



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

KA 527-97-02

January 23, 1998

VIA FAX AND U.S. MAIL

RECEIVED

JAN 27 1998

**BUREAU OF
AIR REGULATION**

Mr. A. A. Linero
Florida Department of
Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Manatee County - AP
Piney Point Phosphates, Inc.
Comments on Draft Intent to Issue Permit
For Existing Sulfuric Acid Plant

Dear Mr. Linero:

We have reviewed FDEP's Technical Evaluation and Draft Permit on the above referenced project. Your prompt evaluation is appreciated. Our comments on the package are discussed below.

First, a statement regarding one particularly troublesome Specific Condition and two general statements to put sulfur dioxide (SO₂) emissions from sulfuric acid plants into perspective.

The Specific Condition (SC) that PPPI, and any other H₂SO₄ plant operator, would have difficulty in complying with is in the third paragraph of SC 31 (page 8 of 9) which states:

".... Data recorded during periods of shutdown, malfunction, load change, ... shall be included in the daily average."

This condition is in conflict with the PPPI/Manatee County Agreement (Agreement) (See top of page 3 of the Agreement) and in conflict with Department Rule 62-210.700, F.A.C. Both the Agreement and Rule 62-210.700, F.A.C., exclude emissions occurring during shutdown, malfunction and load change from the 3-hour and 48-hour average emission rate calculations.

The Agreement (page 2, paragraph 1(a)) states:

"These emission limits [3.5 lb SO₂/ton of 100% acid or 291.7 lb/hr, 48-hr average, and 4.0 lb SO₂/ton 100% acid, 3-hr average] may be

exceeded only under conditions provided in DEP Rule 62-210.700, F.A.C. Exceedances that meet the requirements of DEP Rule 62-210.700, F.A.C., and are caused by temporary operational upsets, plant start-ups or other conditions, shall not be used when calculating the 48-hour rolling average or 3-hour average." [Emphasis and comment added]

Department Rule 62-210.700, F.A.C., which is included as Common Specific Condition (CSC) 3.4 of the permit, authorizes excess emissions during start-up, shutdown or malfunction provided, among other conditions, best operational practices are adhered to. The best operational practices for H₂SO₄ plant start-up are set forth in the Best Operational Start-up Practices for Sulfuric Acid Plants Memorandum of Understanding (MOU) adopted by the Department and industry. This MOU is included in the permit as Appendix A.

Based on Department rule and the Agreement, it is requested that the third paragraph of SC 31 be worded:

"Emission data from periods that meet the requirements of Rule 62-210.700, F.A.C., shall not be included in the calculation of the 3-hour average and 48-hour rolling average emission rates."

The first general statement is meant to put SO₂ emissions from sulfuric acid plants, in general, and several related statements in the draft technical evaluation into perspective. The emissions rate of SO₂ from a sulfuric acid plant is a rate unique to that plant. This is a case where a control technology evaluation is truly on a case by case basis. Therefore, for one to cite the performance of one plant and state that another plant can operate similarly is fallacious.

The performance of sulfuric acid plants depend on many factors, including but not limited to:

- (1) Whether the plant is a sulfur burning plant, a plant operating on smelter gas or regenerated acid gas or an air pollution control device designed to control and recover SO₂ emitted from another industrial activity,
- (2) The SO₂ concentration (gas strength) entering the converter,
- (3) The O₂/SO₂ ratio,
- (4) The number of catalyst beds,
- (5) The catalyst loading in each bed and the total catalyst loading,

- (6) The type and geometry of the catalyst,
- (7) Heat recovery efficiency,
- (8) The demand for steam produced in heat recovery boilers; either for electric power generation or other use,
- (9) The demand for acid,
- (10) The cost of purchased acid,
- (11) The general operating philosophy of the operator,
- (12) and others.

When evaluating a feasible emissions limit for a plant, and in particular an existing sulfuric acid plant, factors such as these must be taken into consideration. Likewise when comparing the performance of one plant with another, these factors must be considered.

The final general comment is that PPPI agreed with Manatee County to the SO₂ emissions limits of 4.0 lb/ton 100% H₂SO₄ (3-hr average) and 3.5 lb/ton 100% H₂SO₄ (48-hr average) and agreed to use a cesium enhanced catalyst in the final bed of the converter as a good faith effort to reach a settlement with the County. The agreed upon SO₂ emissions limits were not based on a cost-effectiveness analysis and they are not contingent upon the use of the cesium enhanced catalyst. The emission limits and the catalyst type are independent points of the agreement.

PUBLIC NOTICE

No Comment

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

3. Figure 1:

The drawing submitted by PPPI and identified as Figure 1 in the TE & PD has been revised by FDEP to specify the type of catalyst in the converters and to add other notes. PPPI does not object to the Department using the drawing but requests any reference to PPPI being the source of the drawing be removed because of the revisions. More specifically, it is not necessary to indicate catalyst type, which can change (see the Agreement), in a drawing which was provided to show process/material flow, which is not subject to change without review.

4. Page 4, Paragraph 3:

It should be noted that the last sentence, "This catalyst is more effective than other ringed vanadium catalyst at lower temperatures, thus favoring more complete conversion of the reactants and possibly lower emissions of SO₂", is based on claims made by the suppliers. It should be recognized that marketing literature is aimed at boosting sales and, therefore, the claims have to be considered in that context. The lower temperature at which the cesium enhanced catalyst becomes active also results in a slower reaction rate. Unless contact time is increased, the cesium enhanced catalyst might result in no change in SO₂ emissions or even an increase in emissions.

5. Page 5, Item 6.2, Emissions Summary:

The PSD significant level for SAM should be 7.0 tons per year.

6. Page 6, Paragraph 5, Last Sentence:

It should be clarified that FDEP expects SAM emissions less than 0.1 pound per ton. No such claims have been made by either PPPI or the equipment supplier.

DRAFT PERMIT

7. Page 2, Section A, Facility Description:

In the last sentence, the reference to cesium enhanced catalyst should be eliminated. After one turnover or two years, whichever is longer (See S.C. No. 10), PPPI is no longer required by the PPPI/Manatee County agreement to use cesium enhanced catalyst. As long as the permitted SO₂ emission limits are met, PPPI can convert to conventional vanadium catalyst if they elect.

8. Page 3, Section D, Relevant Documents:

FDEP has indicated several documents which are the basis of the permit and which have been specifically related to this permit, including the agreement between PPPI and Manatee County. Accordingly, for any perceived conflict between the permit and the Agreement, due to wording or interpretation of the requirements, the agreement shall take precedence.

It is also requested that the Agreement be referenced as that dated December 18, 1997, or any amendment thereto. This will take into account changes in the Agreement which could occur.

9. Page 4, SC 6:

It is requested that the construction permit expiration date be December 31, 2001, rather than December 31, 1999.

10. Page 5, SC 3:

The 4.0 lb SO₂/ton 100% H₂SO₄ limit and the 0.15 lb SAM/ton 100% H₂SO₄ limit should both be referenced BACT/NSPS. The NO_x limit of 0.12 lb/ton 100% H₂SO₄ should be referenced BACT.

11. Page 5, SC 6:

The H₂SO₄ production rate should be measured on a 48-hour basis to make it consistent with the 48-hour based SO₂ emissions limit of 3.5 lb/ton of acid produced.

12. Page 6, SC 7:

The existing permit for the molten sulfur is not being revised. The proposed permit should reflect the currently permitted molten sulfur throughput rates of 667 long tons (747 short tons) per day and 243,100 long tons (272,272 short tons) per year.

13. Page 6-8, Several SCs:

This is a general comment regarding the inclusion of parts of the PPPI/Manatee County Agreement as Specific Conditions in the Air Construction Permit. First, there are parts of the Agreement which are not appropriate in the Air Construction Permit and secondly, the Agreement is subject to change. Such a change would necessitate a change in the Federally Enforceable conditions of the construction permit.

PPPI has no objection to the Agreement being referenced as a Relevant Document and General Permit Condition G2 states:

".... Any unauthorized deviation from ... exhibits [Relevant Documents] ... of this permit may constitute grounds for revocation and enforcement by the Department." [Comment Added]

Thus, the terms of the Agreement automatically become part of the permit by reference. Because of this, and the possibility that the Agreement could change, PPPI requests that SCs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 be deleted from the permit.

14. Page 6, SC 11:

Please delete the reference to "Brownian Diffusion" from this condition, as it is overly prescriptive and irrelevant.

15. Page 6, SC 12:

The Agreement requires that the referenced documents be submitted only to Manatee County (Agreement, page 4, paragraph 1(f)). Department rules require only the submittal of an excess emission report. It is therefore requested that the requirement to submit the referenced material to the Department's Southwest District Office be deleted.

16. Page 8, SC 31:

Paragraph 1: Only Performance Specification (PS) 2, from 40 CFR 60 Appendix B is relevant to the proposed project. PS 1 is for Opacity monitors and PS 3 is for CO₂/O₂ monitors. PPPI will have none of these continuous monitors. Therefore, please delete PS 1 and PS 3.

Paragraph 2: It is not necessary to monitor and continually record both the sulfuric acid production rate and the molten sulfur feed rate. The requirement for continuously monitoring and recording the molten sulfur feed rate should be deleted.

SO₂ averages will be calculated based on an average of three operating hours in order to demonstrate compliance with the emission limit. Averages calculated as the arithmetic mean of each monitored operating hour, are not required. The requirement that a monitored operating hour reflect at least two emissions measurements at least 15 minutes apart in which sulfur is burned, is both overly prescriptive and unnecessary. If such a condition is deemed necessary, it should state a monitored operating hour is one in which the CEM operated 30 minutes or more out of the 60-minute period.

Paragraph 3: Comments were provided on this paragraph in the introduction to this letter.

17. Table 1, Air Pollutant Standards and Terms:

The "Basis" column of the table should indicate that the SO₂ and SAM emissions limitations of 4 and 0.15 lb/ton, respectively, are BACT limits, and correspond to the NSPS. Likewise, the VE limit for the sulfuric acid plant should reflect a BACT determination.

The molten sulfur usage rate should reflect the currently permitted rates, as discussed in Comment No. 11.

BACT DETERMINATION

The following comments are provided to clarify that the BACT determination comparisons and conclusions are dependent upon the information available. Suggested wording is provided to facilitate editing.

18. Page BD-3, Paragraph 1:

...Following scrubbing, cleaning, and drying, the gas stream introduced to the first pass at the GC plant is similar, but of a lower SO₂ strength, than that entering the first pass at PPPI...

19. Page BD-3, End of Paragraph 2:

...in the country. Information is not available, however, on plant design or operating parameters nor on the basis of the BACT emission limit.

20. Page BD-4, BACT DETERMINATION BY DEP:

The dual SO₂ emissions limit should be indicated; 4 lb/ton 100% H₂SO₄ (3-hr) and 3.5 lb/ton 100% H₂SO₄ (48-hr).

21. Page BD-4, BACT RATIONALE, Bullet 1:

The extent of repairs and restoration is at least as great as at Mississippi Phosphates, which has agreed to meet an emissions limit of 3.25 lb SO₂/ton acid to avoid PSD and BACT. Information is not available.

however, on Mississippi Phosphates' plant design, or operating parameters or on the basis of the BACT determination.

22. Page BD-4, BACT RATIONALE, Bullet 2:

We do not agree with the Department's conclusion that PPPI will produce 2000 tpd of acid comfortably with lower emissions than in the past simply by screening and replacing the catalyst. The amount of catalyst and hence the conversion activity associated with the catalyst will not change. Therefore, neither SO₂ emissions nor production are expected to change.

23. Page BD-4, BACT RATIONALE, Bullet 4:

There has also been evidence presented showing that the use of cesium enhanced catalyst does not reduce SO₂ emissions. This evidence was presented by PPPI experts in meetings with the Department.

24. Page BD-5, Bullets 1-6:

FDEP's optimistic assumptions and projections regarding performance, costs and cost benefits of the cesium-promoted catalyst are largely based on information provided by the catalyst suppliers whose primary objective is boosting sales. Although PPPI has agreed with Manatee County to an SO₂ emissions rate of 3.5 lb/ton (48-hr average) and to the use of cesium enhanced catalyst in the final converter bed, there was never a claim made by PPPI that the 3.5 lb/ton emissions rate was the result of using the cesium enhanced catalyst. Therefore, there is no foundation for the Department to perform a cost analysis attributing the SO₂ reduction to the cesium enhanced catalyst.

25. Page BD-5, Bullet 7:

...may have been partially due to the cesium/vanadium catalyst. Information is not available, however, on plant design or operating parameters.

26. Page BD-6, Bullets 2 and 3:

Based on discussions with the manufacturer, the Centaur process is not cost effective for a 2000 tpd and larger plant. Also, the technology is not commercially demonstrated. It should be noted that the SO₂ emissions

guarantee for the Centaur process is identical to that of the double absorption process.

27. Page BD-6, Bullet 4:

The SO₂ emissions achieved by various double absorption sulfuric acid plants in Florida depend on their operating philosophy, acid demand and plant design, whether or not the plant produces electric power and other factors referenced in the introduction of this letter.

28. Page BD-6, Bullet 5:

It is suggested that the first sentence could be more appropriately worded:

"The option of more frequent turnaround has been reviewed."

29. Page BD-7, Bullets 1-3:

The discussion on SAM emissions is not relevant to the "underpinnings for the lower SO₂ values" indicated on Page BD-4. Furthermore, the items are overly prescriptive (relative to the control equipment) and speculative (with regards to expected SAM emissions). Therefore, these items should be deleted. Also, the reference to the VE limit, while correct, does not relate to "... lower SO₂ values."

* * *

We appreciate the opportunity to provide you with these comments and trust that you will be able to incorporate them into the final permit. If you have any questions, please call Pradeep Raval or me at 352-377-5822.

Very truly yours,

KOGLER & ASSOCIATES

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

JBK:par

c: Mr. Ivan Nance, PPPI
Mr. Paul Amundsen, Amundsen & Moore
Mr. David Dee, Landers & Parsons

CC: J. Reynolds, BAA
EPA
NPS

SWD
Manatee Co.



STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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JAN 26 1998

BOARD OF COUNTY COMMISSIONERS)
OF MANATEE COUNTY)
)
Petitioner,)
)
v.)
)
PINEY POINT PHOSPHATES, INC.,)
and THE FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION,)
)
Respondents.)
_____)

**BUREAU OF
AIR REGULATION**

DEP File No. 0810002-004-AC
(PSD-FL-242)

MANATEE COUNTY'S MOTION FOR
EXTENSION OF TIME TO FILE PETITION
FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, Board of County Commissioners of Manatee County ("Manatee County"), by and through its undersigned counsel, and pursuant to Rule 28-106.111, Florida Administrative Code, hereby requests the Respondent, Department of Environmental Protection ("Department"), to grant an extension of time for filing a petition for a formal administrative hearing under Section 120.596(1) and 120.57(1), Florida Statutes. In support of this motion, Manatee County says:

1. On January 9, 1998, Petitioner received a copy of the Department's notice of intent to issue a permit to Respondent, Piney Point Phosphates, Inc. ("Piney Point"), for the construction of certain repairs to Piney Point's existing sulfuric acid plant ("Plant") in Manatee County, Florida. The Department's notice of intent was attached to a draft permit ("Draft Permit").

2. Manatee County and Piney Point entered into a Settlement Agreement ("Agreement") dated December 18, 1997 which resolves various issues involving Piney Point and Manatee County, including the issuance of the Draft Permit. The Agreement provides that Manatee County will not object to the issuance of a DEP permit for the repair of Piney Point's Plant, provided the permit contains certain conditions and limitations set forth in the Agreement. In general, it appears that the Department's Draft Permit is consistent with the terms of the Agreement. Consequently, the County does not expect to file a petition for an administrative hearing concerning the Draft Permit.

3. Nonetheless, the Department will receive comments concerning the Draft Permit for 30 days and may revise the Draft Permit in a manner that is not consistent with the terms of the Agreement.

4. Manatee County does not wish to waive its right to file a petition for a formal administrative hearing until Manatee County can determine with certainty whether the Department's permit will be consistent with the terms of the Agreement. Accordingly, Manatee County wants an extension of time for filing a petition.

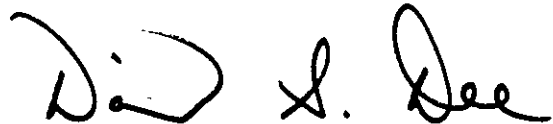
5. The undersigned counsel for Petitioner has discussed this request with Mr. Richard Moore, the attorney representing Piney Point. Undersigned counsel is authorized to represent that Piney Point has no objection to the County's request for an extension of time. Undersigned counsel has tried to contact the

Department's attorney, Mr. Jeff Brown, but has been unsuccessful.

WHEREFORE, Petitioner, Manatee County, respectfully requests the Department to grant a thirty day extension of time for filing a petition for a formal administrative hearing concerning the Draft Permit.

Respectfully submitted this 23rd day of January, 1998.

LANDERS & PARSONS



DAVID S. DEE
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JOHN T. LAVIA, III
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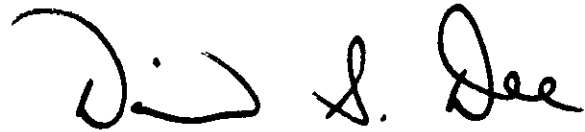
and

JEFFREY STEINSNYDER
Florida Bar No. 614210
Manatee County Attorney's
Office
Post Office Box 1000
Bradenton, Florida 34206
Phone: 941/745-3750

Attorneys for Manatee County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and one copy of Manatee County's Motion For Extension of Time To File Petition For Formal Administrative Hearing have been served by hand delivery to the Clerk, Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Tallahassee, Florida 32399; and true and correct copies of the foregoing have been served by FAX and U.S. Mail to: **Richard Moore, Esquire**, Amundsen & Moore, Attorneys at Law, 502 East Park Avenue, Tallahassee, Florida 32301; and **Jeff Brown**, Assistant General Counsel, Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Florida 32399 this 23rd day of January, 1998.



Attorney

cc: Jeff Steinsnyder

AMUNDSEN & MOORE
ATTORNEYS AT LAW

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

BREVARD COUNTY OFFICE
200 S. HARBOR CITY BLVD.
SUITE 203
MELBOURNE, FL 32901
(407) 724-6262
FACSIMILE: (407) 727-2006

January 22, 1998

VIA HAND DELIVERY

Department of Environmental Protection
F. Perry Odom, General Counsel
Attention: Jeff Brown, Esquire
3900 Commonwealth Blvd.
Mail Station 35
Tallahassee, FL 32399-3000

Re: Piney Point Phosphates, Inc.;
DEP File No. 0810002-004-AC (PSD-FL-242)
Request for Extension of Time to
File Petition For Hearing

Dear Mr. Odom:

By and through its undersigned counsel, Piney Point Phosphates, Inc. ("PPP") requests an extension of time within which to file a petition for formal administrative proceeding. By this request, PPP is seeking an extension of 30 days. The requested extension of time would extend the time for filing a petition in this matter through and including February 25, 1998. This request is made pursuant to Rules 62-113.200(3), Florida Administrative Code, and as good cause for this request for an extension, PPP states:

1. On January 12 1997, PPP received the notice of Intent to Issue Air Construction Permit.
2. Piney Point Phosphates, Inc. is reviewing the permit and would like some additional time to work with Department staff on making the draft permit consistent with a settlement reached with Manatee County concerning this matter.
3. The thirty day extension of time would provide Piney Point sufficient time to work with the Department on these issues.
4. Counsel for PPP has contacted counsel for DEP in this matter, Mr. Jeff Brown, who stated he had no objection to this request for extension of time.

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BUREAU OF
AIR REGULATION

F. Perry Odom, Esquire
January 22, 1998
Page 2

WHEREFORE, PPP requests that the time within which to file a Petition for Formal Administrative Hearing with regard to DEP File No. 0810002-004-AC (PSD-FL -242) be extended for 30 days, through and including February 25, 1998, or if this request is denied, 14 days after the notice of such denial.

Sincerely,


Richard W. Moore

cc: Mr. Ivan Nance
Mr. Al Linero
David S. Dee, Esquire

cc: J. Reynolds, BAR



Bradenton Herald

102 MANATEE AVE. WEST, P.O. BOX 921
BRADENTON, FLORIDA 34206
TELEPHONE (813) 748 0411

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA
COUNTY OF MANATEE:

Before the undersigned authority personally appeared Jill Headings, who on oath says that she is Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice of Intent

in the Court,
was published in said newspaper in the issues of
1/13/98

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Jill Headings
(Signature of Affiant)

Sworn to and subscribed before me this
13 day of January, 19 98

SEAL & Notary Public



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, Bureau of Air Regulation, 111 S. Magnolia Drive, Suite 4, Tallahassee, FL 32301. Telephone: 850-488-1344. Fax: 850-922-6979.
Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, FL 33619-8218. Telephone: 813-744-6100. Fax: 813-744-6084.
Manatee County Environmental Management Department, 202 Sixth Avenue East, Bradenton, FL 34208. Telephone: 941-742-5980. Fax: 941-742-5996.
The complete project file includes the Draft 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 850-588-1344, for additional information.
1/13/98

Personally Known _____ or Produced Identification _____
Type of Identification Produced _____

PUBLIC NOTICE OF INTENT TO
ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0810002-004-AC (PSD-FL-242)

Piney Point Phosphates Sulfuric Acid Plant and
Sulfur Storage and Handling
Manatee County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to Piney Point Phosphates, Inc. to repair and restore to previous capacity, the existing sulfuric acid plant located at on U.S. Highway 41 at Piney Point, near Palmetto, Manatee County, A Best Available Control Technology (BACT) determination was required for sulfur dioxide (SO2), sulfuric acid mist, and nitrogen oxides (NOx) pursuant to Rules 62-212.400 and 410, F.A.C., Prevention of Significant Deterioration (PSD). The applicant's name and address are: Piney Point Phosphates, Inc., 13300 U.S. Highway 41, Palmetto, Florida 3176.

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 project consists of replacement of certain heat recovery and transfer equipment, boiler feedwater heater/deaerator, process lowers and associated mist eliminators, gas ducts, concrete foundations and structural steel, electrical components, insulation, instrumentation, certain tanks and umps, and portions of conversion catalyst. The work also includes testing, repair, maintenance, or recommissioning of the sulfur burner, main compressor, reaction vessels, other heat recovery and transfer equipment, other tanks and pumps, the plant stack, sulfur oil, molten sulfur storage tank, and the SO2 monitor.

The project will restore the plant to its previous capacity of 2000 tons per day of sulfuric acid. Control of SO2 emissions is accomplished by the process itself which is based on the conversion of SO2 to SO3 and subsequent recovery as sulfuric acid product. The efficiency of the conversion and recovery is over 99.7 percent. The BACT emission limit for SO2 was determined by the Department to be 3.5 pounds per ton of sulfuric acid produced. Maximum annual SO2 emissions will be 275 tons per year (TPY). The sulfuric acid mist BACT for this project was determined to be replacement of all mist eliminators with new ones capable of providing optimum collection efficiency over a wide range of particle sizes. In particular the applicant will add 36 more high efficiency mist eliminators in the final tower than originally planned. This will meet the sulfuric acid mist emission limit of 0.15 pounds per ton of acid produced which is equal to 55 TPY. NOx emissions of 0.15 pounds per ton of acid produced and 44 TPY are inherently low and the increased is marginally significant. No cost effective methods are available to further reduce them.

The draft permit incorporates parts of the Agreement dated December 18, 1997 between Piney Point Phosphates and Manatee County which contains various conditions related to inspections, compliance assurance, reporting, safety, and technological requirements. It requires installation of 115,000 liters of cesium-vanadium catalyst in the final pass. This is the first specifically required use in this county of cesium-vanadium catalyst to reduce SO2. Plans to build a 2,700 TPD plant have been deferred. The Agreement and the terms of the draft permit require the existing plant to be permanently shut down if and when a new plant is built.

PSD increment consumption for ambient NO2 is insignificant in both the Chassabowitzka National Wildlife Area and the PSD Class II area near the plant. The project does not consume SO2 increment in either the Class I or Class II areas because the source existed during the SO2 major source baseline year of 1975 and had much higher emissions than expected following construction of the proposed project.

FINAL Permit will be issued in accordance with the conditions of the DRAFT Permit unless a response received in accordance with the following procedures results in a difference decision or significant change of terms or conditions.

The Department will accept written comments and requests for public meetings concerning the proposed DRAFT Permit 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 #505, 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, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit unless a timely petition for an administrative hearing is filed pursuant to Sections 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 Section 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 #25, Tallahassee, Florida 32399-2400. Telephone: 850-488-9370, fax: 851/487-4938. 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 action 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.

PINEY POINT



PHOSPHATES, INC.

CERTIFIED/RETURN RECEIPT
NO. Z 147 586 272

19 January 1998

RECEIVED

JAN 22 1998

BUREAU OF
AIR REGULATION

Mr. A. A. Linero, P.E. Administrator
New Source Review Section
Bureau of Air Regulation
State of Florida
Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Re: DEP File 0810002-004-AC (PSD-FL-242);
Piney Point Phosphates, Inc.
Proof of Publication

Dear Sir:

Find accompanying this letter a "Proof of Publication" from the *Bradenton Herald*. This proof is for the "Public Notice of Intent to Issue Air Construction Permit" associated with the above-referenced permit application. The notice was published on 13 January 1998.

Should further information or response be required, please contact our offices.

Very truly yours,

Ivan Nance
Corporate Environmental Manager

/rmm

Attachment

cc: Amundsen & Moore
Koogler & Associates

cc: J. Reynolds
EPA
NPS
SWD
Maratee Co.