

STATE OF FLORIDA

## DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

October 22, 1984

**RECEIVED**

OCT 22 1984

Mr. Thomas W. Reese  
123 Eighth Street North  
St. Petersburg, Florida 33701

Dept. of Environmental Regulation  
Office of General Counsel

Dear Mr. Reese:

Pursuant to Section 403.412(2), Florida Statutes, please consider this the Department of Environmental Regulation's response to your letter of September 19, 1984, about the proposed phosphogypsum pile to be constructed by Gardinier, Inc. In your letter, you allege that the proposed phosphogypsum pile is a "stationary installation which will reasonably be expected to be a source of air ... pollution" and therefore requires an air pollution permit from the department. Section 403.087(1), Florida Statutes. You identify airborne radionuclides, gaseous fluoride, fluoride particulates and particulates as pollutants of particular concern.

While I agree that gypsum stacks such as the one proposed by Gardinier may be sources of potential pollution, I do not believe that it is necessary or appropriate to require air pollution permits for such facilities at present. There are no state air pollution standards for emissions of radionuclides or fluorides from gypsum stacks. The only applicable standard for particulate matter is contained in Florida Administrative Code Rule 17-2.610(3). That provision simply requires that the permit applicant take "reasonable precautions" to control emissions of unconfined particulate.

With respect to the pollutants identified in your letter, the department intends to take the following actions:

1) Radionuclides - The department has reviewed available information, including existing reports published by the United States Environmental Protection Agency. It does not appear, based on our review of these reports, that radionuclide emissions from gypsum stacks pose any immediate danger to the public health, safety or welfare. However, the United States Environmental Protection Agency is establishing a testing program to re-evaluate the impacts of radionuclide emissions from gypsum stacks. The department will coordinate with the EPA on the development and

BEST AVAILABLE COPY

Mr. Thomas W. Reed  
October 22, 1984  
Page Two

implementation of that study and will consider any data generated by the study. The department may decide, in light of new information obtained, to promulgate standards for radionuclide emissions and require permits for gypsum stacks.

2) Gaseous Fluorides and Fluoride Particulates - In accordance with Section 111(d) of the Clean Air Act, the department plans to conduct a comprehensive review of existing fluoride emission standards for the phosphate industry and fluoride emissions generally. As a part of that study, we will look at the impact of fluoride emissions from both phosphogypsum stacks and clay settling areas.

This review is expected to begin sometime in mid-1985 and will probably take 18 to 24 months to complete. At the end of that time the department may decide to proceed to rulemaking on fluoride standards for the industry. I invite you to participate fully in this process. If you have any questions about the timing or content of this study, please contact Steve Smallwood, Chief of the Bureau of Air Quality Management.

The department has no information now available to it to indicate that criteria for fluoride emissions from gypsum stacks should be adopted immediately.

3) Particulates - As noted previously, the department's air pollution rules contain a general emissions standard for unconfined particulate. That standard requires that reasonable precautions be taken to control such emissions.

Presently, it does not appear that emissions of unconfined particulate matter are a problem with respect to phosphogypsum stacks. If the department were to require air pollution permits for gypsum stacks, our review of the matter indicates that the reasonable precautions standard would not require any additional steps to be taken by the industry in constructing or maintaining the gypsum stacks. Therefore, I have decided not to require such permits at this time.

The conclusions expressed in this letter obviously reflect our present knowledge of the situation. As the department acquires additional data, we may find that a reasonable basis exists for requiring air pollution permits for gypsum stacks. Our position would then be modified accordingly.

Sincerely,

*Victoria J. Tschinkel*  
Victoria J. Tschinkel  
Secretary

VJT/ah

cc: Robert L. Pholys  
Gary Stephens