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To: Piney Point
Old Superior Acid file
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EDITORIALS

Routine repair? Hardly

As executives of the Borden Chemical Co. cut the ribbon on a phosphate fertilizer plant in northern Manatee County in 1966, environmental awareness was beginning to sweep the nation.

Thirty-one years later, the environmental awareness of state regulators is being tested. Piney Point Phosphates Inc. seeks the state Department of Environmental Protection's OK to "repair" a plant that hasn't run in five years. Rather than spend \$40 million to raze the plant and start anew, the firm plans to spend \$18 million on repairs.

Through several ownerships and fitful operations, the plant chronically violated environmental and safety rules until Royster Phosphates shut it down in 1992. The plant hasn't operated since 1992 but Piney Point officials claim the company is entitled to be considered an "existing source" — a category worth millions of dollars to the firm if it is not required to meet stricter standards that apply to "new sources" of pollution.

Those "new source" standards would apply if the "repairs" to the Piney Point plant constituted what the U.S. Environmental Protection Agency defines as "reconstruction," "modification" or "major modification."

Hired by Manatee County as a special counsel, attorney David S. Dee of Tallahassee told the DEP that Piney Point's proposed "repairs" are too

great to be considered routine and, under the EPA's rules, the plant should comply with new source standards. Since the state DEP enforces federal air-quality standards, Dee cited the federal rules because their legal precedents are more extensive.

In a Jan. 16 letter to DEP attorney Douglas Beason, Dee noted the Piney Point firm's list of "repairs": a boiler feedwater heater, an economizer, three acid towers, three mist eliminators, a heat exchanger, a condensate storage tank, a cooling tower, acid coolers, acid pump tanks, nine pumps, 16 ducts and other items. While this newspaper's and the public's knowledge of this plant are limited to the little information Piney Point reveals, that inventory does not sound like a "parts list" that would accompany routine repairs of an industrial plant that has been idled for five years.

Ivan Nance, Piney Point's corporate manager, recently told a *Herald-Tribune* reporter that Dee's letter to the DEP borders on harassment.

"We've got every right to repair those plants and crank them up and run them," said Nance.

That may be, but Piney Point has no right to risk public health and the environment by simply "repairing" a plant that, after causing the worst industrial accident in Manatee County's history, has been idle for five years with the acid residues of its prior operation affecting its parts.