# 0470002)

Dear Trina and Ronni:

This letter follows my correspondence of October 24, 2008 with a correction. Please note that our reference to accepting an SO<sub>2</sub> emissions limitation of 3.5lb/ton relates to a 24-hour average basis instead of a three-hour average basis. This correction is consistent with the Department's draft permit condition which was also based on a 24-hour average basis.

Sincerely,



Rory C. Ryan

RCR/kw

cc: Karin S. Torain, Esq.  
Charlie Pults, P.E.  
Max Lee, PhD., P.E.  
Koogler & Assoc.

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHITE SPRINGS AGRICULTURAL  
CHEMICALS, INC.,

Petitioner,

v.

OGC No. 07-2093  
DEP Permit No. 0470002-055-AC

DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Respondent.

---

**AMENDED ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR ADMINISTRATIVE HEARING**  
(CORRECTING SCRIVERNER'S ERROR IN PERMIT NUMBER)

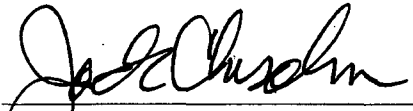
This cause has come before the Florida Department of Environmental Protection (FDEP) upon receipt of a request made by Petitioner, White Springs Agricultural Chemicals, Inc., to grant an extension of time to file a petition for an administrative hearing to allow time to discuss with FDEP several specific permit conditions for its facility in Hamilton County, Florida. Because the request shows good cause for the extension of time,

**IT IS ORDERED:**

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have thirty (30) days after the date set forth in the certificate of service of the last page of this order to file a petition for administrative hearing in this matter. Filing shall be complete upon receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 4<sup>th</sup> day of December, 2007, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard. MS - 35  
Tallahassee, Florida 32399-3000  
850/245-2242 facsimile 850/245-2302

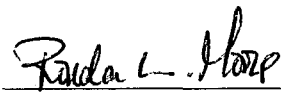
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Amended Order Granting Request for Extension of Time to File Petition for Administrative Hearing, has been furnished via U. S. Mail  facsimile  only, this 4<sup>th</sup> day of December, 2007, to:

Max Lee, Ph. D., P.E.  
Engineer of Record  
Koogler and Associates, Inc.  
4014 N.W. 13<sup>th</sup> Street  
Gainesville, FL 32609

Facsimile: (850) 377-7158

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
\_\_\_\_\_  
RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Boulevard - MS 35  
Tallahassee, Florida 32399-3000  
Telephone: (850) 245-2288  
Facsimile: (850) 245-2302  
Florida Bar No. 0676411

cc: Trina L. Vielhauer, Chief, -FDEP BAR  
Syed Arif - FDEP