

White Springs Agricultural Chemicals
 0470002-055-AC OGC # 07-2093
 (Syed)

BART Project

2007							
16-Nov		Case opened by OGC					
27-Nov		re-assigned to Ronni she sent a note to Syed asking whether to grant or deny Syed responded and said to grant their 30 day request					
5-Dec		is there a problem with the permit number on this LCT case? sent Lea an e-mail inquiring					
6-Dec		Lea corrected the permit # in LCT					
6-Dec		Trina sent Ronni a note today requesting certain language in the order to grant on this BART project and also a shorter extension period Ronni will review and get back with us					
10-Dec		OGC issued the order to grant today					
28-Dec		one week notice to Jeff					
2008							
3-Jan		Received another request for an extension of time (60 days) forwarded a copy of this request to Trina and Jeff per Trina to Ronni.....deny Expires on January 4th					
9-Jan		OGC issued the Denial with 15 days to petition					
23-Jan		Received petition for a hearing					
3-Oct		per Syed, PCS may decide to ask for a hearing on this BART case					
		page 1					

						page 2, White Springs	
2009							
27-Mar		withdrawing old permit soon and issuing a new one					
		BART Project -- This Case is on Hold with OGC					
27-Jul		Revised draft permit issued today; at the same time OGC closed this case					
		CASE CLOSED					

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHITE SPRINGS AGRICULTURAL
CHEMICALS, INC,

Petitioner,

vs.

OGC No. 07-2093

DEP Permit No. 0470002-055-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

ORDER CLOSING FILE

On November 13, 2007, the State of Florida Department of Environmental Protection (Department) issued a notice of intent to issue an air construction permit, permit number 0470002-055-AC, for the Best Available Retrofit Technology (BART) requirements to White Springs Agricultural Chemicals, Inc. (White Springs) for its facility in Hamilton County, Florida. White Springs timely requested an extension of time to file a petition for formal administrative hearing (Petition) on the intended draft permit that the Department granted. White Springs timely requested a second extension of time to file a Petition that the Department denied. White Springs timely submitted a Petition to the Department on January 23, 2008, and requested the Petition be held to discuss possible resolution of the intended draft permit with the Department.

On July 23, 2009, the Department withdrew the previously issued draft permit and issued a revised draft permit to White Springs for the BART requirements.

There being no further matters to consider,

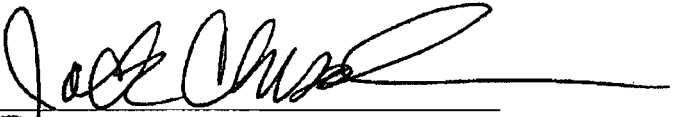
IT IS ORDERED:

The Department's file in this matter is CLOSED.

Any party to this order has the right to seek judicial review of the order under section 120.68 of the Florida Statutes by the filing of a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 of appeal must be filed within thirty days from the date this order is filed with the clerk of the Department.

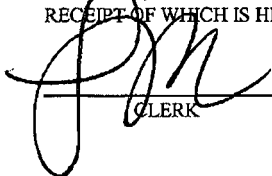
DONE AND ORDERED this 27th day of July, 2009, in Tallahassee, Florida.

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

FILED ON THIS DATE PURSUANT TO § 120.52, FLORIDA
STATUTES, WITH THE DESIGNATED DEPARTMENT CLERK,
RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

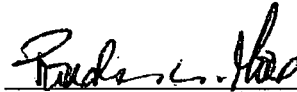


CLERK 7/27/09
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Closing File, was furnished via electronic mail only on this 27th day of July, 2009, to:

Rory C. Ryan
Holland & Knight LLP
200 S. Orange Avenue, Suite 2600
Orlando, Florida 32801
rory.ryan@hklaw.com



RONDA L. MOORE
Assistant General Counsel

cc: Trina Vielhauer
Syed Arif

Gibson, Victoria

From: Vielhauer, Trina
Sent: Monday, July 27, 2009 2:31 PM
To: Gibson, Victoria
Subject: FW: White Springs Agricultural Chemicals, Inc OGC#: 07-2093
Attachments: ORDER CLOSING FILE 07-27-09.pdf

From: Phipps, Jessica R.
Sent: Monday, July 27, 2009 1:49 PM
To: 'rory.ryan@hklaw.com'
Cc: Vielhauer, Trina; Arif, Syed; Moore, Ronni
Subject: White Springs Agricultural Chemicals, Inc OGC#: 07-2093

Please find attached the Order Closing File for White Springs Agricultural Chemicals, Inc.

Jessica Phipps

*Department of Environmental Protection
Administrative Assistant
850-245-2243*

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

ORIGINAL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHITE SPRINGS AGRICULTURAL
CHEMICALS, INC., d/b/a PCS
PHOSPHATE – WHITE SPRINGS,

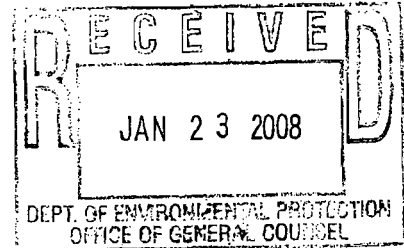
DOAH CASE NO.: _____
FDEP Permit No.: 0470002-055-AC

Petitioner,

v.

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.



PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Petitioner/Applicant, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs ("WSA"), by and through its undersigned counsel, files this Petition for Formal Administrative Proceeding in accordance with Section 120.57(1), in combination with Section 120.569 and Chapter 403 Florida Statutes, and Chapters 28 and 62, Florida Administrative Code, challenging certain conditions in draft Permit Nbr. 0470002-055-AC issued by the State of Florida Department of Environmental Protection ("DEP"), including certain findings by the DEP in the Technical Evaluation & Preliminary Determination dated November 9, 2007. In support of this Petition, WSA states:

Identification of the Parties

1. The Petitioner/Applicant is White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs, P.O. Box 300, White Springs, FL 32096, telephone nbr. 386-397-8442. Petitioner's representative is Holland & Knight LLP, Attention: Rory C. Ryan, Esq., P.O. Box 1526, Orlando, FL 32802, telephone nbr. 407-425-8500.

2. The Respondent is DEP, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone nbr. 850-921-9528, and the Project Engineer is Syed Arif. The DEP is a component of the Executive Branch of the State of Florida having powers articulated in Florida Statutes, and the DEP's Permitting Authority is the Air Permitting North Program, Bureau of Air Regulation, Division of Air Resource Management.

Respondents File Number and County

3. DEP assigned White Springs Suwannee River/Swift Creek Complex, BART Project, Draft Permit nbr. 0470002-055-AC. The project is located in Hamilton County, Florida.

Receipt of Notice of Agency Action

4. On or about November 15, 2007, WSA received by U.S. Mail the DEP's Written Notice of Intent to Issue Air Permit, which included the DEP's Technical Evaluation & Preliminary Determination dated November 9, 2007, with proposed Draft Permit, and the Public Notice of Intent to Issue Air Permit. The timeline relating to this notice is described below.

Substantial Interests Affected

5. WSA through its consultant, Koogler & Associates, Inc., submitted an application to satisfy the requirements of Best Available Retrofit Technology ("BART") pursuant to Rule 62-296.340, Florida Administrative Code ("FAC"), for the eligible units at the White Springs Suwannee River/Swift Creek Complex. This application was submitted on January 31, 2007.

6. WSA submitted its application to the DEP in accordance with the provisions of Chapter 403, Florida Statutes and Chapter 62, FAC.

7. On December 10, 2007, WSA responded in writing to the DEP's Draft Permit expressing WSA's concerns relating to some of the provisions of the Draft Permit and some of the analysis contained in the Technical Evaluation & Preliminary Determination ("Technical

Evaluation"). A copy of WSA's written comments is incorporated hereto and attached as Exhibit "A," which written comments include the specific facts WSA contends warrant reversal or modification of DEP's proposed action and explains how the facts relate to applicable law. In summary, WSA expressed its concerns relating to the following:

a. The DEP's method to establish emissions rates is arbitrary and violates principles of fairness because Petitioner is unable to achieve compliance with the established emission rate despite the use of acceptable technology;

b. The DEP's method resulted in establishing emissions rates, which emissions rates are below the effective limit based on reasonable control efficiency;

c. A specific condition in the draft permit established a SO₂ continuous monitoring system ("CMS") as the method of compliance, which method of compliance should reasonably be determined from stack test data; and

d. The DEP established an emissions limit and imposed a requirement for emissions testing of an uncontrolled pollutant (nitrogen oxides) which is not practical, cost effective, or reasonably warranted when DEP established that the BART-acceptable level of control technology to be no control and only a limitation by fuel type.

8. WSA application was supported by sufficient documentation to support the determination of BART compliance for each eligible source.

9. The DEP determined in its Technical Evaluation that all of the WSA emission units have existing acceptable BART-technology; nonetheless, many of these same emission units will not be able to satisfy the DEP's emission limits in the Draft Permit based on a review of past data for these emission units.

10. Further, the DEP's statistical analysis used in evaluating the WSA application is different from the analysis used by the DEP in reviewing other BART permit applications, and the DEP is estopped and otherwise precluded from imposing unreasonable conditions and restrictions on the WSA operations based on this unjustified and arbitrary basis.

11. DEP has not and cannot articulate facts justifying the basis for some of the limitations, restrictions, and conditions contained in the Technical Evaluation and the Draft Permit. Requiring WSA to comply with these type requirements in the DEP's Technical Evaluation and in the Draft Permit is patently unfair and creates a serious economic and legal hardship for WSA.

Disputed Issues of Material Fact

12. WSA does not dispute the DEP's BART analysis and determination concerning WSA's control technology; however, the disputed issues of material fact are as follows:

a. Whether DEP's Bureau of Air Regulation's method using the available data to establish emissions rates was appropriate or, rather, was arbitrary and violated principles of fairness by establishing emission rates that Petitioner will not reasonably be able to achieve compliance.

b. Whether DEP's Bureau of Air Regulation's method using available data resulted in DEP establishing emissions rates, which emissions rates are below the effective limit based on reasonable control of efficiency.

c. Whether DEP's specific condition in the draft permit established an unwarranted method of compliance for SO₂, which method of compliance should reasonably be determined from stack test data.

d. Whether DEP's requirement for emissions testing of an uncontrolled pollutant (nitrogen oxide) which is not practical, cost effective, or reasonably warranted is appropriate.

e. Whether, despite DEP's determination in the Technical Evaluation that WSA's current technology for control of particulate matter is adequate for BART compliance, the DEP can establish emissions limits below the effective limit based on reasonable control efficiency that result in repeated test failures while using acceptable technology.

f. Whether the DEP's emission limit for nitrogen oxides emissions is appropriate when there is no prescribed means of controlling these emissions and whether the DEP requirement for emissions testing of an uncontrolled pollutant is practical, appropriate, cost-effective, and warranted.

g. Whether the DEP's permit condition requiring WSA to operate and maintain SO₂ CMS to demonstrate compliance with BART standards is reasonable when the current level of CMS quality assurance is adequate to establish BART compliance.

h. Whether the methodology and analysis used by DEP in reviewing this application has any basis in the DEP's Air Program to support its use, and whether DEP is required to use a uniform methodology when reviewing a permittee's BART application.

i. Whether the permit applicant provided reasonable assurances based on test results, pollution control equipment, and other information that the facility will not cause pollution in contravention of applicable laws, regulations, standards, and rules.

j. Whether the DEP has shown a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, Fla. Stat.

Background Facts

13. WSA operates the existing Suwannee River/Swift Creek phosphate complex . The facility is located in Hamilton County at 15843 SE 78th St., White Springs, Florida.

14. The facility is a major source of hazardous air pollutants, a Title V major source of air pollution in accordance with Chapter 213, FAC, a major stationary source for the Prevention of Significant Deterioration of Air Quality pursuant to Rule 62-212.400, FAC, and the facility operates units subject to BART as provided in Rule 62-296.340, FAC, which requires a determination of the BART for each BART-eligible source as defined in 40 CFR 51.301.

15. On January 31, 2007, WSA submitted an application to satisfy the requirements of BART for the eligible units at the facility.

16. The application was deemed complete on August 16, 2007.

17. On November 13, 2007, the DEP issued, among other things, a Written Notice of Intent to Issue Air Permit, the Draft Permit, and the Technical Evaluation. The Technical Evaluation summarizes the DEP's Bureau of Air Regulation's technical review of the application and the DEP's basis for the preliminary determination to issue a Draft Permit, including DEP's determination that the WSA existing control technology is adequate for BART.

18. On November 15, 2007, WSA submitted a Motion for Extension of Time to allow the DEP and WSA to address issues of concern to WSA relating to the Draft Permit and Technical Evaluation. On December 5, 2007, the DEP granted the extension until January 4, 2008.

19. On December 10, 2007, WSA submitted detailed, written comments regarding WSA's concerns with the Draft Permit and Technical Evaluation. (See Exhibit "A.") However, there has been no communication from DEP regarding the concerns of WSA.

13. WSA operates the existing Suwannee River/Swift Creek phosphate complex . The facility is located in Hamilton County at 15843 SE 78th St., White Springs, Florida.

14. The facility is a major source of hazardous air pollutants, a Title V major source of air pollution in accordance with Chapter 213, FAC, a major stationary source for the Prevention of Significant Deterioration of Air Quality pursuant to Rule 62-212.400, FAC, and the facility operates units subject to BART as provided in Rule 62-296.340, FAC, which requires a determination of the BART for each BART-eligible source as defined in 40 CFR 51.301.

15. On January 31, 2007, WSA submitted an application to satisfy the requirements of BART for the eligible units at the facility.

16. The application was deemed complete on August 16, 2007.

17. On November 13, 2007, the DEP issued, among other things, a Written Notice of Intent to Issue Air Permit, the Draft Permit, and the Technical Evaluation. The Technical Evaluation summarizes the DEP's Bureau of Air Regulation's technical review of the application and the DEP's basis for the preliminary determination to issue a Draft Permit, including DEP's determination that the WSA existing control technology is adequate for BART.

18. On November 15, 2007, WSA submitted a Motion for Extension of Time to allow the DEP and WSA to address issues of concern to WSA relating to the Draft Permit and Technical Evaluation. On December 5, 2007, the DEP granted the extension until January 4, 2008.

19. On December 10, 2007, WSA submitted detailed, written comments regarding WSA's concerns with the Draft Permit and Technical Evaluation. (See Exhibit "A.") However, there has been no communication from DEP regarding the concerns of WSA.

20. On January 2, 2008, WSA submitted a second Motion for Extension of Time, which the DEP denied on January 9, 2008. The DEP order denying the request allowed White Springs until January 24, 2008 to file a petition in this matter.

21. On January 23, 2008, WSA timely filed this petition with the DEP Office of General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida.

Laws Entitling Petitioner to Relief

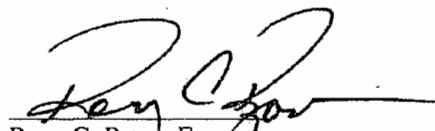
22. The laws entitling WSA to relief in this action include Chapters 120 and 403, Fla. Stat., and Chapter 62, FAC, specifically Rule 62-296.340, FAC, in combination with 40 CFR 51, and its associated appendices.

Request for Relief

WHEREFORE, WSA respectfully requests:

1. This case be referred to the Division of Administrative Hearings for a formal administrative hearing;
2. a formal administrative hearing be conducted;
3. the DEP revise the Technical Evaluation and Draft Permit to address the issues of concern identified by the applicant so that the proper BART determination is implemented in the form of a Final Order and Final Air Permit; and
4. for such other relief as may be appropriate.

Respectfully Submitted,

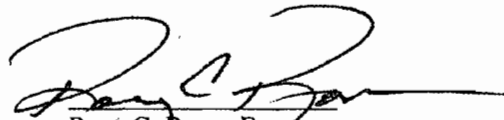


Rory C. Ryan, Esq.
Florida Bar No.: 862010
HOLLAND & KNIGHT LLP

200 S. Orange Avenue, Suite 2600
P.O. Box 1526 (32802-1526)
Orlando, FL 32801
Phone: 407-425-8500
Fax: 407-244-5288
Attorney for Petitioner, WSA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished via hand delivery to Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000 this 23rd day of January, 2008.



Rory C. Ryan, Esq.
Florida Bar No.: 862010
HOLLAND & KNIGHT LLP
200 S. Orange Avenue, Suite 2600
P.O. Box 1526 (32802-1526)
Orlando, FL 32801
Phone: 407-425-8500
Fax: 407-244-5288
Attorney for Petitioner, WSA



KOOGLER & ASSOCIATES, INC.
ENVIRONMENTAL SERVICES
4014 NW 13th STREET
GAINESVILLE, FL 32609-1923
352/377-5822 • FAX/377-7158

KA 102-04-00

December 10, 2007

Mr. Syed Arif, P.E.
Florida Department of
Environmental Protection
Division of Air Resource Management
2600 Blair Stone Road MS 5500
Tallahassee, Florida 32399-2400

SUBJECT: Response to Draft AC Permit issued November 9, 2007
DEP File No. 0470002-055-AC
Best Achievable Retrofit Technology (BART)
White Springs Agricultural Chemicals, Inc.

Dear Syed,

This letter follows our review and phone conversations with you regarding our concerns of the recently received draft AC permit pertaining to BART for the White Springs Agricultural Chemicals, Inc. (PCS) facility. Enclosed are comments on the draft Technical Evaluation and AC Permit. We appreciate your review and consideration of the issues.

Sincerely,

Max Lee, Ph.D., P.E.

Cc: Charles Pults, White Springs Agricultural Chemicals, Inc.

Enc:

EXHIBIT "A"

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1) The following units are not subject to CAM: Emission Units 004, 010, 015, and 065. Please revise the Technical Evaluation for these units.

2) We request that the general statement made for several units regarding NO_x emissions be changed. The altered statement is more accurate to the method used to determine NO_x emissions. The suggested language revision on pages 11, 14, 16, 19, 21 and 22 of 26 is as follows:

NO_x Emissions

Based on Annual Operating Report from 2002 to 2006, the highest reported ~~actual~~ estimated NO_x emissions, based on AP-42 and other factors, were... Based on the ~~actual~~ estimated NO_x emissions levels, add-on control...

3) Page 8 - No. 1 Storage/Shipping (EU 010) - Particulate matter emission limitations. The Technical Evaluation assesses that the current technology of existing wet scrubbers having efficiency of greater than 95 percent is adequate for BART. The proposed PM emissions limit for EU 010 is established at 4.7 lb/hr. Based on recent years of historical emissions data it is evident this acceptable technology can remain compliant.

4) Page 8 - MAP/DAP Shipping Facility (EU 015) - Similar to EU 010, the Technical Evaluation establishes that the current technology for PM emissions is adequate for BART. The proposed PM emission limit for EU 015 is established at 1.2 lb/hr.

This limit is below the effective limit based on reasonable control efficiency of 0.015 gr/acf, a level of control deemed reasonable for baghouses, which are typically more efficient than wet scrubbers. Based on an average flow of 10,350 acfm, and an emission rate of 0.015 gr/acf, PM emissions would be 1.33 lb/hr. Adding a reasonable cushion for considerations of variations in the process, the limit should be based on a 10 percent increase of this limit to 1.46 lb/hr. As mentioned above, while the technology was determined to be adequate for BART, the established limit would result in repeated test failures despite the use of acceptable technology. The proposed limit will reduce potential emissions from 177 to 6.45 tons/year.

5) Page 9 - DFP Coolers (EU 044) - The Technical Evaluation establishes that the current technology for PM control of cyclonic wet scrubbing is adequate for BART. The proposed PM emissions limit for EU 044 is established at 12.3 lb/hr. Test results provided in the Technical Evaluation indicate that the actual emissions are close to the current limit of 25.4 lb/hr.

Year	Recent Test Results lb/hr	% Exceedance of Proposed Limit (12.3 lb/hr)
2001	12.77	3
2002	8.99	-27
2003	16.11	31
2004	13.15	7
2005	20.9	70

The proposed limit of 12.3 lb/hr would result in non-compliance in four of the last five years. Clearly, the proposed limit is not reflective of the approved technology. Accordingly, the limit should remain at 25.4 lb/hr.

6) Page 10 - Swift Creek Mine Silos (EU 065) - The Technical Evaluation establishes that the current technology for PM control by wet scrubbing is adequate for BART. The proposed PM emissions limit for EU 065 is established at 5.7 lb/hr.

The limit should be reflective of the capabilities of the technology. Given the current technology is determined adequate for BART, limits should be established that meet the range of test results. Given the past data, a PM limit of 10 lb/hr should be obtainable with the current technology. The proposed limit will reduce potential emissions from 203.2 to 43.9 tons/year.

7) Page 11 - DFP Plants (EU 003 (A) and 038 (B)) - The Technical Evaluation establishes that the current technology of cross-flow packed wet scrubber is adequate for PM control and that add-on controls are not believed to be cost effective. The Technical Evaluation states, "As shown, actual emissions are much lower than the permitted limits and reflect good control by the installed wet scrubbers." Review of the test results clearly show a high degree of variability in which this acceptable technology meets the current permit limits.

The proposed PM emissions limit for EU 003 and 038 is 10.1 lb/hr. Test results provided in the Technical Evaluation indicate that the emissions are near the current limit of 14.05 lb/hr. Reviewing test data to 2001, both plants show testing would fail the proposed limit of 10.1 lb/hr. Given the current technology is determined adequate for BART, limits should be established that meet the range of test results. The limits should remain at 14.05 lb/hr.

We find the proposed SO₂ limits of 2.0 lb/hr acceptable based on the cited BACT determinations.

8) Page 14 - X-Train (EU 004) - The Technical Evaluation establishes that the current technology of a series of wet venturi and cyclonic scrubbers are adequate. The Technical Evaluation states, "Based on the recent BACT determination for this unit and the actual controlled emissions levels, the existing scrubbing system is recognized as a top control option for the rotary dryer."

A careful review of the recent PSD application and resultant BACT determination performed for this unit will show that, along with the rate increase, considerable work was to be performed. Some of the proposed work, which was not performed, would have reduced the emissions from this plant. This project was terminated due to an internal decision by PCS to move the production to other facilities. Thus, the recently drafted BACT determination of 22 lb/hr for increased production is not applicable to the current operation.

In review of past test data, the Technical Evaluation further states, "In general, these emission rates are lower than the current PM emissions limits and reflect the capabilities of the installed wet venturi and cyclonic scrubbers." However, reviewing test data to 2001, the test results show testing would fail the proposed limit of 11.8 lb/hr greater than 50 percent of the time.

Given the current technology is determined adequate for BART, limits should be established that meet the range of test results. Given the past data, the PM limit of 30 lb/hr should be obtainable with the current technology. The proposed limit will reduce potential emissions from 400 to 132 tons/year.

9) Page 16 - Y-Train (EU 008) - The Technical Evaluation establishes that the current technology of venturi scrubbers and cyclonic scrubbers for particulate control is a top control option. The provided stack test data is reviewed and a 99% confidence interval limit is proposed of 6.5 lb/hr and a 0.18 lb/ton of P₂O₅ feed.

This limit is much below an effective limit based on emissions at 0.015 gr/acf, a level of control deemed reasonable for baghouses, which are typically more efficient than wet scrubbers. Based on an average flow of 81,700 acfm, and an emission rate of 0.015 gr/acf, the effective PM emissions limit is 10.5 lb/hr. We believe a reasonable emission limit is 10.5 lb/hr. The proposed limit will reduce potential emissions from 198 to 46.8 tons/year.

The limitation based on pounds of P₂O₅ feed should not be proposed because PM emissions are not a function of feed rate but due to internal recycle and sizing of material.

10) Page 17 - C and D Sulfuric Acid Plants (EU 021 and EU 022) - The proposed SO₂ emissions limit of 3.5 lb/ton based on a 24-hour CEM rolling average is acceptable. However, the current limitation of 4 lb/ton based on a 3-hour average should be retained in the permit to allow for short term fluctuations in the process. The existing CEMS will continue to be used to provide reasonable assurance of compliance, in accordance with the monitoring requirements in 40CFR60, Subpart H.

As with other sulfuric acid plants, NO_x emissions from these units are not controlled. Emissions are calculated values that are based on the amount of 100% sulfuric acid produced and an appropriate emission factor. The BART determination in the Technical Evaluation for EUs 021 and 022 states that "add-on control equipment would not be cost-effective".

In the past NO_x emissions have been provided in the Annual Operating Reports based on the AP-42 calculation of uncontrolled emissions. NO_x emissions are only a calculated value based on AP-42 values and a limit is unjustified without a prescribed means of controlling emissions. In addition, the requirement for emissions testing of an uncontrolled source is not practical, cost-effective, or warranted. This would be in line with FDEP's permits addressing NO_x from sulfuric acid plants.

Please note that EU 066 does not have a NO_x limit as stated on page 17 of 26. EU 066 does have a NO_x factor that was used for a previous PSD analysis. This factor (0.14 lb NO_x/T H₂SO₄) is used to calculate the annual emissions report value. The same value is used for EU 067.

Suggested language revisions on page 17 of 26 are as follows:

Based on Annual Operating Reports, estimated NO_x emissions were last reported in 2000 as 60 tons/year for each of the sulfuric acid plants.... ~~The existing 'E' Sulfuric Acid Plant (EU 066) at this facility is a similar double absorption plant with a NO_x limit of 0.14 lb/ton of 100% acid produced....~~ Nitrogen oxides emissions (~~expressed as NO₂~~) from the 'C' and 'D' Sulfuric Acid Plants (EU-021 and EU-022) shall be estimated based on the amount of 100% sulfuric acid produced and an emission factor of not exceed 0.14 lb/ton of 100% acid produced as determined by EPA Method 7E.

11) Page 18 - Z-Train (EU 032) - The Technical Evaluation states, "...the Department recognizes this equipment as a top control option and establishes the following PM BART determination." The provided stack test data is reviewed and a 99% confidence interval limit is proposed of 9.2 lb/hr and a 0.22 lb/ton of P₂O₅ feed.

The proposed PM emissions limit for EU 032 is established at 6.5 lb/hr. This limit is much below an effective limit based on emissions at 0.015 gr/acf, a level of control deemed reasonable for baghouses, which are typically more efficient than wet scrubbers. Based on an average flow of 98,600 acfm, and an emission rate of 0.015 gr/acf, the effective PM emissions limit is 12.7 lb/hr. We believe a reasonable emission limit is 12.7 lb/hr. The proposed limit will reduce potential emissions from 207 to 55 tons/year.

Similar to Y-Train, the limitation based on pounds of P₂O₅ feed should not be proposed because PM emissions are not a function of feed rate but due to internal recycle and sizing of material.

12) Page 21 - DFP Feed Prep (EU 042, Dryer EP 05) - The Technical Evaluation states, "...the plant did not consider a baghouse appropriate for the high-moisture exhaust, which may cause plugging and blinding of the fabric materials." The provided stack test data is reviewed and a 99% confidence interval limit is proposed of 4.5 lb/hr. Based on recent years of historical emissions data it is evident this acceptable technology can remain compliant.

13) Page 22 - Swift Creek Mine Rock Dryer (EU 064) - The Technical Evaluation states, "...recent BACT determinations reflect wet scrubber control technology for phosphate dryers". The provided stack test data is reviewed and a 99% confidence interval limit is proposed of 17.3 lb/hr.

The high variability of emissions is clear in the provided data. The limit should be reflective of the capabilities of the technology. Given the current technology is determined adequate for BART, limits should be established that meet the range of test results. Given the past data, the PM limit of 20 lb/hr should be obtainable with the current technology. The proposed limit will reduce potential emissions from 203 to 88 tons/year.

DRAFT PERMIT

- 1) See proposed emission limit changes within Technical Evaluation discussion, above.
- 2) Page 9 of 13 – Section 3.C.7. NO_x Emission Standards: This requirement for testing should be removed as the NO_x emissions from these units are uncontrolled and that current emission determination by calculation from established emissions factors should be adequate. See the additional discussion of this in the Comments to the Technical Evaluation – Item 10 above.
- 3) Page 11 of 13 – Section 3.C.11. CEMS Compliance Demonstration: The reference to Appendix F of Part 60 performance should be deleted. See the additional discussion of this in the Comments to the Technical Evaluation – Item 10 above. The current annual testing has and will continue to provide adequate demonstration of compliance.

In addition, the CEM's are calibrated every morning against the appropriate reference gases for span and zero. The meters calibrate automatically for span and zero. If the calibration fails for any reason the meter is immediately taken out of service for repair. As soon as repairs are completed the meter is calibrated and placed back in service. All of this information is recorded in the daily calibration log.

FDEP determined SO₂ emission limits for the Sulfuric Acid Plants based on one year of CEM data. That CEM data is assured through the procedures stated in the above paragraph. Thus the current CEM system data and its level of quality assurance were determined by FDEP to be adequate and applicable to set the BART limit as well as for purposes of Title V permitting. Additional requirements beyond those described above will not affect the proposed BART limitation, the technology used to meet the limits nor reduce actual emissions and potential impact on Class I area visibility, which is the ultimate goal of the Regional Haze Rule. We request that the current level of CEM quality assurance, that is adequate to establish BART, be continued to provide FDEP with reasonable assurance of compliance and that the demonstration of compliance be verified by independent and separate emissions measurements, as done currently.

- 4) Page 9 of 13 – Section 3.C.5.c. Corresponding to Comment 3) above, the current stack testing requirements for compliance should remain.

White Springs Agricultural Chemicals

0470002-055-AC OGC # 07-2093

(Syed)

BART Project

2007							
16-Nov	Case opened by OGC						
27-Nov	re-assigned to Ronni she sent a note to Syed asking whether to grant or deny Syed responded and said to grant their 30 day request						
5-Dec	is there a problem with the permit number on this LCT case? sent Lea an e-mail inquiring						
6-Dec	Lea corrected the permit # in LCT						
6-Dec	Trina sent Ronni a note today requesting certain language in the order to grant on this BART project and also a shorter extension period Ronni will review and get back with us						
10-Dec	OGC issued the order to grant today						
28-Dec	one week notice to Jeff						
2008							
3-Jan	Received another request for an extension of time (60 days) forwarded a copy of this request to Trina and Jeff per Trina to Ronni.....deny						
	Expires on January 4th						
9-Jan	OGC issued the Denial with 15 days to petition						
23-Jan	Received petition for a hearing						

ORIGINAL

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHITE SPRINGS AGRICULTURAL
CHEMICALS, INC., d/b/a PCS
PHOSPHATE – WHITE SPRINGS,

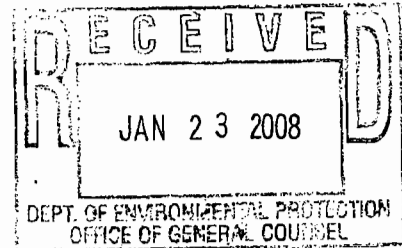
DOAH CASE NO.: _____
FDEP Permit No.: 0470002-055-AC

Petitioner,

v.

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.



PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Petitioner/Applicant, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs ("WSA"), by and through its undersigned counsel, files this Petition for Formal Administrative Proceeding in accordance with Section 120.57(1), in combination with Section 120.569 and Chapter 403 Florida Statutes, and Chapters 28 and 62, Florida Administrative Code, challenging certain conditions in draft Permit Nbr. 0470002-055-AC issued by the State of Florida Department of Environmental Protection ("DEP"), including certain findings by the DEP in the Technical Evaluation & Preliminary Determination dated November 9, 2007. In support of this Petition, WSA states:

Identification of the Parties

1. The Petitioner/Applicant is White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate – White Springs, P.O. Box 300, White Springs, FL 32096, telephone nbr. 386-397-8442. Petitioner's representative is Holland & Knight LLP, Attention: Rory C. Ryan, Esq., P.O. Box 1526, Orlando, FL 32802, telephone nbr. 407-425-8500.

2. The Respondent is DEP, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone nbr. 850-921-9528, and the Project Engineer is Syed Arif. The DEP is a component of the Executive Branch of the State of Florida having powers articulated in Florida Statutes, and the DEP's Permitting Authority is the Air Permitting North Program, Bureau of Air Regulation, Division of Air Resource Management.

Respondents File Number and County

3. DEP assigned White Springs Suwannee River/Swift Creek Complex, BART Project, Draft Permit nbr. 0470002-055-AC. The project is located in Hamilton County, Florida.

Receipt of Notice of Agency Action

4. On or about November 15, 2007, WSA received by U.S. Mail the DEP's Written Notice of Intent to Issue Air Permit, which included the DEP's Technical Evaluation & Preliminary Determination dated November 9, 2007, with proposed Draft Permit, and the Public Notice of Intent to Issue Air Permit. The timeline relating to this notice is described below.

Substantial Interests Affected

5. WSA through its consultant, Koogler & Associates, Inc., submitted an application to satisfy the requirements of Best Available Retrofit Technology ("BART") pursuant to Rule 62-296.340, Florida Administrative Code ("FAC"), for the eligible units at the White Springs Suwannee River/Swift Creek Complex. This application was submitted on January 31, 2007.

6. WSA submitted its application to the DEP in accordance with the provisions of Chapter 403, Florida Statutes and Chapter 62, FAC.

7. On December 10, 2007, WSA responded in writing to the DEP's Draft Permit expressing WSA's concerns relating to some of the provisions of the Draft Permit and some of the analysis contained in the Technical Evaluation & Preliminary Determination ("Technical

Evaluation"). A copy of WSA's written comments is incorporated hereto and attached as Exhibit "A," which written comments include the specific facts WSA contends warrant reversal or modification of DEP's proposed action and explains how the facts relate to applicable law. In summary, WSA expressed its concerns relating to the following:

a. The DEP's method to establish emissions rates is arbitrary and violates principles of fairness because Petitioner is unable to achieve compliance with the established emission rate despite the use of acceptable technology;

b. The DEP's method resulted in establishing emissions rates, which emissions rates are below the effective limit based on reasonable control efficiency;

c. A specific condition in the draft permit established a SO₂ continuous monitoring system ("CMS") as the method of compliance, which method of compliance should reasonably be determined from stack test data; and

d. The DEP established an emissions limit and imposed a requirement for emissions testing of an uncontrolled pollutant (nitrogen oxides) which is not practical, cost effective, or reasonably warranted when DEP established that the BART-acceptable level of control technology to be no control and only a limitation by fuel type.

8. WSA application was supported by sufficient documentation to support the determination of BART compliance for each eligible source.

9. The DEP determined in its Technical Evaluation that all of the WSA emission units have existing acceptable BART-technology; nonetheless, many of these same emission units will not be able to satisfy the DEP's emission limits in the Draft Permit based on a review of past data for these emission units.

10. Further, the DEP's statistical analysis used in evaluating the WSA application is different from the analysis used by the DEP in reviewing other BART permit applications, and the DEP is estopped and otherwise precluded from imposing unreasonable conditions and restrictions on the WSA operations based on this unjustified and arbitrary basis.

11. DEP has not and cannot articulate facts justifying the basis for some of the limitations, restrictions, and conditions contained in the Technical Evaluation and the Draft Permit. Requiring WSA to comply with these type requirements in the DEP's Technical Evaluation and in the Draft Permit is patently unfair and creates a serious economic and legal hardship for WSA.

Disputed Issues of Material Fact

12. WSA does not dispute the DEP's BART analysis and determination concerning WSA's control technology; however, the disputed issues of material fact are as follows:

a. Whether DEP's Bureau of Air Regulation's method using the available data to establish emissions rates was appropriate or, rather, was arbitrary and violated principles of fairness by establishing emission rates that Petitioner will not reasonably be able to achieve compliance.

b. Whether DEP's Bureau of Air Regulation's method using available data resulted in DEP establishing emissions rates, which emissions rates are below the effective limit based on reasonable control of efficiency.

c. Whether DEP's specific condition in the draft permit established an unwarranted method of compliance for SO₂, which method of compliance should reasonably be determined from stack test data.

d. Whether DEP's requirement for emissions testing of an uncontrolled pollutant (nitrogen oxide) which is not practical, cost effective, or reasonably warranted is appropriate.

e. Whether, despite DEP's determination in the Technical Evaluation that WSA's current technology for control of particulate matter is adequate for BART compliance, the DEP can establish emissions limits below the effective limit based on reasonable control efficiency that result in repeated test failures while using acceptable technology.

f. Whether the DEP's emission limit for nitrogen oxides emissions is appropriate when there is no prescribed means of controlling these emissions and whether the DEP requirement for emissions testing of an uncontrolled pollutant is practical, appropriate, cost-effective, and warranted.

g. Whether the DEP's permit condition requiring WSA to operate and maintain SO₂ CMS to demonstrate compliance with BART standards is reasonable when the current level of CMS quality assurance is adequate to establish BART compliance.

h. Whether the methodology and analysis used by DEP in reviewing this application has any basis in the DEP's Air Program to support its use, and whether DEP is required to use a uniform methodology when reviewing a permittee's BART application.

i. Whether the permit applicant provided reasonable assurances based on test results, pollution control equipment, and other information that the facility will not cause pollution in contravention of applicable laws, regulations, standards, and rules.

j. Whether the DEP has shown a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, Fla. Stat.

Background Facts

13. WSA operates the existing Suwannee River/Swift Creek phosphate complex . The facility is located in Hamilton County at 15843 SE 78th St., White Springs, Florida.

14. The facility is a major source of hazardous air pollutants, a Title V major source of air pollution in accordance with Chapter 213, FAC, a major stationary source for the Prevention of Significant Deterioration of Air Quality pursuant to Rule 62-212.400, FAC, and the facility operates units subject to BART as provided in Rule 62-296.340, FAC, which requires a determination of the BART for each BART-eligible source as defined in 40 CFR 51.301.

15. On January 31, 2007, WSA submitted an application to satisfy the requirements of BART for the eligible units at the facility.

16. The application was deemed complete on August 16, 2007.

17. On November 13, 2007, the DEP issued, among other things, a Written Notice of Intent to Issue Air Permit, the Draft Permit, and the Technical Evaluation. The Technical Evaluation summarizes the DEP's Bureau of Air Regulation's technical review of the application and the DEP's basis for the preliminary determination to issue a Draft Permit, including DEP's determination that the WSA existing control technology is adequate for BART.

18. On November 15, 2007, WSA submitted a Motion for Extension of Time to allow the DEP and WSA to address issues of concern to WSA relating to the Draft Permit and Technical Evaluation. On December 5, 2007, the DEP granted the extension until January 4, 2008.

19. On December 10, 2007, WSA submitted detailed, written comments regarding WSA's concerns with the Draft Permit and Technical Evaluation. (See Exhibit "A.") However, there has been no communication from DEP regarding the concerns of WSA.

13. WSA operates the existing Suwannee River/Swift Creek phosphate complex . The facility is located in Hamilton County at 15843 SE 78th St., White Springs, Florida.

14. The facility is a major source of hazardous air pollutants, a Title V major source of air pollution in accordance with Chapter 213, FAC, a major stationary source for the Prevention of Significant Deterioration of Air Quality pursuant to Rule 62-212.400, FAC, and the facility operates units subject to BART as provided in Rule 62-296.340, FAC, which requires a determination of the BART for each BART-eligible source as defined in 40 CFR 51.301.

15. On January 31, 2007, WSA submitted an application to satisfy the requirements of BART for the eligible units at the facility.

16. The application was deemed complete on August 16, 2007.

17. On November 13, 2007, the DEP issued, among other things, a Written Notice of

|| || | |

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, January 23, 2008 3:52 PM
To: Koerner, Jeff; Vielhauer, Trina
Subject: FW: Petition for Hearing rec'd. - 0470002-055-AC - White Springs Agricultural Chemicals, Inc.

Attachments: Di4700801231640.PDF

FYI,

Vickie

From: Crandall, Lea
Sent: Wednesday, January 23, 2008 3:48 PM
To: Moore, Ronni; Gibson, Victoria; Arif, Syed
Subject: Petition for Hearing rec'd. - 0470002-055-AC - White Springs Agricultural Chemicals, Inc.

FYI, the attached petition was received today.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

From: Knight, Barnard
Sent: Wednesday, January 23, 2008 3:42 PM
To: Crandall, Lea
Subject: From KONICA MINOLTA Di470



Di4700801231640.
PDF (5 MB)

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHITE SPRINGS AGRICULTURAL
CHEMICALS, INC,

Petitioner,

vs.

OGC No. 07-2093

DEP Permit No. 0470002-055-AC

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER DENYING SECOND REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

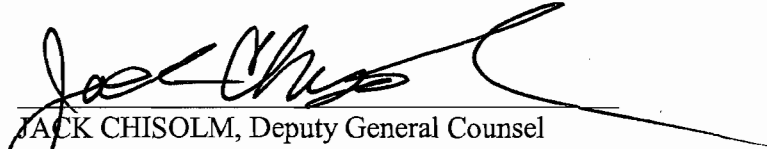
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a second request made by the Petitioner, White Springs Agricultural Chemicals, Inc., (Petitioner), to grant an extension of time to file a petition for an administrative hearing regarding the Intent to Issue Air Permit No. 0470002-055-AC, for its facility located in Hamilton County, Florida. Due to Environmental Protection Agency deadlines imposed on the Department to submit a State Implementation Plan,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative hearing is DENIED. The Petitioner shall have fifteen (15) days from the date set forth in the certificate of service on the last page of this order to file a petition in this matter. The petition must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE and ORDERED this 9th day of January 2008, 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

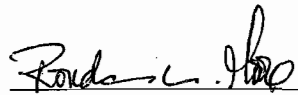
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Denying
Second Request for Extension of Time to File Petition for Hearing, was furnished via facsimile U.S. Mail hand delivery ONLY, on this 9th of January, 2008, to:

Max Lee, Ph. D., P.E.
Koogler & Associates Inc.
4014 N.W. 13th St.
Gainesville, FL 32609-1923

Facsimile: ~~(850)~~ 377-7158
352

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



RONDA L. MOORE, Assistant General Counsel
3900 Commonwealth Boulevard – MS 35
Tallahassee, FL 32399-3000
850-245-2193 facsimile 850-245-2302
Florida Bar No. 0676411

cc via electronic mail to:
Trina Vielhauer, Chief – FDEP BAR
Syed Arif – FDEP BAR

Gibson, Victoria

From: Gibson, Victoria
Sent: Wednesday, January 09, 2008 2:30 PM
To: Koerner, Jeff
Subject: FW: White Springs - Order Denying Second Req 1-9-07.pdf
Attachments: Order Denying Second Req 1-9-07.pdf

FYI,

Vickie

From: Moore, Ronni
Sent: Wednesday, January 09, 2008 2:27 PM
To: Gibson, Victoria
Subject: FW: White Springs - Order Denying Second Req 1-9-07.pdf

FYI.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Lizotte, Ashley
Sent: Wednesday, January 09, 2008 1:54 PM
To: Vielhauer, Trina; Arif, Syed
Cc: Moore, Ronni
Subject: Order Denying Second Req 1-9-07.pdf

Gibson, Victoria

From: Vielhauer, Trina
Sent: Thursday, January 03, 2008 1:26 PM
To: Moore, Ronni
Cc: Koerner, Jeff; Gibson, Victoria
Subject: Re: Second Request for Extension of Time - 0470002-055-AC - White Springs Agricultural Chemicals

Yes. Please deny it. Thanks.
Trina Vielhauer

Sent from my BlackBerry Wireless Handheld

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

From: Moore, Ronni
To: Vielhauer, Trina; Arif, Syed
Cc: Lizotte, Ashley
Sent: Thu Jan 03 13:08:51 2008
Subject: FW: Second Request for Extension of Time - 0470002-055-AC - White Springs Agricultural Chemicals

Happy New Year!

Attached is a second request from White Springs. Please let me know what you'd like to do with this request. I imagine you all want to deny it as this is one of the BART permits.

Thanks!

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

From: Crandall, Lea
Sent: Thursday, January 03, 2008 12:52 PM
To: Moore, Ronni; Gibson, Victoria; Arif, Syed
Subject: Second Request for Extension of Time - 0470002-055-AC - White Springs Agricultural Chemicals

FYI, a Second Request for Extension of Time was filed today re: 0470002-055-AC - White Springs Agricultural Chemicals.

Thanks,
Lea

<<Di4700801031313.PDF>>

Lea Crandall
Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an Application
for Air Permit by

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

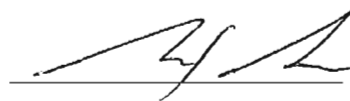
FDEP File Nos. 0470002-055-AC
Hamilton County

MOTION FOR EXTENSION OF TIME

The Applicant, White Springs Agricultural Chemicals, Inc., by and through its undersigned Engineer of Record and pursuant to Rule 28-106, FAC, requests the Secretary of FDEP to grant a 60-day extension of time in which to file a petition. This will allow submittal of additional information to FDEP on the permit application review and allow time to resolve issues of concern.

Dated the 2nd day of January, 2008, in Gainesville, Alachua County, Florida.

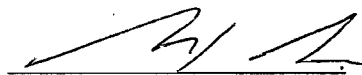
Koogler & Associates, Inc.



Max Lee, Ph.D., P.E.
Engineer of Record
Florida Registration No. 58091
4014 N.W. 13th Street
Gainesville, FL 32609
(352) 377-5822

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Thomas Beason, Office of the General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, and Mr. Syed Arif, FDEP, 2600 Blair Stone Road Tallahassee, FL 32399-2400, and Mr. Charles Pults, White Springs Agricultural Chemicals, Inc. 15843 SE 78th St. White Springs, FL 32096, by overnight courier, this 2nd day of January, 2008.



Max Lee, Ph.D., P.E.
Florida Registration No. 58091

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, January 03, 2008 1:10 PM
To: Koerner, Jeff
Cc: Vielhauer, Trina
Subject: FW: Second Request for Extension of Time - 0470002-055-AC - White Springs Agricultural Chemicals

Attachments: Di4700801031313.PDF

From: Crandall, Lea
Sent: Thursday, January 03, 2008 12:52 PM
To: Moore, Ronni; Gibson, Victoria; Arif, Syed
Subject: Second Request for Extension of Time - 0470002-055-AC - White Springs Agricultural Chemicals

FYI, a Second Request for Extension of Time was filed today re: 0470002-055-AC - White Springs Agricultural Chemicals.

Thanks,
Lea



Di4700801031313.
PDF (236 KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Moore, Ronni
Sent: Wednesday, December 12, 2007 4:34 PM
To: Vielhauer, Trina; Koerner, Jeff; Gibson, Victoria
Cc: Lizotte, Ashley
Subject: RE: BART permits

Sure.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Vielhauer, Trina
Sent: Wednesday, December 12, 2007 4:24 PM
To: Moore, Ronni; Koerner, Jeff; Gibson, Victoria
Cc: Lizotte, Ashley
Subject: RE: BART permits

Can we give them only until December 31 also? With the same reminder about publishing and no further extensions unless extenuating circumstances?

Thanks!

From: Moore, Ronni
Sent: Wednesday, December 12, 2007 3:08 PM
To: Vielhauer, Trina
Cc: Lizotte, Ashley
Subject: RE: BART permits

Here it is.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Vielhauer, Trina
Sent: Wednesday, December 12, 2007 2:20 PM
To: Moore, Ronni
Subject: RE: BART permits

ok. I was wondering! Thanks!

From: Moore, Ronni
Sent: Wednesday, December 12, 2007 2:16 PM
To: Vielhauer, Trina
Subject: RE: BART permits

Sorry, as soon as we have the request scanned in I'll send it over to you.

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Moore, Ronni
Sent: Wednesday, December 12, 2007 2:15 PM
To: Vielhauer, Trina
Subject: RE: BART permits

Hi Trina,

We received the attached request from Mosaic regarding their BART permit. Please let me know what you would like to do.

Thanks,

Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Vielhauer, Trina
Sent: Monday, December 10, 2007 1:23 PM
To: Moore, Ronni
Subject: BART permits

Ronni,

Here are the case numbers and names you may see that are BART permits:

0530010-030AC, CEMEX
0570008-055AC, Mosaic Fertilizer, Riverview
0570005-023AC, CF Industries, Plant City
0890003-018AC, Smurfit Stone, Fernandina Mill
0250003-008AC, FP&L, Turkey Point
0470002-055AC, White Springs aka PCS Phosphate
0170004-017AC, Progress Energy, Crystal River
1050059-055AC, Mosaic Fertilizer, New Wales
0050009-027AC, Smurfit Stone, Panama City

12/24/2007

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.

Jan 4th



Florida Department of Environmental Protection

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

Bob Martinez Center

2600 Blair Stone Road

4th 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 4th day of December, 2007, to:

Max Lee, Ph. D., P.E.
Engineer of Record
Koogler and Associates, Inc.
4014 N.W. 13th 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

Gibson, Victoria

From: Gibson, Victoria
Sent: Monday, December 10, 2007 11:35 AM
To: Moore, Ronni; Arif, Syed; Vielhauer, Trina
Cc: Lizotte, Ashley; Koerner, Jeff
Subject: RE: White Springs Order Granting

Thank you very much for this copy.

Have a good week.

Trina,

I am forwarding a copy of this to Jeff.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

From: Moore, Ronni
Sent: Monday, December 10, 2007 11:32 AM
To: Arif, Syed; Vielhauer, Trina
Cc: Lizotte, Ashley; Gibson, Victoria
Subject: RE: White Springs Order Granting

Hi Trina and Syed,

OGC issued the attached amended order granting White Springs request for extension of time because we placed the wrong permit number in the caption of the document. Sorry for any confusion. With this order, White Springs has an extension through January 4, 2008.

Ronni

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Lizotte, Ashley
Sent: Monday, December 10, 2007 10:44 AM
To: Arif, Syed; Vielhauer, Trina
Cc: Moore, Ronni
Subject: White Springs Order Granting

12/10/2007

Gibson, Victoria

From: Moore, Ronni
Sent: Monday, December 10, 2007 11:29 AM
To: Gibson, Victoria
Subject: FW: White Springs Order Granting
Attachments: White Springs - amended o. granting ext..pdf

Hi Vickie,

FYI. This was sent to Trina, but wanted to make sure you had a copy as well.

Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

From: Lizotte, Ashley
Sent: Monday, December 10, 2007 10:44 AM
To: Arif, Syed; Vielhauer, Trina
Cc: Moore, Ronni
Subject: White Springs Order Granting

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, December 06, 2007 3:20 PM
To: Vielhauer, Trina; Moore, Ronni
Cc: Holtom, Jonathan; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC
Attachments: White Springs Extension Request.pdf; Progress Energy Extension Request.pdf

Ronni,

Attached are both of the requests.

From: Vielhauer, Trina
Sent: Thursday, December 06, 2007 3:00 PM
To: Moore, Ronni
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC

Vickie
Can you scan these and send them to Ronni?

Thanks!


From: Moore, Ronni
Sent: Thursday, December 06, 2007 2:58 PM
To: Vielhauer, Trina
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC

Hi Trina,

I'm checking on your questions. I have not received these req. for extension of time yet.

Ronni

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Vielhauer, Trina
Sent: Thursday, December 06, 2007 10:52 AM
To: Moore, Ronni
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: 0170004-017AC & 0470002-055AC

Ronni,

12/6/2007

We received a request for an extension of time on the above permit for Progress Energy Crystal River (0170004) and PCS Phosphate (0470002). These are BART (Best Available Retrofit Technology) permits and we are supposed to have these permits final and a SIP (state implementation plan) submitted to EPA by December 7...we're aiming for early February.

So, we are ok with an extension on these ONLY until December 21, 2007. Two questions:

1. Can we condition an extension on them publishing notice?
2. Can we add language that puts them on notice that, because of the tight deadlines to get a SIP to EPA, etc., that there will be no further extensions provided?

THANKS!

Trina

12/6/2007

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, December 06, 2007 3:20 PM
To: Vielhauer, Trina; Moore, Ronni
Cc: Holtom, Jonathan; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC
Attachments: White Springs Extension Request.pdf; Progress Energy Extension Request.pdf

Ronni,

Attached are both of the requests.

From: Vielhauer, Trina
Sent: Thursday, December 06, 2007 3:00 PM
To: Moore, Ronni
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC

Vickie
Can you scan these and send them to Ronni?

Thanks!


From: Moore, Ronni
Sent: Thursday, December 06, 2007 2:58 PM
To: Vielhauer, Trina
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: RE: 0170004-017AC & 0470002-055AC

Hi Trina,

I'm checking on your questions. I have not received these req. for extension of time yet.

Ronni

Ronda L. Moore
Assistant General Counsel

 Please consider the environment before printing this email.

From: Vielhauer, Trina
Sent: Thursday, December 06, 2007 10:52 AM
To: Moore, Ronni
Cc: Holtom, Jonathan; Gibson, Victoria; Koerner, Jeff
Subject: 0170004-017AC & 0470002-055AC

Ronni,

12/6/2007

We received a request for an extension of time on the above permit for Progress Energy Crystal River (0170004) and PCS Phosphate (0470002). These are BART (Best Available Retrofit Technology) permits and we are supposed to have these permits final and a SIP (state implementation plan) submitted to EPA by December 7...we're aiming for early February.

So, we are ok with an extension on these ONLY until December 21, 2007. Two questions:

1. Can we condition an extension on them publishing notice?
2. Can we add language that puts them on notice that, because of the tight deadlines to get a SIP to EPA, etc., that there will be no further extensions provided?

THANKS!

Trina

12/6/2007

Gibson, Victoria

From: Gibson, Victoria
Sent: Thursday, December 06, 2007 12:33 PM
To: Crandall, Lea
Subject: RE: White Springs 0470002-055-AC

No problem...thanks

From: Crandall, Lea
Sent: Thursday, December 06, 2007 12:33 PM
To: Gibson, Victoria
Subject: RE: White Springs 0470002-055-AC

It's fixed. Not sure why I put 047-AC on there!!! Thanks for catching that!

Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

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

From: Gibson, Victoria
Sent: Wednesday, December 05, 2007 6:53 PM
To: Crandall, Lea
Subject: White Springs 0470002-055-AC

Hi,

I just noticed that in LCT the permit number shows as 047-AC and not as 055-AC. The facility had listed 055-AC on their request.

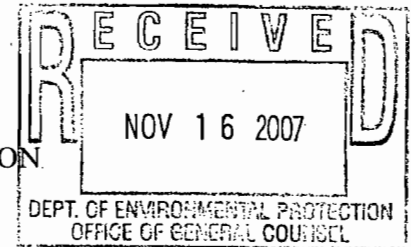
Would you check into that for me?

Thanks much.

Vickie

Victoria Gibson, Administrative Secretary for
Trina Vielhauer, Chief
Bureau of Air Regulation
Department of Air Resource Management
victoria.gibson@dep.state.fl.us
850-921-9504 fax 850-921-9533

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the Matter of an Application
for Air Permit by

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

FDEP File Nos. 0470002-055-AC
Hamilton County

MOTION FOR EXTENSION OF TIME

The Applicant, White Springs Agricultural Chemicals, Inc., by and through its undersigned Engineer of Record and pursuant to Rule 28-106, FAC, requests the Secretary of FDEP to grant a 30-day extension of time in which to file a petition. This will allow submittal of additional information to FDEP on the permit application review and allow time to resolve issues of concern.

Dated the 15th day of November, 2007, in Gainesville, Alachua County, Florida.

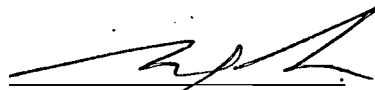
Koogler & Associates, Inc.

A handwritten signature in black ink, appearing to be "Max Lee", written over a horizontal line.

Max Lee, Ph.D., P.E.
Engineer of Record
Florida Registration No. 58091
4014 N.W. 13th Street
Gainesville, FL 32609
(352) 377-5822

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been furnished to Thomas Beason, Office of the General Counsel, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, and Mr. Syed Arif, FDEP, 2600 Blair Stone Road Tallahassee, FL 32399-2400, and Mr. Charles Pults, White Springs Agricultural Chemicals, Inc. 15843 SE 78th St. White Springs, FL 32096, by overnight courier, this 15th day of November, 2007.



Max Lee, Ph.D., P.E.
Florida Registration No. 58091

Gibson, Victoria

From: Crandall, Lea
Sent: Monday, November 19, 2007 11:36 AM
To: Gibson, Victoria; Arif, Syed
Subject: FW: Request for Extension of Time rec'd. - 0470002-005-AC - White Springs Agricultural Chemicals, Inc.

Attachments: Di4700711191216.PDF



Di4700711191216.
PDF (267 KB)

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

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

From: Crandall, Lea
Sent: Monday, November 19, 2007 10:52 AM
To: Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Arif, Syed
Subject: Request for Extension of Time rec'd. - 0470002-005-AC - White Springs Agricultural Chemicals, Inc.

FYI, a Request for Extension of Time was received on November 16 re: 0470002-005-AC - White Springs Agricultural Chemicals, Inc.

Thanks,
Lea

Lea Crandall

Agency Clerk
Department of Environmental Protection
3900 Commonwealth Boulevard, MS 35
Tallahassee, FL 32399-3000
Phone: (850) 245-2212 SC: 205-2212
Fax: (850) 245-2303

Gibson, Victoria

From: Arif, Syed
Sent: Friday, November 30, 2007 12:31 PM
To: Gibson, Victoria
Subject: FW: White Springs Agricultural Chemicals, Inc.
Attachments: PCSBART - Draft Permit.doc; PCS BART - TEPD.doc

FYI

From: Arif, Syed
Sent: Tuesday, November 27, 2007 4:15 PM
To: Moore, Ronni
Cc: Koerner, Jeff
Subject: RE: White Springs Agricultural Chemicals, Inc.

Ronnie,

I don't have any objection in granting White Springs the 30-day extension they requested. I am attaching the permit and the technical evaluation that was issued to them. Please let me know if you need additional documents.

Syed

From: Moore, Ronni
Sent: Tuesday, November 27, 2007 2:21 PM
To: Arif, Syed
Cc: Lizotte, Ashley
Subject: White Springs Agricultural Chemicals, Inc.

Syed,

Afternoon, I've recently become the permitting attorney for the waste/air section here in OGC. Looking forward to working with you. We received the attached extension of time from White Springs to file a petition for hearing for its air construction permit. I'm contacting you since you are listed as the contact person for this permit. If this is the case, would you please let me know if you would like to give White Springs this extension or if you'd like us to deny it. Also, in your response, could you please provide the permit issuance or denial we issued which brought about this request for extension?

Thanks!
Ronni

Ronda L. Moore
Assistant General Counsel



Please consider the environment before printing this email.

11/30/2007

Chronology of Activities

OGC Number **07** **2093** **24** **AC** District **NORTHEAST** County **HAMILTON**
 Style of Case **WHITE SPRINGS AGRICULTURAL CHEMICALS, INC. VS. DEP**
 Program Area **AIR CONSTRUCT** Mode **ADMINISTRATIVE**
 Lead Attorney **RONNI** **L** **MOORE** Status **OPEN**
 Forum Name _____ Forum Case Number _____
 Permit Appl **0470002-055-AC** Final Order Number _____

Date *	Code	Activity Description
11/15/2007		FIRST REQUEST FOR EXTENSION OF TIME
11/16/2007	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
11/16/2007	ACO	ADMIN. CASE OPENED IN OGC
11/16/2007	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
11/27/2007	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
11/30/2007		ORDER GRANTING REQUEST FOR EXTENSION OF TIME UNTIL 1/5/07
12/05/2007		AMENDED ORDER GRANTING (PERMIT NUMBER ERROR CHANGE -055-)
01/03/2008	REX2	RECEIVED SECOND REQUEST FOR EXTENSION OF TIME
01/23/2008	RPFH	PETITION FOR FORMAL HEARING RECEIVED
07/27/2009		ORDER CLOSING FILE