

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0570008-022-AC (PSD-FL-209)

Cargill Fertilizer Sulfuric Acid Plants Nos. 8 & 9
Hillsborough County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to Cargill Fertilizer, Inc. to shift 200 tons per day (TPD) of sulfuric acid production capacity from the existing No. 8 Sulfuric Acid Plant to the No. 9 Sulfuric Acid Plant. The plants are located at on U.S. Highway 41 South in Riverview, Hillsborough County. The applicant's name and address are: Cargill Fertilizer, Inc., 8813 U.S. Highway 41 South, Riverview, Florida 33569.

The sulfuric acid plant produces the reagent used to acidulate phosphate rock to make fertilizers. Molten sulfur is the necessary raw material for sulfuric acid production. The modification will decrease the permitted capacity of Plant No. 8 from 2,900 to 2,700 tons per day of 100% sulfuric acid and increase the permitted capacity of Plant No. 9 from 3,200 to 3,400 tons per day of 100% sulfuric acid, maintaining the existing 5,700 tons per day of 100% sulfuric acid cap for the two plants combined.

The two plants were expanded between 1995 and 1998 through a single air construction (PSD) permit which is still in effect. The revised production breakdown between the two plants could have been proposed earlier under the permit to increase production. However, the company only determined after completing the project that the revised breakdown is more efficient. The Department concludes that emissions are not likely to increase as a result of the transfer of 200 tons per day of sulfuric acid capacity from the No. 8 plant to the No. 9 plant.

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

The Department will accept written comments and requests for public meetings concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments and requests for public meetings should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue FINAL Permit Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action.

**Technical Evaluation
Sulfuric Acid Plants Nos. 8 & 9
Modification of PSD-FL-209/0570008-022-AC
Cargill Fertilizer, Inc.
Riverview, Hillsborough County**

The applicant, Cargill Fertilizer, Inc., proposes to decrease the capacity of its existing 2,900 tons per day (TPD) sulfuric acid plant (SAP No. 8) to 2,700 TPD and increase the capacity of its existing 3,200 TPD sulfuric acid plant (SAP No. 9) to 3,400 TPD. The plants serve Cargill's fertilizer manufacturing facility located at US Highway 41 South, Riverview, Hillsborough County. Based on recent test data shown below, it is not likely that the change will result in an increase in emissions of sulfur dioxide (SO₂) and sulfuric acid mist (SAM) from the two plants combined.

The two plants were expanded between 1995 and 1998 through a single air construction (PSD) permit which is still in effect. The revised production breakdown between the two plants could have been proposed earlier under the permit to increase production. However, the company only determined after completing the project that the revised breakdown is more efficient. The Department concludes that emissions are not likely to increase. Therefore, the modification is not subject to review for the Prevention of Significant Deterioration (PSD) and a determination of Best Available Control Technology (BACT) is not required in accordance with Rule 62-212.400, F.A.C.

Sulfur Dioxide Emissions Test Results: (lb per ton 100% acid)

H₂SO₄ Plant No. 8		H₂SO₄ Plant No. 9	
<u>Test Date</u>	<u>SO₂ Emissions</u>	<u>Test Date</u>	<u>SO₂ Emissions</u>
1/08/90	2.99 lb/ton		
2/18/91	1.56 lb/ton	1/13/94	3.80 lb/ton
1/07/94	2.69 lb/ton	7/28/94	2.70 lb/ton
3/02/95	3.3 lb/ton	7/26/95	3.03 lb/ton
8/21/97	3.8 lb/ton	12/97	3.7 lb/ton



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 12, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David B. Jellerson, P.E.
Environmental Superintendent
Cargill Fertilizer, Inc.
8813 US Highway 41 South
Riverview, Florida 34221

Re: DEP File No. 0570008-022-AC (PSD-FL-209)
Sulfuric Acid Plants Nos. 8 & 9

Dear Mr. Jellerson:

Enclosed is one copy of the Draft Air Construction Permit Modification to shift 200 tons per day of production between the existing Sulfuric Acid Plants Nos. 8 and 9 located at US Highway 41 South, in Riverview, Hillsborough County. The Department's Intent to Issue Air Construction Permit Modification and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please call Susan DeVore-Fillmore at 850/921-9537 or John Reynolds at 850/921-9536.

Sincerely,

C. H. Fancy, P.E., Chief
Bureau of Air Regulation

CHF/aal/sdf

Enclosures

In the Matter of an
Application for Permit by:

Mr. David B. Jellerson, P.E.
Cargill Fertilizer, Inc.
8813 U.S. Highway 41 South
Riverview, Florida 33569

DEP File No. 0570008-022-AC
Draft PSD Permit Modification No. PSD-FL-209
Sulfuric Acid Plants Nos. 8 & 9
Hillsborough County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification (copy of DRAFT Permit Modification attached) for the proposed change, as detailed in the request specified above and attached modification letter, for the reasons stated below.

The applicant, Cargill Fertilizer, Inc. requested on January 23, 1998 that the Department issue an air construction permit modification for two sulfuric acid plants at its phosphate fertilizer facility located at US Highway 41 South, Riverview, Hillsborough County. At the Department's request, the applicant submitted additional information that was deemed sufficient on April 17, 1998. The applicant proposes to increase production of the No. 9 Sulfuric Acid Plant from 3,200 to 3,400 tons per day of 100% sulfuric acid and to decrease production of the No. 8 Sulfuric Acid Plant from 2,900 to 2,700 tons per day of 100% sulfuric acid, while maintaining the existing total limit of 5,700 tons per day of 100% sulfuric acid for both plants.

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

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

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit modification. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification pursuant to Rule 62-103.150 (6), F.A.C.

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

The Department will accept written comments and requests for public meetings concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION." Written comments [and requests for public meetings] should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this

DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. The procedures for petitioning for a hearing are set forth below. Mediation is not available for this action.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9730, fax: 850/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.


The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the

Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.


for C. H. Fancy, P.E., Chief
Bureau of Air Regulation


CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION (including the PUBLIC NOTICE, and DRAFT permit modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6-12-98 to the person(s) listed:

Mr. David B. Jellerson, Cargill*
Mr. Brian Beals, EPA
Mr. John Bunyak, NPS
Mr. David Buff, P.E., Golder Assoc.
Mr. Bill Thomas, SWD
~~Mr. Joe King, Polk Co.~~
Mr. Jerry Campbell, EPCHC

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


Lori Jober 6-12-98
(Clerk) (Date)



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 12, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David B. Jellerson, P.E.
Environmental Superintendent
Cargill Fertilizer, Inc.
8813 US Highway 41 South
Riverview, Florida 34221

Re: DEP File No. 0570008-022-AC (PSD-FL-209)
Sulfuric Acid Plants Nos. 8 & 9

Dear Mr. Jellerson:

The Department reviewed your request to revise certain specific conditions in the air construction permit for Sulfuric Acid Plants Nos. 8 and 9 as described in comments received on January 26 and April 20, 1998. The request is to allow the shifting of 200 tons per day of sulfuric acid capacity from the No. 8 plant to the No. 9 plant. The Department's analysis was discussed in the technical evaluation distributed with the Intent to Issue Air Construction Permit Modification. The permit is hereby modified as follows:

SPECIFIC CONDITION NO. 1

1. The maximum production rate of the No. 8-sulfuric acid plant shall not exceed ~~2900~~ 2700 tons per day (TPD) based on 100% sulfuric acid (H₂SO₄).

SPECIFIC CONDITION NO. 2

2. The maximum production rate of the No. 9 sulfuric acid plant shall not exceed ~~3200~~ 3400 tons per day (TPD) based on 100% sulfuric acid (H₂SO₄).

SPECIFIC CONDITION NO. 6

6. Sulfur dioxide (SO₂) emissions from each sulfuric acid production unit shall be as follows, [Rule 62-296.800, F.A.C.; 40 CFR 60.82(a)]:

Plants	TPD	lb/ton	lbs/hr	TPY
H ₂ SO ₄ No. 8	2900 <u>2,700</u>	4.0	483.3 <u>450.0</u>	2,117 <u>1,971</u>
H ₂ SO ₄ No. 9	3200 <u>3,400</u>	4.0	533.3 <u>566.7</u>	2,336 <u>2,482</u>
Total (combined)	5,700	4.0	950	4,161

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 850/488-9370, fax: 850/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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

Department of Environmental Protection	Department of Environmental Protection	Hillsborough Co. Environmental Protection Commission
Bureau of Air Regulation	Southwest District Office	1410 North 21 Street
111 S. Magnolia Drive, Suite 4	3804 Coconut Palm Drive	Tampa, Florida 33605
Tallahassee, Florida 32301	Tampa, Florida 33619-8218	Telephone: 813/272-5530
Telephone: 850/488-0114	Telephone: 813/744-6100	Fax: 813/272-5605
Fax: 850/922-6979	Fax: 813/744-6084	

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

SPECIFIC CONDITION NO. 7

7. Acid mist emissions, expressed as H₂SO₄, from each sulfuric acid production unit shall be as follows, [Rule 62-296.800, F.A.C.; 40 CFR 60.83(a)(1)]:

Plants	Production			TPY
	TPD	lb/ton	lbs/hr	
H ₂ SO ₄ No. 8	2900 <u>2,700</u>	0.15	48.4 <u>16.9</u>	79.3 <u>73.9</u>
H ₂ SO ₄ No. 9	3200 <u>3,400</u>	0.15	20.0 <u>21.3</u>	87.6 <u>93.1</u>
No. 8 & No. 9 combined	5,700	0.15	35.6	156.0

A copy of this letter shall be filed with the referenced permit and shall become part of the permit. This permit modification is issued pursuant to Chapter 403, Florida Statutes. Any party to this order (permit modification) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office; 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 30 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Howard L. Rhodes, Director
 Division of Air Resources
 Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this PERMIT AMENDMENT was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on _____ to the person(s) listed:

Ms. Melody Russo, Cargill Fertilizer *
 Mr. Bill Thomas, SWD
 Mr. Jerry Campbell, HCEPC

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 (Clerk)

 (Date)

Fold at line over top of envelope to the right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

David B. Jellerson, P.E.
Carroll Fertilizer
8813 US Hwy 41 South
Riverview, FL 34221

4a. Article Number

P 265 659 356

4b. Service Type

- Registered
- Express Mail
- Return Receipt for Merchandise
- Certified
- Insured
- COD

7. Date of Delivery

6-24-98

5. Received By: (Print Name)

ROY BURDET

6. Signature: (Addressee or Agent)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid).

PS Form 3817, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

P 265 659 356

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	
David B. Jellerson	
Street & Number	
Carroll Fert.	
Post Office, State, & ZIP Code	
Riverview, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
057000E-022-AC 6-12-98	
P50-FL-209	

PS Form 3800, April 1995