

LANDERS & PARSONS, P.A.
Attorneys at law
310 West College Avenue
Tallahassee, Florida 32301
(850) 681-0311
(850) 224-5595 FAX

FAX COVER SHEET

DATE: May 17, 2000

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

<u>PLEASE DELIVER FAX TO:</u>	<u>FAX NO.</u>
Al Linero	922-6979

FROM: DAVID S. DEE
IF ANY PROBLEMS, please contact Nanci at: (850) 681-0311.

MESSAGE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. If you have received this communication in error, please immediately notify us by telephone. Thank you.

RECEIVED
MAY 17 2000
BUREAU OF AIR REGULATION

RTP Memos
 Mavatee
 Piney Pkos

TELEPHONE CALL REPORT

Firm/Office: RTPNJDate: 02-22-99Proj. ID: LPPPPDescription: Piney Point Phosphates

Distribution: J. Steinsnyder

Made by/Received By: Donald E. Elias D. DeeTalked With: Gerald J. Kissel - FDEP W. CorbinPhone #: (813) 744-6100 x 107 Proj. File: LPPPP

I finally caught up with Gerry today, after several calls to obtain an update on the Piney Point Phosphate case. He had just called Ivan Nance, at our prodding, and indicated that Piney Point would prefer not to do anything with the permit at the current time and is waiting until they are ready to work on the plant to modify it. I reminded Gerry of the conflict between the construction permit and the Title V permit, and that this required resolution. In addition, I reminded him that there is an August 17, 1999 expiration date. Gerry stated that, "off the top of his head", that perhaps the Title V Operating Permit had eliminated the need to begin construction by August 17, 1998 and that this had resolved the primary concern. I assured him that indeed the PSD permit had not been superseded by the Operating Permit, and in fact, the State had gotten ahead of themselves in issuing an Operating Permit for a facility that has not yet been modified in accordance with the construction permit. He agreed that the State had gotten ahead of themselves on this issue, but felt that he was in the middle and suggested that perhaps we try to contact Piney Point Phosphate ourselves. I doubt that this would produce much in the way of results. I then reminded him again that USEPA had expressed concern about the permit as well, and that it still needed to be resolved as soon as possible.

Please give me a call at (732) 968-9600 to discuss future direction.

FAX to Al Livers

F.Y.I.

TELEPHONE CALL REPORT

D. Dec
5/17/00

Firm/Office: RTPNJ
Date: 01-05-99
Proj. ID: LPPPP

Description: Piney Point Phosphates

Distribution: J. Steinsnyder
D. Dec
W. Corbin

Made by/Received By: Donald F. Elias

Talked With: Roger Cawkwell, FDEP

Phone #: (813) 744-6100 x 117

I called Roger to determine the status of the Piney Point Phosphates Title V Permit revision. Roger indicated that they still have not processed the modification to the Title V Permit and that Gerry Kissel had not wanted to "push" Piney Point. I explained that this was a bit confusing, in that the modification was designed simply to make the Title V Permit match the Preconstruction Permit. Roger agreed that this should not have been a problem and concurred that Piney Point had agreed to the change. He indicated that he will call Piney Point and attempt to process the modification.

However, Roger did inform me that this is his last month with the agency. He has resigned and will be leaving for Las Vegas next month. (As a sideline, his wife is a doctor and is accepting a position in Las Vegas.) I told him that I would also attempt to follow up with Gerry Kissel. Roger was unaware as to whether any construction activity had yet occurred on-site. The permit was issued on February 17, 1998, hence construction needs to start before August 17, 1999 or the permit would have to be reissued.

Please give me a call if you wish to discuss this issue further.

TELEPHONE CALL REPORT

Firm/Office: RTPNJ
Date: 01-06-99
Proj. ID: LPPPP

Description: Piney Point Phosphates

Distribution: J. Steinsnyder
D. Dee
W. Corbin

Made by/Received By: Donald F. Elias
Talked With: Gerald L. Kissell - FDEP
Phone #: (813) 744-6100 x 107

I spoke with Gerry Kissell today about the status of the Piney Point Phosphates Title V permit revisions. Gerry got Roger Cawkwell, brought him into his office and put the conversation on speaker. Roger had called Ivan Nance yesterday, but described the conversation as "evasive". To the District's knowledge, the project is currently on the back burner and no construction activities have occurred. I reminded Gerry that it would be advantageous if this could be wrapped up before Roger left at the end of the month. Additionally, EPA is still expressing interest in the revision. Gerry promised that he would call Ivan Nance on or before January 15th in an attempt to move the process forward. There has been no change since the August 21, 1998 letter with the proposed changes, which had been sent to Piney Point from the District. We are in agreement with the language proposed by the Department. Piney Point has not yet responded to this letter.

Finally, I reminded Gerry that the PSD Permit will expire or will need to be renewed before August 17, 1999. I asked him to remind Piney Point Phosphates of this date in order to avoid the County from having to go through the expense of the permitting process a second time.

Should you wish to discuss this call further, please give me a call at (732) 968-9600.

Al, These issues never got resolved, to my knowledge.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

May 8, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert Stewart, Sr. Vice President
Operations and Administration
Piney Point Phosphates, Inc.
Post Office Drawer 797
Mulberry, Florida 33860

Re: DEP File No. 0810002-004-AC (PSD-FL-242)
Piney Point Sulfuric Acid Plant

Dear Mr. Stewart:

We received a request dated April 28 from Amundsen, Moore & Torpy requesting extension of the expiration date for the subject permit from June 30, 2000 to June 30, 2001.

The permit for this project to refurbish the existing sulfuric acid plant was issued over two years ago. Please advise if construction has commenced. Also provide an updated schedule with milestones for completing this project based on accomplishment of each task listed in your original application for that project.

We would also like to know of your plans, if any, to construct the new plant for which an application was submitted in 1989. An administrative hearing was held in abeyance as part of your settlement with Manatee County regarding refurbishment of the existing plant.

If you have any other questions regarding this matter, please call me at 850/921-9503 or Mr. Linero at 850/921-9523

Sincerely,

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

CHF/aal

Cc: Paul Amundsen, Esq.
Doug Beason, DEP OGC
Pat Comer, DEP OGC



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

May 4, 2000

Mr. Paul H. Amundsen
Amundsen, Moore & Torpy
502 East Park Avenue
Tallahassee, Florida 32301

Dear Mr. Amundsen:

RE: PSD Permit No. PSD-FL-242
Piney Point Phosphates, Inc.

On April 28, 2000, the Bureau of Air Regulation received your letter requesting an extension of time for the above referenced permit. We have determined that no processing fee is required for this request and are returning your check number 3004 for \$50.00 with this letter.

Sincerely,

A. A. Linero, P.E. Administrator
New Source Review Section

AAL/pa

Enclosure

AMUNDSEN, MOORE & TORPY
ATTORNEYS AT LAW

PAUL H. AMUNDSEN
RICHARD W. MOORE
RICHARD E. TORPY
RODOLFO NUÑEZ
JULIA E. SMITH
ROBERT M. LYERLY

502 EAST PARK AVENUE
TALLAHASSEE, FLORIDA 32301
(850) 425-2444
FACSIMILE: (850) 425-2447
EMAIL: ammolaw@nettally.com

BREVARD COUNTY OFFICE
202 NORTH HARBOR CITY BLVD.
SUITE 300
MELBOURNE, FL 32935
(407) 255-2332
FACSIMILE: (407) 253-2548

OF COUNSEL:
BYRON B. MATHEWS, JR.

PLEASE REPLY TO:
POST OFFICE DRAWER 1759
TALLAHASSEE, FLORIDA 32302-1759

April 28, 2000

Hand Delivery on this Date

RECEIVED

APR 28 2000

BUREAU OF AIR REGULATION

C. H. Fancy, P.E.
Chief, Bureau of Air Regulation
Division of Air Resources Management
Department of Environmental Protection
2600 Blairstone Road
Tallahassee, FL 32399 - 2400

**Re: PSD Permit No. PSD-FL-242
Piney Point Phosphates, Inc.
Request for One Year Permit Extension**

Dear Mr. Fancy:

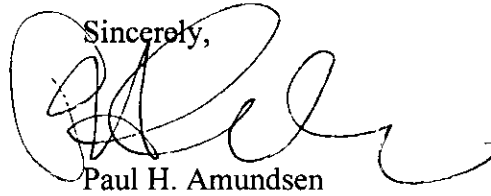
This firm represents Piney Point Phosphates, Inc. The purpose this letter is to request the Department to extend the June 30, 2000 expiration date by one (1) year. The new expiration date would therefore be June 30, 2001.

Enclosed is a check for the permit extension fee of fifty dollars (\$50.00).

The reason for the requested extension is the general market downturn for phosphate fertilizer, which has resulted in the Piney Point Plant temporarily curtailing operations.

C. H. Fancy, P.E.
April 28, 2000
Page 2

Please let me know if you require any additional information. Thank you very much.

Sincerely,

Paul H. Amundsen

Enclosure
PHA/mw

cc: (Without Enclosure/U.S. Mail)

DEP Southwest District Office
3804 Coconut Palm Drive
Tampa, FL 33619-8218

Director
Manatee County Environmental Management
P.O. Box 1000
Bradenton, FL 34206-1000

AMUNDSEN & MOORE

PH 850-425-2444
P. O. BOX 1759
TALLAHASSEE, FL 32302

3004

63-992/631
BRANCH 002

PAY
TO THE
ORDER OF

Florida Department of Environmental Protection

DATE 4-28-00

Fifty

\$ 50.00

50/100

DOLLARS

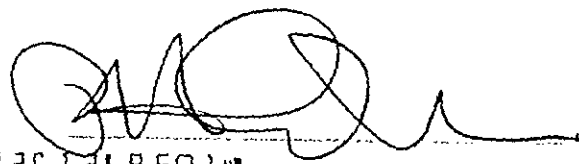
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including
Optima on back

**Tallahassee
State Bank**

MONROE OFFICE
601 N. MONROE STREET
TALLAHASSEE, FL 32301

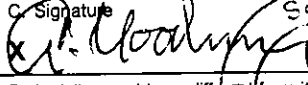
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FOR PERMIT EXTENSION FEE



⑈003004⑈ ⑆063109922⑆ 226224850⑆⑈

CHARLAD STYLE 300

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Print Clearly)	B. Date of Delivery
<p>1. Article Addressed to: Mr. Robert Stewart, Sr. V.P. Operations & Admin. Piney Point Phosphates P.O. Drawer 797 Mulberry, FL 33860</p>	C. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
<p>2. Article Number (Copy from service label): Z 341 355 285</p>	D. Is delivery address different from item 1? If YES, enter delivery address below: <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block; text-align: center;"> 33860 MULBERRY FL 33860 </div>	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-MA-1789

Z 341 355 285

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

Sent to	Robert Stewart
Street & Number	Piney Point Phosp
Post Office, State, & ZIP Code	Mulberry 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	5-10-00

PS Form 3800, April 1995
 CSICCE2 204-AC
 PSD-FI-242

Check Sheet

Company Name: Piney Point Phosphates
Permit Number: 0810002-004-AC
PSD Number: PSD-FL-242
Permit Engineer: AI Linera

Application:

- Initial Application
- Incompleteness Letters
- Responses
- Waiver of Department Action
- Department Response
- Other

Cross References:

-
-
-

Intent:

- Intent to Issue
- Notice of Intent to Issue
- Technical Evaluation
- BACT Determination
- Unsigned Permit

Correspondence with:

- EPA
- Park Services
- Other
- Proof of Publication
- Petitions - (Related to extensions, hearings, etc.)
- Waiver of Department Action
- Other

Final Determination:

- Final Determination
- Signed Permit
- BACT Determination
- Other

Post Permit Correspondence:

- Extensions/Amendments/Modifications
- Other

Fig. 2--Mississippi Phosphate Sulfuric Acid Emissions

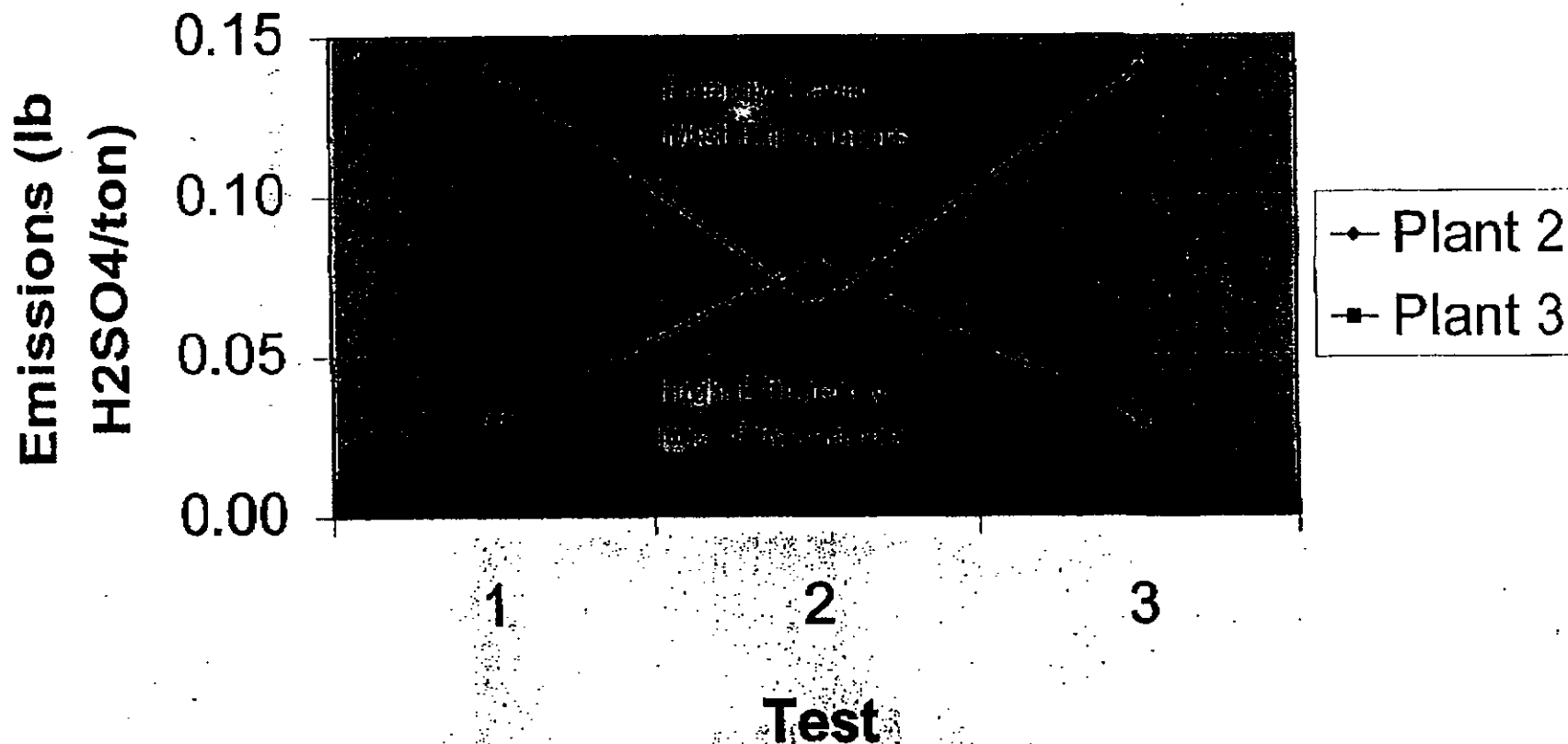


Table 1.b.

H2SO4 Test Results Minus Outliers

	Source	Test	Factor (lb/T)
1	1	1	0.129
2		2	0.153
3		3	0.132
4	2	1	0.140
5		2	0.082
6		3	0.101
7	3	1	0.124
8		2	0.006
9		3	0.033
10		4	0.036
11		5	0.031
12	4	1	0.119
13		2	0.097
14		3	0.237
15	5	1	0.032
16		2	0.045
17		3	0.048
18	6	1	0.076
19		2	0.138
20		3	0.153
21	7	1	0.037
22		2	0.047
23		3	0.044
24	8	1	0.017
25		2	0.161
26		3	0.130
27	9	1	0.043
28		2	0.010
29		3	0.010
30	10	1	0.017
31		2	0.020
32		3	0.020
33	14	1	0.014
34		2	0.024
35		3	0.054
36		4	0.028
37		5	0.166
38		6	0.083
39		7	0.107
40		8	0.023
41		9	0.032
42		10	0.022
43	15	1	0.014
44		2	0.014
45		3	0.018
46		4	0.013
47		5	0.008
48		6	0.014
49		7	0.016
50		8	0.008
51		9	0.008
52		10	0.008

Count = 52
 Average = 0.061
 Median = 0.034
 Mode = 0.014
 S.D. = 0.057
 95% CI = 0.015 +/- 0.061

Emission Factor @ 95% 0.045 <EF< 0.076

FIG. 1.--SULFURIC ACID MIST

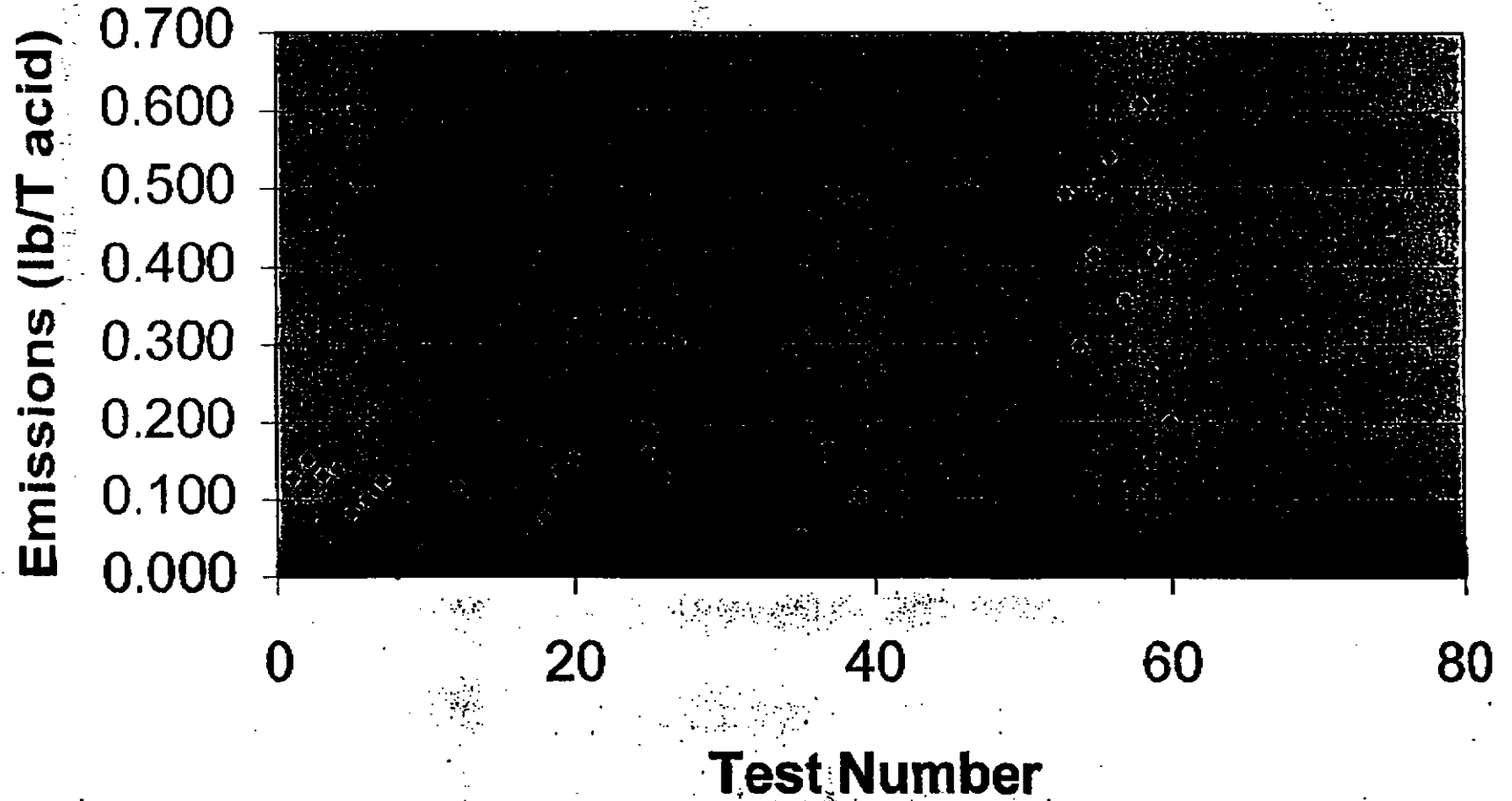


Table 1.a.

H2SO4 Test Results

	Source	Test	Factor (lb/T)
1	1	1	0.122
2		2	0.153
3		3	0.132
4	2	1	0.140
5		2	0.062
6		3	0.101
7	3	1	0.124
8		2	0.006
9		3	0.033
10		4	0.038
11		5	0.031
12	4	1	0.119
13		2	0.097
14		3	0.237
15	5	1	0.032
16		2	0.045
17		3	0.046
18	6	1	0.078
19		2	0.136
20		3	0.153
21	7	1	0.037
22		2	0.047
23		3	0.044
24	8	1	0.017
25		2	0.161
26		3	0.130
27	9	1	0.043
28		2	0.010
29		3	0.010
30	10	1	0.017
31		2	0.020
32		3	0.020
33	14	1	0.014
34		2	0.024
35		3	0.054
36		4	0.020
37		5	0.186
38		6	0.093
39		7	0.107
40		8	0.023
41		9	0.032
42		10	0.022
43	15	1	0.014
44		2	0.014
45		3	0.018
46		4	0.013
47		5	0.008
48		6	0.014
49		7	0.016
50		8	0.008
51		9	0.008
52		10	0.008
53	18	1	0.494
54		2	0.301
55		3	0.417
56		4	0.541
57		5	0.358
58		6	0.606
59		7	0.419
60		8	0.201

Count = 80
 Average = 0.102
 Median = 0.045
 Mode = 0.014
 S.D. = 0.141
 95% CI = 0.036 +/- 0.108

Emission Factor @ 95% <EF< 0.144

one of the "high efficiency Brink Mist Eliminators" described in the BACT portion of the original permit. Plant 3 uses type HE (High Efficiency) mist eliminators from the same manufacturer. Even at its worst, the high efficiency mist eliminator can achieve 0.08 lb/ton. Therefore, we recommend that BACT represent a limit of not more than 0.08 lb/ton.

Finally, because FDEP has compiled extensive stack test data on emissions of SO_2 , H_2SO_4 mist, and NO_x from various sulfuric acid plants, we suggest that FDEP perform a statistical analysis of that data to provide additional information regarding the emissions from these plants.

Contact: Ellen Porter, Air Quality Branch (303) 969-2617.

worth \$28-\$42 per ton and is in short supply in Florida, as stated in the application, this represents a gross loss of \$1.5-2.3 million, and a net loss of over \$1 million (at PPP's \$20/ton production cost).

3. Table 4-1, Cost Analysis of an Interim Plant Turnaround for Catalyst Screening and Partial Replacement:
 - Since catalyst replacement and waste disposal costs after a 9-month turnaround should be half of the same costs after an 18-month turnaround, there should be no additional annual cost for these items associated with the shorter turnaround.
 - If PPP is willing to allow acid production to be limited by emissions such that it loses 54,000 tons production and over \$1 million during an 18-month period, why is it necessary to spend almost \$0.5 million to supply 17,000 tons of acid during an 8.5 day turnaround?
4. Table 4-2, Cost Analysis of Ammonia Scrubbing to reduce SO₂ Emissions from a 2000 TPD Sulfuric Acid Plant:
 - Capital costs are totally unsubstantiated. Indirect Costs were incorrectly estimated as a percentage of total Direct Costs, rather than Purchased Equipment Costs (as recommended by the EPA Control Cost Manual).
 - Operating Labor time appears excessive (2 hr/day vs. EPA recommended 1.5 hr/day). Other Direct Annual Costs are totally unsubstantiated. Inclusion of downtime costs is not typically allowed.
 - The Capital Recovery Factor is inflated due to use of short (10 year vs. EPA recommended 15 year) equipment life and excessive interest rate (11% vs. EPA recommended 7%). This alone results in a 55% overestimation of annualized control costs.

Sulfuric Acid Mist: PPP proposes to control H₂SO₄ emissions from the acid plant by using high efficiency mist eliminators. The use of high efficiency acid mist eliminators is the predominant control strategy chosen for new or modified sulfuric acid plants regulated under the NSPS and we agree that this control strategy represents BACT for the PPP plant. The mist eliminators will control H₂SO₄ mist emissions to a level below 0.15 lb/ton of 100 percent acid produced. This level is the NSPS for H₂SO₄ emissions from new or modified sulfuric acid plants. However, as with the NSPS for SO₂ emissions from sulfuric acid plants (see above), not only is the NSPS for H₂SO₄ out-of-date, it is also unsupported by existing test data. Analysis of the data contained in the EPA's 1992 Sulfuric Acid Background Report (for its AP-42, *Compilation of Air Pollutant Emission Factors*) shows a mean of 0.108 lb H₂SO₄ emitted per ton of acid produced (Table 1.a). (Note: The AP-42 controlled emission factor is 0.128 lb H₂SO₄ /ton of acid produced.) Furthermore, the average is unduly influenced by a few very high values (see Figure 1). This results in a mean that is more than twice the median. If the eight high "outlier" values from one plant are eliminated, the average emission rate drops to 0.061 lb/ton, and there is 95% likelihood that emissions will not exceed 0.076 lb/ton (Table 1.b).

The feasibility of lower acid mist limits is further supported by a look at tests conducted at MPC (Figure 2). An inspection of the data clearly shows the difference in the two types of mist eliminators used there. Plant 2 uses a Brink type ES (Energy Saver) mist eliminator marketed by the Enviro-Chem Systems division of Monsanto. It must be noted that this is not

increment-consuming sources. If the cumulative analysis predicts impacts less than or equal to 1.0 deciview, the impact is considered insignificant and no further analysis is needed. If cumulative impacts are greater than 1.0 deciview, significant haze impacts are possible and FWS will make a case-by-case adverse impact determination regarding the proposed project, considering the frequency, magnitude, and duration of impacts.

We agree that the potential for impacts to Class I AQRVs other than visibility is low.

Best Available Control Technology (BACT) Analysis

Sulfur Dioxide: PPP proposes to control SO₂ emissions from the acid plant by the dual absorption process to a level of 4.0 pounds SO₂ per ton (lb SO₂/ton) of 100 percent acid produced. This emission level is equal to that adopted by the Environmental Protection Agency (EPA) in 1971 as the New Source Performance Standard (NSPS) for sulfuric acid plants (40 CFR 60, Subpart H). However, it should be noted that more than 12 years have elapsed since the NSPS was last reviewed, and 26 years since it was promulgated. Furthermore, according to EPA policy, the NSPS is merely the minimum level of control that is acceptable as a floor for a proper, "top-down" BACT analysis; the top, or beginning point of the BACT analysis should represent the most stringent level of control feasible. And, recent permit actions indicate that levels of control more stringent than the NSPS are feasible. For example, a recent permit drafted for Mississippi Phosphates Corporation (MPC) by the State of Mississippi Department of Environmental Quality (MDEQ) proposes a limit of 3.25 lb SO₂/ton. In developing that draft permit, MDEQ relied upon letters from MPC to MDEQ (dated 9/26/97) in which MPC stated that use of 1995 and 1996 test data "results in a calculated SO₂ emission limit of 3.02 lbs/ton." In an August 28, 1997, letter to MDEQ, MPC requested a permit limit of 3.16 lb SO₂/ton. Subsequently, MPC proposed meeting a limit of 3.25 lb SO₂/ton. Unless it can be shown that there are extenuating circumstances that make PPP unable to meet the same limit as MPC, it is reasonable to expect that PPP perform at least as well.

Following are specific comments concerning the application:

1. The data presented in Figure 4-1 for SO₂ emissions per ton of sulfuric acid produced does not match presumably similar data presented in Appendix D. While the graph shown in Figure 4-1 indicates a rapid, steady increase in emissions per ton, the tabulated data in Appendix D shows a steady, low emission rate until a plant shutdown. After the shutdown, emissions jump by over 50% and climb to double the pre-shutdown level. In addition to the apparent discrepancy in data sets, the radical increase in SO₂ emissions following the plant shutdown raises a question as whether the shutdown and the emissions increase are related. Please explain the discrepancy in the data sets and the emissions increase after shutdown.
2. PPP notes that acid production is constrained by permit limits either on production or emissions. Figures 4-1 and 4-2 illustrate that, as SO₂ emissions approach their limit, production is curtailed by as much as 200 tons per day (TPD), and 100 TPD on the average over the 18 month operating cycle (equivalent to a 54,000 ton loss). If sulfuric acid is

**Technical Review of Prevention of Significant Deterioration
Permit Application for Piney Point Phosphates, Inc.'s
Proposed Refurbishment of a Sulfuric Acid Plant
Manatee County, Florida**

by

Air Quality Branch, Fish and Wildlife Service - Denver

Piney Point Phosphates, Inc. (PPP) is proposing to refurbish its sulfuric acid plant in Manatee County, Florida. The plant, which has not been in operation since 1992, is located 109 km south of Chassahowitzka Wilderness, a Class I air quality area administered by the U.S. Fish and Wildlife Service. The refurbished plant will emit significant amounts (see table below) of sulfur dioxide (SO₂), sulfuric acid (H₂SO₄) mist, and nitrogen oxides (NO_x).

POLLUTANT	EMISSIONS INCREASE (TPY)
SO ₂	146.0
H ₂ SO ₄ Mist	54.0
NO _x	45.8

We find the application to be incomplete. Specifically, the Class I increment analysis, the air quality related values analysis, and the best available control technology analysis are incomplete. Our reasons are stated below.

Class I Increment Analysis

PPP predicted that the maximum impact to the Class I SO₂ and NO_x increments from this project would be zero. This result is unlikely if PPP had modeled their proposed emissions increases (see table above). We ask that PPP explain what emissions values were used in the modeling analysis and that PPP provide their rationale for using those values.

Air Quality Related Values (AQRV) Analysis

PPP did not perform an analysis to assess potential impacts to visibility in Chassahowitzka Wilderness, stating that because the maximum predicted impacts were less than significant, no impacts on Class I AQRVs would be expected. This is incorrect. As we have stated in the past, the AQRV analysis is independent of the Class I increment analysis. A source may have an adverse impact on AQRVs even though its predicted impacts are less than the significant impact level is used to assess increment contribution. We therefore ask that PPP conduct a regional haze analysis, considering both their SO₂ and H₂SO₄ emissions from the project. A background visual range of 65 km should be used in the analysis. The applicant may choose to use a screening model (e.g., ISC) or a more refined model (e.g., Mesopuff or Calpuff). If predicted impacts are less than or equal to 0.5 deciview, the impact is considered insignificant and no further analysis is needed. If predicted impacts are greater than 0.5 deciview, the applicant should conduct a cumulative modeling analysis including proposed emissions and all other

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SENDER: <ul style="list-style-type: none"> ■ 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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: Robert Stewart, VP Operations & Administration Piney Point Phosphates 13300 US Hwy North Palmetto, FL 34221	4a. Article Number P 339 251 199	
	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	5. Received By: (Print Name)	7. Date of Delivery 12/12/97
6. Signature (Addressee or Agent) X Susan Eick	8. Addressee's Address (Only if requested and fee is paid)	

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RS Form 3811, December 1994 Domestic Return Receipt

P 339 251 199

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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		12-10-97
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PS Form 3800, April 1995



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

December 9, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Robert Stewart, Sr. Vice President
Operations and Administration
Piney Point Phosphates, Inc.
13300 US Highway North
Palmetto, Florida 34221

Re: DEP File No. 0810002-004-AC
Piney Point Sulfuric Acid Plant Project

Dear Mr. Stewart:

Attached is are some additional comments from the National Park Service which they sent for our consideration. Our modeling expert has discussed the new items with Mr. Raval at Koogler and Associates. Some of the technology questions are similar to the previous comments submitted by the NPS. Feel free to submit any comments regarding this material.

If you have any questions, please call me at (850)488-1344.

Sincerely,

A. A. Linero, P.E. Administrator
New Source Review Section

AAL/aal

Enclosures

cc: John Koogler, P.E.
Bill Thomas, SWD
Karen Collins, Manatee County



**U.S. FISH & WILDLIFE SERVICE
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FACSIMILE COVER SHEET

Date: 12/8

Telephone: (303) 969-2617

Fax: (303) 969-2822

To: Cleve Holladay

From: Ellen Porter

Subject: Piney Point - we decided to formalize our comments. See "AQRV Analysis" for reg here guidance. Signed copy will come from Reg. Office later.

Number of Pages: 10
(Including this cover sheet)

Office Location: 7333 West Jefferson Ave, Suite 450, Lakewood, CO 80235



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July 28, 1998

Greg Worley, Air and Waste Management Division
Environmental Protection Agency, Region IV
61 Forsythe Street SW
Atlanta, GA 30303

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AUG 03 1998

BUREAU OF
AIR REGULATION

P. Roger Cawkwell
Division of Air Resource Management
Southwest District, Dept. of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619-8218

Re: Proposed Title V Operating Permit for Piney Point Phosphates, Inc. Facility in
Manatee County, Florida (No. 0810002-003-AV)

Gentlemen:

We have been requested by Manatee County to send you the following comments on the Draft Title V Operating Permit for the Sulfuric Acid Plant portion of the Piney Point Phosphate, Inc. Facility in Manatee County. Our concerns relate to revisions between the Draft Operating Permit (which is now at Region IV for EPA review) and the Final PSD Construction Permit which was issued earlier this year (DEP File No. 0810002-004-AC and PSD No. PSD-FL-242). Most of the conditions in the Draft Operating Permit are nearly identical to the Construction Permit conditions. However, some conditions have been revised or replaced with requirements that are less stringent than those given in the Construction Permit. Since the role of the Operating Permit is to gather all applicable requirements (e.g., Construction Permit requirements) into one concise document, the conditions of the Operating Permit should be no less stringent than the Construction Permit.

First, the second and third paragraphs of Construction Permit Condition III.31 have been revised when included as Operating Permit Condition A.29 by deleting the underlined text:

The CEMS shall calculate and record emission rates in units of pounds of SO₂ per hour. Sulfuric acid production rate and sulfur feed rate shall be recorded continually. Each operating day, the average SO₂ emission rate for the previous 48 hours shall be calculated and recorded. Emissions shall be calculated in units of pounds per hour and pounds per ton of 100% acid produced using the method specified in 40 CFR 60.84 (b). Averages are to be calculated as the arithmetic mean of each monitored operating hour from the previous 48 monitored operating hours. A monitored operating hour is each hour in which sulfur is burned in the unit and at least two emission measurements are recorded at least 15 minutes apart. Data taken during periods of startup, or when sulfur is not burned in the unit, or when the CEMS is out of control as defined in 40 CFR 60, Appendix F, Section 5.2 shall be excluded from the 48-hour average.

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For compliance with the emission limits, the 48-hour average shall not include data from periods of startup, or when no sulfuric acid is being produced. Data recorded during periods of shutdown, malfunction, load change, and continuous operating periods shall be included in the daily calculation of the 48-hour average.

Without the second paragraph above, the Operating Permit is less stringent than the Construction Permit because the Operating Permit no longer includes shutdown and malfunction emissions when determining compliance with the 48-hour permit limits. Therefore, the missing paragraph from Condition III.31 of the Construction Permit should be added to Condition A.29 in the Operating Permit.^a

The Operating Permit also failed to include two sentences from the Construction Permit as shown in the first paragraph above. The first sentence dropped requires sulfuric acid production and sulfur feed rate to be recorded continually. The second sentence dropped requires emissions to be calculated in units of lb/hour and lb/ton using the method specified in 40 CFR 60.84(b). This NSPS provision requires the conversion of the ppm CEMS values to lb/ton emissions. With continuous sulfuric acid production data, hourly lb/hour emissions can then be calculated from the lb/ton emissions. Thus, as written, Construction Permit Conditions III.12 and III.31 require hourly CEMS emissions to be calculated, recorded, and maintained and averaged for determining compliance with the 48-hour limit by determining hourly values of both lb/hour and lb/ton emissions and averaging each separately in order to determine compliance with the 48-hour lb/hour and lb/ton permit limits.

A new condition (Condition A.35) has been added to the Operating Permit, presumably in lieu of the missing sentences, which states:

In order to document ongoing compliance with the emission limitations of Conditions A.2 and A.3, the permittee shall maintain daily records of Sulfuric Acid Plant sulfur dioxide (SO₂) emissions. The records shall include the following:

- a. daily acid production (in tons as 100% H₂SO₄)
- b. hours operated;
- c. average pounds/hour SO₂ emission rate for the previous 48 hours;
- d. average pounds/hour SO₂ emission rate for the previous 3 hours; and
- e. a calculation of the SO₂ emissions in tons/last 12 consecutive month period;

The daily records shall also show the sulfuric acid mist emission limits from Condition A.3. These records shall be recorded in a permanent form suitable for inspection by the Department upon request.

This new condition conflicts with the Construction Permit (as well as Conditions A.34 and A.29 of the Operating Permit) because the new condition:

^aSince shutdown and malfunction emissions must be included in the 48-hour average (i.e., these "excess" emissions are not excluded from the 48-hour permit limits), the first sentence in Condition A.22 of the Operating Permit should be changed to (revisions are underlined):

Excess emissions resulting from startup, shutdown, or malfunction are permitted providing: (1) best operational practices are adhered to; (2) the duration of excess emissions are minimized; and (3) excess emissions do not cause a violation of the 48-hour SO₂ emission limitations of Condition A.2.

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- Only requires that daily production rates be recorded (Condition III.31 of the Construction Permit requires continuous monitoring of production). If production rates vary significantly during the course of a day, the daily average production rate may not be sufficient to accurately estimate emissions during shorter averaging times.
- Only requires average lb/hour SO₂ emissions to be recorded daily for the previous 3-hour and 48-hour periods when determining compliance with the permit limitations. This conflicts with several other permit conditions as follows:
 - ▶ Construction Permit Conditions III.12 (Operating Permit Condition A.34) and III.31 require the permittee to record and maintain the hourly CEMS lb/hour and lb/ton data and any necessary supporting information.
 - ▶ Construction Permit Condition III.31 indicates that compliance is to be based on separate averages of hourly lb/hour and lb/ton emissions.
- Implies that compliance with the lb/ton permit limit will be determined from daily averages of lb/hour emission rates and ton/day production rates and not determined from the hourly lb/ton averages as indicated by the Construction Permit as described above. Daily average lb/hour emissions divided by daily average tons/hour of production and averaged over two days may be significantly different than 48-hour averages of hourly lb/ton emissions. On the other hand, this new condition could be construed to mean that compliance is only required for the lb/hour permit limits and not the lb/ton permit limits. The lb/hour limits are less restrictive than the lb/ton limits at production rates less than the permitted capacity.
- Does not clearly define the manner in which hourly lb/hour or lb/ton emissions are to be determined from the hourly CEMS ppm data (like the second sentence dropped from Construction Permit Condition III.31 as described earlier).
- Implies that compliance with the 3-hour NSPS permit limit is to be demonstrated only for the final 3-hour period in each day (i.e., "for the previous 3 hours").
- Effectively changes the rolling 48-hour emission limit as given in Operating Permit Condition A.2 to a block-averaged, or 2-day, limit by requiring only daily emission records and compliance demonstration "for the previous 48 hours."

For these reasons, Condition A.35 should be removed from the Operating Permit and Condition A.29 should include the two missing sentences from Condition III.31 of the Construction Permit. Operating Permit Condition A.34 should be reworded to clearly state that recorded hourly CEMS data at Condition A.34.b should include hourly averages of ppm, lb/ton, and lb/hour and supporting information at Condition A.34.c should include the NSPS test data given by 40 CFR 60.84(b) (to convert ppm to lb/ton) and hourly averages of the recorded continuous production rates (to convert lb/ton to lb/hour).

Operating Permit Condition A.2 states that both the 3-hour and 48-hour SO₂ permit limits are rolling averages based on CEMS data (not block averages as implied by new Condition A.35). However, the Operating Permit conditions only require annual stack tests for determining compliance with the 3-hour permit limits (Conditions A.24 and A.26 only require annual EPA Tests under NSPS requirements for applicable emission limitations and Conditions A.28 and A.29 state that CEMS data are to be used for 48-hour averages). Conditions A.28 and A.29 of

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the Operating Permit should be reworded to require the permittee to document compliance with the 3-hour and 48-hour SO₂ permit limits as rolling averages and to clearly state that hourly CEMS data are to be used for determining compliance with both 3-hour and 48-hour SO₂ permit limits. As noted above, the new Operating Permit condition (A.35) should be deleted since it conflicts with other existing conditions.

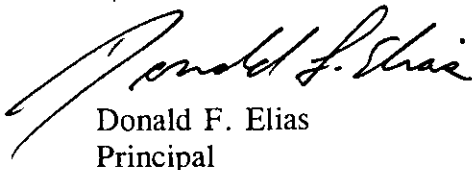
Since the Title V Operating Permit should include all current Construction Permit requirements, the three following Construction Permit conditions missing from the Operating Permit should be added:

- Condition III.1 of the Construction Permit which explicitly states that the sulfuric acid plant is subject to all applicable requirements of NSPS Subpart H;
- Condition III.5 of the Construction Permit which restricts the design capacity of the sulfuric acid plant to 2,000 tons per day; and
- Condition III.30 of the Construction Permit which requires that plant and control equipment parameters used to establish the proper operation of the source be included in the Title V permit.

It is very important to include the third missing condition in the Operating Permit since malfunctions or poor operation of the facility can result in significant emissions of sulfuric acid mist (SAM). While the sulfuric acid plant may not be required to comply with the CAM rule at this time, it will most likely be subject in the future to CAM requirements because SAM emissions are subject to an NSPS emissions limitation (i.e., regulated pollutant under Section 111 of the CAA), the plant uses high efficiency mist eliminators as the primary control device for reducing SAM emissions, and the plant has potential pre-control emissions greater than 100 tons/year. Since compliance with the SAM permit limit is only demonstrated once each year based on stack tests, it is important that some measures of plant performance or work place standards be required as necessary to insure continuous compliance with the NSPS limit.

If you have any questions, please feel free to contact me at 732/968-9600.

Sincerely,
RTP ENVIRONMENTAL ASSOCIATES, INC.®



Donald F. Elias
Principal

cc: J. Steinsnyder, Esq
D. Dee, Esq.
R. Moore, Esq.
G. Danois
A. Linero

Kim
ORIGINAL FOR
FILE



KOOGLER & ASSOCIATES
ENVIRONMENTAL SERVICES
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GAINESVILLE, FLORIDA 32609
352/377-5822 • FAX/377-7158

KA 527-97-02

February 12, 1998

VIA FAX and U.S. MAIL

Mr. C.H. Fancy
Florida Department of
Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Subject: Manatee County-AP
Piney Point Phosphate, Inc.
Sulfuric Acid Plant Repairs
Draft Permit 0810002-004-AC

RECEIVED

FEB 16 1998

BUREAU OF
AIR REGULATION

Dear Clair:

I appreciated the opportunity to discuss the referenced draft construction permit with you and John Reynolds during my visit to Tallahassee on February 10, 1998. Based upon our discussion, it is my understanding that the third paragraph of Specific Condition 31 (page 8 of 9 of the draft permit) will be changed as follows:

For compliance with emission limits, the 48-hour average shall not include data from periods from startup, or when no sulfuric acid is being produced. ~~However, emissions during startup periods shall not exceed the pound-per-hour limits.~~ Data recorded during periods of shutdown

(Strike-throughs indicate material to be deleted and underlines indicate material to be added.)

As long as these changes are made, Piney Point Phosphates has no objection to the permit being issued. It is our understanding the permit will be issued soon; perhaps by February 13, 1998.

Mr. C. H. Fancy
Florida Department of
Environmental Protection

February 12, 1998
Page 2

If I have misinterpreted our conversation, please contact me as soon as possible. Otherwise, I appreciate your attention to our concerns regarding this specific condition of the permit.

Very truly yours,

KOOGLER & ASSOCIATES


John B. Koogler, Ph.D., P.E.

JBK:wa

c: Robert Stewart, Piney Point Phosphates, Inc.
Ivan Nance, Piney Point Phosphates, Inc.
Richard Moore, Amundsen & Moore