



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
WASHINGTON, D.C. 20240



ADDRESS ONLY THE DIRECTOR,  
FISH AND WILDLIFE SERVICE

August 2, 1996

**RECEIVED**  
AUG 19 1996  
BUREAU OF  
AIR REGULATION

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

Dear Mr. Fancy:

We understand that the Department is holding discussions with interested parties regarding the Best Available Control Technology (BACT) analysis for the proposed modification of Piney Point Phosphate's (PPP) sulfuric acid plant in Manatee County. The PPP facility is located approximately 109 km south of Chassahowitzka Wilderness Area (WA), a Class I air quality area administered by the U.S. Fish and Wildlife Service. As we indicated in our May 30, 1995, technical review document (see attached), we are very concerned about the status of Class I sulfur dioxide (SO<sub>2</sub>) increment consumption at Chassahowitzka WA. Therefore, we are taking this opportunity to reiterate our comments regarding the BACT analysis. As we previously stated, information exists to indicate that emission rates lower than the proposed BACT emission level are technically and consistently achievable at sulfuric acid facilities. Because numerous permit applicants have pre-dicted exceedances of the short-term SO<sub>2</sub> Class I increments at Chassahowitzka WA, we request that you consider a lower BACT emission limit for this facility.

Thank you for considering these comments. We appreciate your cooperation in notifying us of proposed projects with the potential to impact the air quality and related resources of our Class I air quality areas. If you have questions, please contact me at (303) 969-2814 or Ellen Porter of our Air Quality Branch in Denver at (303) 969-2617.

Sincerely,

*Sandra V. Silva*  
Sandra V. Silva  
Chief, Air Quality Branch

Attachment

cc: Jewell Harper, Chief  
Air Enforcement Branch  
Air, Pesticides and Toxic Management Division  
U.S. EPA, Region 4  
345 Courtland Street, NE  
Atlanta, Georgia 30365

cc: J. Reynolds, BAR  
P. Amundsen, AEM

J. Nance,  
J. Koogler, K+A  
B. Thomas, SWD

UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
AIR QUALITY BRANCH  
12795 W. ALAMEDA PARKWAY  
P.O. BOX 25287  
DENVER, COLORADO 80225-0287



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Technical Review  
of  
a permit application  
by  
Piney Point Phosphate  
for  
a proposed modification to their Manatee County, FL  
sulfuric acid plant

We have reviewed the material regarding the Prevention of Significant Deterioration (PSD) Application for the proposed modification of Piney Point Phosphate's (PPP) sulfuric acid ( $H_2SO_4$ ) plant in Manatee County. The material contains updated information for PSD review ("Attachment 1"). We do not have the original application submitted several years ago. The PPP facility is located approximately 109 km south of Chassahowitzka Wilderness Area (WA), a Class I air quality area administered by the U.S. Fish and Wildlife Service (FWS). The modification would result in significant increases in emissions of sulfur dioxide ( $SO_2$ ), nitrogen oxides ( $NO_x$ ), and  $H_2SO_4$  mist.

Best Available Control Technology (BACT)

We agree that the proposed technologies represent BACT for this facility. However, we do not agree that the proposed corresponding emission levels represent BACT. The proposed emission levels are equivalent to the New Source Performance Standards (NSPS) for  $H_2SO_4$  plants, which have not been reviewed by the EPA for ten years. We believe that in cases where information is available to show that the Best Demonstrated Technology (as defined in the NSPS) can achieve levels beyond the NSPS limits, BACT should be set at the lower levels. This eliminates the trend of stagnating, inflated BACT determinations that are based solely on the NSPS and not on actual demonstrated emission levels.  $H_2SO_4$  facilities have consistently demonstrated that emission rates lower than the NSPS are achievable, including the Farmland, IMC, and Agrico facilities in Florida. BACT for the General Chemical facility was recently set below the NSPS. We request FDEP set BACT for this facility at actual achievable emission rates, as demonstrated during compliance tests, or over a reasonable amount of operating time.

Air Quality Modeling Analysis

The applicant used the ISC model to predict  $SO_2$  increment consumption at Chassahowitzka WA from all sources in the Class I area emission inventory. The results indicated that the maximum predicted impacts would exceed the 3-hr and 24-hr Class I  $SO_2$  increments; however, PPP's predicted impacts would be less than the FWS significant impact levels. Therefore, while we agree that PPP would not contribute significantly to Class I increment exceedances, we reiterate our concern regarding the status of Class I  $SO_2$  increment consumption at Chassahowitzka WA. Recently, numerous PSD applicants have predicted exceedances of the short-term  $SO_2$  Class I increments at

Chassahowitzka WA and we urge FDEP to perform a refined cumulative modeling analysis to determine the cause(s) of these exceedances.

The applicant performed a VISCREEN analysis using a background visual range (BVR) of 25 km. The FWS Air Quality Branch repeated the analysis using the correct BVR of 65 km. This analysis indicated that there would be no coherent plume impact at the Class I area from the proposed project. The applicant performed a regional haze analysis using the correct BVR of 65 km. The regional haze analysis indicated that the proposed project would result in a 0.8 deciview (dv) change at the wilderness area. A dv change of less than 1.0 is generally imperceptible, and therefore the source will not contribute significantly to regional haze at Chassahowitzka WA.

#### Air Quality Related Values (AQRV) Analysis

Attachment 1 did not contain a Class I AQRV analysis. The applicant stated that the previously submitted Class I AQRV analysis is still valid and no update is necessary. Please send us a copy of that analysis so that we may evaluate its completeness.

Thank you for giving us the opportunity to comment on this permit application. We appreciate your cooperation in notifying us of proposed projects with the potential to impact the air quality and related resources of our Class I air quality areas. If you have questions, please contact Ellen Porter of our Air Quality Branch in Denver at (303) 969-2617.

SARASOTA HERALD-TRIBUNE / SATURDAY, JUNE 8, 1996

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JUL 3 1996

425 EDITORIALS

BUREAU OF  
AIR REGULATION

## Pleading with Piney Point

**B**ecause it has to beg for performance it once could have demanded, the Manatee County Commission may ask Piney Point Phosphates to voluntarily employ stricter air pollution controls than the state Department of Environmental Protection would require of its resurrected phosphate fertilizer plant.

The county's choices are limited to negotiation or litigation because last fall, it stood by and watched the law authorizing its Environmental Action Commission — and the pollution-control ordinances it enforced — die on Oct. 1. In a timely move made on Oct. 13, Piney Point Phosphates applied to the DEP for an air-quality permit authorizing the return to production of a sulfuric acid plant that has been idle since 1992 — due to a plethora of safety and financial problems.

Since Manatee County's EAC and its air pollution rules expired, the DEP has sole authority for permitting the renovated plant to resume production.

The sulfuric acid plant is the foundation of a three-stage process that results in the production of diammonium phosphate, a fertilizer formerly produced at the Piney Point plant when it was owned by Royster Phosphates. The second- and third-stage plants and related pollution-control facilities in that production stream need only to have their existing permits renewed by June 15 to operate.

Although the firm plans to spend \$31 million renovating and replacing aged and worn out plant equipment, and will subject its 400 employees to three to six months' training in occupational health and safety rules and environmental precautions, environmentalists and neighbors remain uneasy. They can't forget a series of accidents and mishaps — eight in 26 years — that its new owners can't even remember.

Those mishaps included — under Royster's management — a release of toxic emissions in 1989 which forced the evacuation of the nearby county jail

### *Negotiate protections openly and publicly.*

stockade and 400 nearby residents. Another accident in which three plant workers died released more emissions which caused respiratory distress among several nearby residents.

Under the resulting cloud of apprehension, not even the assurances by officials of Mulberry Phosphates of Polk County that a sister plant has operated for three years without any "reportable" mishap are reassuring.

There also is a widespread public perception that the DEP's review of this permit application has been too narrowly focused. The DEP has adamantly refused to consider the plant's troubled past and put excessive faith in the combination of renovated protocols and new replacement parts to provide safe production.

DEP administrators and permitting engineers have said the agency's rules "do not require that we look at everything else in the process of issuing a permit" and acknowledged that while the agency *could* conduct comprehensive tests and performance checks to assure compliance with pollution rules, its officials "don't know of any requirement on us to do that."

Since the Manatee County Commission has chosen negotiation over litigation as a means of securing pledges of performance from Piney Point Phosphates, the goals and terms of its negotiations should be discussed openly and publicly to ensure that the concerns of its troubled constituents are heard and addressed.

The commission's failure to provide that access during closed-door negotiations of permit stipulations with Florida Power & Light Co. officials prior to their unsuccessful Orimulsion project application bred public distrust and discontent. The commission should avoid perpetuating that mood among already disaffected constituents as it negotiates with Piney Point Phosphates.

Donald L. Price, Ph.D.  
324 Springdale Drive  
Bradenton, FL 34210  
(941)755-3135

February 16, 1996

Douglas Beason  
Assistant General Counsel, State of Florida  
Dept. of Environmental Protection  
Twin Towers Office Bldg. MS35  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

**RECEIVED**

**FEB 22 1996**

**BUREAU OF  
AIR REGULATION**

Dear Mr. Beason:

I was late arriving at the Community Center in Palmetto for the meeting on Phosphate Mining Permits for the area. The comments I intended to make relate to phosphates and the algae causing "red tide". I realize that the issue is primarily about air pollution relative to sulfuric acid but I believe that when the State is imposing regulations on businesses all aspects should be placed on the table.

The citizens living in the counties adjacent to the Gulf of Mexico have been greatly concerned by the apparent increase in the incidence of red tide along the coast and the prolonged duration of the blooms. There is no question that the increased incidence of blooms has had a negative effect on the tourist business for the West Coast of Florida. At a recent meeting on Anna Maria Island the impact on the community and business in the area and measures to control or prevent red tide in the area were discussed. No solutions were proposed.

In 1948, I had the opportunity to work with a Ph.D. at the US Department of Commerce laboratory which was located on Sarasota Bay where Marina Jack's restaurant is now located. We identified the organism that caused red tide, then classified as a dinoflagellate and considered to be a protozoa. In 1929, G.W. Martin published on finding dinoflagellates that were extremely abundant in Delaware Bay and gave the water a red coloration (red water). The organism is now classified as an algae. What we were able to demonstrate in the laboratory was that the addition of phosphates to cultures greatly increased growth and multiplication of the organisms. In the absence of phosphates there was little increase in multiplication.

The influence of phosphates on the growth and multiplication of the agent causing red tide was established in 1948. During the period of extensive mining of phosphate in western Florida there were increases in the incidence of red tide blooms. In the years when rainfall is greatest, the incidence of red tide is

greatest. There appears to be a direct correlation between surface water runoff into the rivers, bays, and gulf and the occurrence of red tide blooms. Even though phosphate mining has been greatly reduced, there continues to be intrusion of phosphates into the surrounding waters. It takes a long time for the phosphates to be combined with other chemicals to make them ineffective in stimulating algal growth.

An important question to consider is, does phosphate mining increase the amount of phosphates in the runoff and the incidence and duration of red tide blooms? Since there is still phosphate in runoff water from old phosphate mining areas where mining no longer occurs, there is probably little chance of controlling phosphate runoff in active operations.

The importance of phosphates in surface water runoff is not so obvious as air pollution resulting from sulfuric acid in factory exhausts but equally important. What does the State gain from phosphate mining and what does it lose? If the incidence of red tide increases, there will be a reduction in tourist business. Will State revenue from phosphate mining offset the losses in tourism? Who will buy the phosphate extracted? If it is sold to any of the third world nations where demand is greatest, it will have to be subsidized by the Federal Government because third world countries do not have sufficient dollars. The United States already has billions of dollars in counter-part funds in India. I don't know how much might be in other countries but I imagine that it is considerable. It seems to me that the risk far outweighs the benefits.

Perhaps, the State should rethink phosphate mining in Florida since the losses are probably greater than the benefits.

Sincerely yours,



Donald L. Price, Ph.D.

New Source Review Section

2-21-96

Bureau of Air Regulation  
Tallahassee, FL

RECEIVED

Attn: Al Jensen

FEB 23 1996

Dear Mr. Jensen

BUREAU OF  
AIR REGULATION

As new Manatee County residents since April of 1995, we strongly protest Perry Point's reopening a new sulfur acid plant in N. Manatee County.

We don't want or need the effects of air pollution this could cause - the smell of rotten eggs in the air or worse chemical odors.

Manatee County is mostly a bedroom community and property values would drop to the bottom if this plant was allowed.

From what I've read, Perry Point's Phosphate track record of controlling pollution is very poor - so why trust them now?



RECEIVED

FEB 16 1996

BUREAU OF  
AIR REGULATION

7056 St of Fl. Dept. Environmental Protection

COPY to Sharolyn Wood for pmt.

State of Florida  
Department of  
Environmental Protection  
Notice of Public Hearing

The Department of Environmental Protection gives notice that a public meeting will be held regarding the Department's intent to issue a Prevention of Significant Deterioration (PSD) air permit to Piney Point Phosphates, Inc. for construction of a 2,700 ton per day (TPD) sulfuric acid plant to replace the existing 2000 TPD plant at the site of its existing fertilizer complex at 13300 U.S. Highway 41 North, Palmetto in Manatee County.

The meeting will be held Thursday, February 15, 1996 at 10:00 a.m., at the Manatee County Civic Center's Longboat Key Room located at 1 Haben Boulevard, Palmetto, Florida. Oral or written comments about the Department's intended action may be submitted at that time and those related to the air permit will be considered by the Department in its permit decisions.

The application and Department's previously noticed intent to issue package is available for public inspection during normal business hours, 8:00 a.m. to 5 p.m., Monday through Friday, except legal holidays, at its offices at:

DEP Division of Air Resources Management  
111 S. Magnolia Drive  
Tallahassee, FL 32301  
(904) 488-1344

DEP Southwest District Air Program  
8407 Laurel Fair Circle  
Tampa, FL 33619  
(813) 744-6100  
2/5, 12, '96

Feb	5 12	Public Hearing 54 lines 53700671548	104	60
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County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of \_\_\_\_\_  
Notice of Public Hearing  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of  
2/5, 12, '96

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  
12 day of February 1996  
[Signature]  
 SEAL & Notary Public



Personally Known  or Produced Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_





**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 Public Hearing

in the \_\_\_\_\_ Court,

was published in said newspaper in the issues of

2/5, 12, '96

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

12 day of February 1996.

[Signature]  
SEAL & Notary Public

State of Florida  
Department of  
Environmental Protection  
Notice of Public Hearing  
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The meeting will be held Thursday, February 15, 1996 at 10:00 a.m., at the Manatee County Civic Center's Longboat Key Room located at 1 Haben Boulevard, Palmetto, Florida. Oral or written comments about the Department's intended action may be submitted at that time and those related to the air permit will be considered by the Department in its permit decisions.  
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DEP Division of Air Resources Management  
111 S. Magnolia Drive  
Tallahassee, FL 32301  
(904) 488-1344  
DEP Southwest District Air Program  
8407 Laurel Fair Circle  
Tampa, FL 33619  
(813) 744-6100  
2/5, 12, '96

Personally Known  or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**FLORIDA DEP AIR PERMITTING SUMMARY SHEET  
PINEY POINT PHOSPHATES SULFURIC ACID PLANT  
PUBLIC MEETING - MANATEE COUNTY  
FEBRUARY 15, 1996**

Piney Point Phosphates (PPP) is proposing to construct and operate a 2700 ton per day sulfuric acid plant at its phosphate fertilizer facility off Highway 41 near Palmetto in Manatee County. The new plant will replace the existing 2000 ton per day sulfuric acid plant which is presently inactive. Sulfuric acid is used as a reactant in the existing, but inactive, phosphoric acid plant at the facility.

The new plant will employ state of the art technology developed by Monsanto Enviro-Chem Systems. The project includes a sulfur burner to generate sulfur dioxide, catalytic beds where material is converted to sulfur trioxide, and absorbers to absorb and convert the sulfur trioxide to sulfuric acid. It will also include equipment to recover and use heat generated by the combustion of sulfur.

The significant air emissions will consist of sulfur dioxide and sulfuric acid mist. Because the new plant has never operated we have to assume that it will operate continuously and at its full capacity. That is the main reason why it appears that emissions will increase over the old one. Realistically, the more modern plant will have lower actual emissions, less upsets and malfunctions, and a lower probability of an emergency spill. The details of the emissions limits and control technology will be explained in more detail during the presentation.

The Florida Department of Environmental Protection (DEP) is the permitting authority for the air construction permit under the provisions of Florida Statutes, the Florida Administrative Code, and our EPA-approved State Implementation Plan per the Code of Federal Regulations.

The DEP Bureau of Air Regulation in Tallahassee received a complete air permit application from PPP on April 26, 1995. Copies of the application package were made available to the EPA Region 4 in Atlanta, the Department of Interior Fish and Wildlife Service Air Quality Branch in Denver, Colorado, the DEP Southwest District Office in Tampa and the Manatee County Air Pollution Control Program.

The Technical Evaluation and Preliminary Determination and the draft air permit were completed and sent to the applicant along with the Department's Intent to Issue. Copies were provided to the same agencies. Copies were made available for public inspection at DEP offices in Tallahassee and Tampa.

The Department's Notice of Intent to Issue was published in the Bradenton Herald on October 28, 1995. It provided a 30 day period for anyone to submit comments on the Department's proposed action or to request this public meeting. It also provided a 14 day period for anyone whose substantial interests were affected by the project to file a petition for an administrative hearing. Comments were received from several residents and Manatee County. A petition for an administrative hearing was filed by Manatee County. Because of the interest in the project, the Department decided to hold this public meeting to provide the public an additional opportunity to comment on the proposed permit. The Administrative Hearing will be held in the summer and the Department will not take final action until it receives the recommendations of the Hearing Officer in the Fall.

This public meeting was noticed on February 5, 1996 and on February 12, 1996 in the Bradenton Herald. Both the application and the Intent to Issue package are still available for public review and copying at the Department's Tampa and Tallahassee offices. The Department will accept additional comments today and for the next week. We are maintaining a dialogue with Manatee County about the project and addressing their comments irrespective of the Administrative Hearing.

DEP will consider all relevant comments specifically related to air emissions which are presented here and over the next week. These comments as well as the recommendations of the administrative hearing officer will be considered in issuing a final permit decision. The criteria which the Department must use to evaluate the permit application and issue the final air permit decision center around whether the project will meet emission limits according to Best Available Control Technology (BACT) requirements established under existing rules. Comments may be submitted at the public meeting or sent to:

CONTACT: A. A. Linero, Administrator  
New Source Review Section  
Bureau of Air Regulation  
2600 Blair Stone Road., M.S. 5505  
Tallahassee, Florida 32399  
Tel: (904)488-1344  
Internet: Linero\_A@DEP.STATE.FL.US

**AGENCY CONTACTS  
PINEY POINT PHOSPHATES SULFURIC ACID PLANT**

Following is a list of contacts who can assist with questions regarding air permitting and other matters related to the Piney Point Phosphates Sulfuric Acid Plant:

<u>AIR ADMINISTRATOR:</u>	Al Linero, Administrator New Source Review Section, Tallahassee Tel: (904)488-1344
<u>AIR PERMITTING:</u>	John Reynolds, Engineer New Source Review Section, Tallahassee Tel: (904)488-1344
<u>AIR MODELING:</u>	Cleve Holladay, Meteorologist New Source Review Section, Tallahassee Tel: (904)488-1344
<u>AIR COMPLIANCE:</u>	Bill Proses S.W. District, Tampa Tel: (813)744-6100
<u>PHOSPHOGYPSUM/WATER:</u>	Vishwas Sathe S.W. District, Tampa Tel: (813)744-6100
<u>MANATEE COUNTY:</u>	Karen Collins Environmental Management Department Tel: (941)742-5980
<u>LEGAL CONTACT:</u>	Doug Beason, Attorney Office of General Counsel, Tallahassee Tel: (904)488-9730

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** Randolph Snell

**ADDRESS:** 10608 US 41 N  
Palmetto, FL 34221

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** Vicki Welch

**ADDRESS:** 1820 26<sup>th</sup> East

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** Gloria Kain

**ADDRESS:** 5314 Bay State Rd.  
Palmetto 34221

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** CATHERINE FERNALD

**ADDRESS:** 5970 GULFOFMEADOW DR  
LONGROAT KEY, FL

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** WERNER SCHULTZ

**ADDRESS:** 2400 East BAY ISLE DR SE  
ST PETERSBURG FL 33705

**SPEAKER CARD**  
**DEP PUBLIC MEETING**  
**FEBRUARY 15, 1996**

(please print)

**NAME:** Mary Sheppard

**ADDRESS:** 3120 38th Ave, E, Bradenton, FL 34208

**SPEAKER CARD  
DEP PUBLIC MEETING  
FEBRUARY 15, 1996**

(please print)

**NAME:** Pierre Ficherouille

**ADDRESS:** 1001-3rd Ave. W. Ste 350  
Bradenton, FL 34205

**SPEAKER CARD  
DEP PUBLIC MEETING  
FEBRUARY 15, 1996**

(please print)

**NAME:** H. Hamilton Rice

**ADDRESS:** P.O. Box 1000  
Bradenton, FL 34206

**SPEAKER CARD  
DEP PUBLIC MEETING  
FEBRUARY 15, 1996**

(please print)

**NAME:** Jeffrey Steinsnyder

**ADDRESS:** P.O. Box 1000  
Bradenton, FL 34206

# Officials listen as plant decried

Neighbors and would-be neighbors tell regulators they don't want a phosphate plant to reopen.

By Tom Spalding  
STAFF WRITER

Vicki Welch was about to buy a house in northwest Manatee County this week until she heard about something else possibly moving in — Piney Point Phosphates Inc.

The Bradenton woman told state regulators Thursday that she and her husband are now reconsidering because of the fertilizer-maker's not-so-stellar safety history and the threat of air pollution.

"I'm frightened," she said during a public hearing. "... If it's going to cause a problem, I don't want it."

Though Department of Environmental Protection official John Reynolds assured Welch that Piney Point's proposed new sulfuric acid plant is safe, she still was unsure.

"It all looks good on paper, and your color slides," Welch said of the agency's presentation. "But you are not the ones who are gonna be living there, we are."

That concern was echoed by the 25 people who attended a public hearing Thursday at the Manatee Civic Center.

The hearing allowed residents to voice concerns about the DEP's recent decision to award — tentatively — a permit to allow Piney Point to construct a 2,700-tons-per day sulfuric acid production plant to replace the existing but unused one.

The plant at 13300 U.S. 41 N. was once a Manatee County fixture.

The operation was controlled by five owners from 1966 to 1992, when then-owners Royster Phosphates shut it down because of financial problems.

A French company bought the firm out of bankruptcy in 1993. According to documents, it wants to restart operations to take advantage of the rebound in the phosphate fertilizer market and the availability of

12A

M

2-16-96

## Neighbors decry plant

PINEY POINT FROM 1A

phosphate ore from Central Florida. Piney Point officials promise the reopening will create 400 jobs.

But residents who attended the hearing still had doubts.

"This is not the type of growth that will help the county. We don't need that type of industry," said Pierre Ficherouille, a Bradenton businessman.

That's also the opinion of Manatee County officials, who are taking Piney Point and the DEP to court this summer to argue against the plant, in part because of sulfur dioxide and sulfuric acid mist emissions.

The plant's main function is to create a dimmonium phosphate product that would be sold to various users, including fertilizer manufacturers. Phosphate ore is processed through a sulfuric acid plant, the source of emissions.

"The history of Piney Point is that it's an abysmal failure... We see no reason to have confidence at all in this new plant," argued Werner Schulte of St. Petersburg, who drove to Palmetto with his wife, Janis.

Randolph Snell, a Palmetto resident who lives about two miles from the plant, said he wasn't much in favor of the plant when it first opened 30 years ago.

"We protested the site in 1965 and '66. We expected to have damages from the plant. We were not disappointed."

"Because of the past, we don't have a lot of confidence in the future," he said.

That "past" refers to spills:

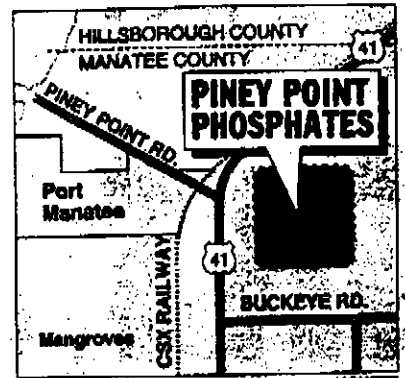
■ In 1989, the plant released toxic gases that forced authorities to evacuate Port Manatee, the county stockade and nearby homes.

■ In 1991, toxic emissions from the plant caused respiratory problems for at least a dozen residents in the county.

But DEP officials stressed Thursday that Piney Point is now under different ownership, one committed to safety.

"Realistically, the more modern plant will have lower actual emissions, less 'upsets' and malfunctions and a lower probability of an emergency spill," said Al Linero, a DEP administrator.

Linero and Reynolds seemed to



STAFF MAP / STEVE DUCKETT

inflame the crowd by admitting that if Piney Point follows the rules and regulations, the state can negotiate, but has no reason not to award a permit.

Catherine Fernald of Manatee County Save Our Bays yelled out: "Then you shouldn't be called the Department of Environmental Protection."

During her time at the podium, Gloria Rains, chairman of the environmental group Manasota-88, asked the DEP to produce a list of Piney Point managers so she could compare staffs under the current owners and previous owners. Linero said he could not. Rains said she thinks that's an important safety issue.

Robert Stewart, Piney Point senior president, told *Manatee/AM* he could not provide such a list but he said management is different.

At the hearing, Dan Smithwick of Palmetto questioned why the sulfuric acid plant is the only structure on the site being replaced. What about the other structures there that are sure to be rusty or corroding, he asked.

Manatee County also has questions.

Senior Assistant County Attorney Jeff Steinsnyder told DEP officials that county consultants think the DEP can make Piney Point reduce sulfur dioxide emissions more than it is requiring and at an affordable cost.

Degrading the air will hurt workers and tenants at Port Manatee, the county says.

The DEP attorney on the case, Doug Beason, said that although the state is inclined to approve a permit, it's not a "done deal."



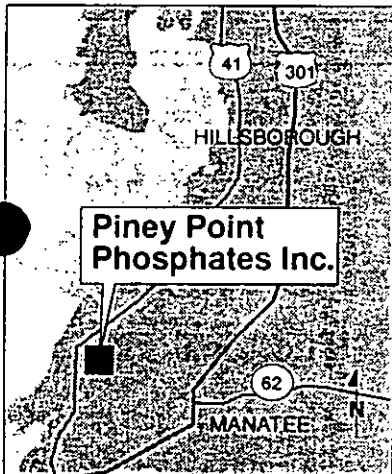
# Phosphate proposal draws fire

Manatee County objects to the planned sulfuric acid plant.

By RICK BARRY  
Tribune Staff Writer

PALMETTO — Until recently, dump trucks again were rumbling across the white mountain of gypsum that rises on the east side of U.S. 41 a half-mile south of the Hillsborough County line, moving piles of the fertilizer waste product from place to place.

Now, even that activity at the



Tribune map

idle Piney Point Phosphates Inc. fertilizer plant has ceased.

But plans to build a new sulfuric acid plant northwest of the gypsum pile remain on track for later this year, according to state officials, to the chagrin of those both close by and many miles away.

Scores of residents, growers and other businesses have objected to the plan, as has Manatee County government. As a result, two public hearings on those plans have been scheduled.

The first, a question-and-answer session, will be at 10 a.m. Thursday. The second, a formal administrative hearing, will be April 25. Both hearings will be at the Manatee Civic Center in Palmetto. A state hearing officer will preside and make an of-

See ACID, Page 2

The Tampa Tribune-Times, Sunday, February 11, 1996

## Acid plant foes get chance to make case

phosphate that ultimately closed the plant, not tens of thousands of dollars in fines levied for safety and environmental problems.

The plant's new corporate owner — a French chemical conglomerate — wants to build a new plant to produce 2,700 tons of sulfuric acid a day. The old plant produced 2,000 tons daily.

The state Department of Environmental Protection engineer assigned to evaluate the project, John Reynolds, says that Piney Point could reopen the old plant at any time. But a modern plant will make a big, positive difference, because of new technologies, he says.

"We understand the concerns residents have about the prior history of that plant," Reynolds said. "Although the new plant will be larger, it'll be much more efficient. Put it this way: I would much rather live next to a new plant than an old one."

Critics, like Manatee lawyer Tom Reese, say the company couldn't reopen the old plant because it wouldn't be feasible economically, not because it might be environmentally unfriendly.

In fact, Manatee County contends emissions

of key pollutants — including sulfur dioxide, sulfuric acid mist and nitrogen oxide — will rise significantly with the new plant and threaten air quality in Manatee, which today meets federal clean air standards.

It also will further harm air quality in adjacent Hillsborough and Pinellas counties, which are in violation of the standards, Manatee's petition states.

Likewise, plant emissions also will pollute surrounding, protected waters, including nearby Tampa, Cockroach and Terra Ceia bays.

The county's petition also notes that in 1993, DEP denied the plant's application for a permit for its wastewater treatment system. That system includes the existing, unlined gypsum stack, which some tests say is leaking radioactive liquid into groundwater. That permit is still being withheld. A new round of tests will be complete July 1, DEP engineer Sam Zamoni said.

"People want that plant to stay shut down and never open again," Reynolds said. "Part of that is because of the lack of enforcement in the past."

"I don't think that would be the case today."

### From Page 1

official recommendation to the governor and Cabinet.

But the burden of proof will be on those who doubt the company's promises of a modern, trouble-free operation, under the watchful eye of a vigilant new management team. The company has proper zoning and many critical permits in hand already, and the state already has published its "Intent to Issue Permit Notice" to Piney Point, the corporate successor to Royster Phosphates Inc.

Company officers have not returned telephone messages.

The old 1950s-era fertilizer plant has been shut down since 1992, following years of environmental problems that resulted in eight acid spills and periodic releases of toxic gases that sent neighbors and passers-by to hospital emergency rooms. Three times industrial accidents proved fatal.

But it was a worldwide drop in the price of

# Memorandum

# Florida Department of Environmental Protection

TO: Bill Thomas

FROM: Tom Ellison *TE*

DATE: February 14, 1996

SUBJECT: Piney Point Phosphates, Inc., Summary of Air Quality Related Incidents

At your request, I've summarized Piney Point's air quality related incidents that I saw documented in our files. I found no record in our files of an incident where water sprays damaged trees on nearby property.

12/6/89: During an inspection DEP observed fugitive emissions from the DAP storage building caused by a number of uncontrolled pick and transfer points within the building. A 30 minute visible emissions test recorded a 6-minute of 37 percent opacity. During a subsequent meeting, Royster, then the plant owner, informed DEP that most of the openings in the building had been sealed. As additional corrective action the company received DEP permission to remove the bags from an interior baghouse and connect the ductwork to a scrubber. During a follow up inspection, DEP engineers did not observe any further fugitive emissions. The District did not pursue enforcement action.

6/12/91: SO<sub>2</sub> emissions resulting from a startup of the sulfuric acid plant caused 14 people working at Port Manatee to suffer burning sensations in their eyes and noses. The release last for about 40 minutes before the plant was shut down. DEP alleged plant operators failed to use best operational practices by following warm start up procedures after the plant had been shutdown for 11.5 hours prior to the incident. DEP's investigation concluded plant conditions at the time of the startup did not meet any one of the three temperature conditions for a warm restart and that, consequently, plant operators should have used cold restart procedures. Plant management, at that time Royster Phosphates, denied DEP's allegation and contended the temperature of the first catalyst bed dropped only after operators starter the blower motor. Rather than contiine to dispute DEP's allegation, the company signed a consent order and paid a penalty of \$4,999.

12/6/91: SO<sub>3</sub> emissions from the sulfuric acid plant injured six people. An investigation determined that the release was caused by inadequate acid flow in the final absorber. To prevent recurrence, plant management instituted a number of procedures: establishing acid flow in the absorbers at least 20 minutes prior to plant startup; monitoring and recording absorber acid flows; and expanding the low acid flow automatic shutdown system to the sulfur burner. DEP incorporated the first two procedures as an amendment to the sulfuric acid plant permit. Piney Point Phosphates signed a consent order and agreed to pay a \$10,000 penalty. Although the company filed for bankruptcy shortly after signing the consent order, they eventually paid the penalty on 3/19/93.

cc: Bill Proses, SWD

This public meeting was noticed on February 5, 1996 and on February 12, 1996 in the Bradenton Herald. Both the application and the Intent to Issue package are still available for public review and copying at the Department's Tampa and Tallahassee offices. The Department will accept additional comments today and for the next week. We are maintaining a dialogue with Manatee County about the project and addressing their comments irrespective of the Administrative Hearing.

DEP will consider all relevant comments specifically related to air emissions which are presented here and over the next week. These comments as well as the recommendations of the administrative hearing officer will be considered in issuing a final permit decision. The criteria which the Department must use to evaluate the permit application and issue the final air permit decision center around whether the project will meet emission limits according to Best Available Control Technology (BACT) requirements established under existing rules. Comments may be submitted at the public meeting or sent to:

CONTACT: A. A. Linero, Administrator  
New Source Review Section  
Bureau of Air Regulation  
2600 Blair Stone Road., M.S. 5505  
Tallahassee, Florida 32399  
Tel: (904)488-1344  
Internet: Linero\_A@DEP.STATE.FL.US



R. File

# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

August 29, 1996

Ms. Sandra V. Silva, Chief  
Air Quality Branch  
Air Resources Center  
National Park Service  
P.O. Box 25287  
Denver, CO 80225-0287

Re: Piney Point Sulfuric Acid Plant  
Manatee County, Florida

Dear Ms. Silva:

Thank you for your letter of August 2 regarding the Piney Point Sulfuric Acid Plant Replacement Project. We appreciate your concern about the sulfur dioxide (SO<sub>2</sub>) increment exceedances in the Chassahowitzka Class I Area predicted by some applicants. Our review indicates that this source will not cause or significantly contribute to any predicted exceedances of ambient SO<sub>2</sub> standards or increments.

At this time, the applicant, Piney Point Phosphates, and the petitioner, Manatee County, are discussing the matter of the Best Available Control Technology (BACT) for SO<sub>2</sub>. We passed your comments along to the parties. In our own review, we did not find the consistency indicated by your letter in achievement of lower emissions within or between plants. This plant will have to meet the limit of 4 pounds per ton of acid *at all times* by continuous emissions monitoring and not just during annual compliance tests. We would appreciate any information available which shows that lower emissions are consistently achieved.

If you have any questions regarding this matter, please call Al Linero or John Reynolds at (904)488-1344.

Sincerely,

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

CHF/aal/l

cc: J. Harper, EPA