



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

September 4, 2001

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David B. Jellerson  
Cargill Fertilizer, Inc.  
Post Office Box 9002  
Bartow, Florida 33831

Re: Cargill Fertilizer, Inc., Sulfuric Acid Plant #5  
File No. AC 53-271436 (PSD-FL-229)

Dear Mr. Jellerson:

The Department has reviewed the letter dated July 30, 2001 requesting or supporting a determination that a construction permit is not required for certain work to be performed on Sulfuric Acid Plant 5 (SAP 5) in Bartow. The specific work described will be performed during the upcoming periodic "turn-around" of SAP 5 and consists of the following work (refer to the attached diagram):

1. Replace the 4A superheater/economizer
2. Replacement of the HRS acid circuit piping
3. Replacement of HRS 1<sup>st</sup> and 2<sup>nd</sup> stage acid distribution troughs

The stated purpose of items 1 through 3 is "to restore or improve the heat recovery capability of the unit." Items 2 and 3 are in-kind replacements. According to your July 30 letter, "these activities will have the direct effect of providing for better waste heat recovery and improve the overall energy efficiency of the operating unit."

According to the letter from industry consultant, Richard Davis, P.E., of Davis and Associates Consulting Inc., "the replacement of these pieces of process equipment is necessary and normal maintenance activities." According to Mr. Davis, "the producer (Cargill) will restore the original plant availability and the environment will have less emissions and or discharges due to improved plant reliability."

Following review of the information provided by Cargill, it is the Department's conclusion that such installation is within the scope of *routine* replacement, maintenance and repair for this specific sulfuric acid plant. This conclusion is based on the following facts:

- The operating rates for this plant were within 10% of the maximum permitted level of 2,600 tons per day (TPD) for 77% of the operating days (282 of 366 days) following the previous turn-around conducted in September 1999. No production rate increase is requested.
- The described work will not be conducted on a key piece of process equipment such as the sulfur furnace, drying tower, main compressor, absorption towers, converters, etc.

"More Protection, Less Process"

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- The physical production rates steadily decrease from the permitted 2600 TPD production rate following a turn-around in a characteristic and expected manner prior to another turn-around. The scheduled turn-around will be conducted to restore the plant to its design or permitted production rate as is commonly done (on 9 to 24 month cycles) throughout the industry.
- With only the **usual** routine repair, maintenance and replacement (such as catalyst screening and typical turn-around work) the plant would still be capable of achieving the permitted production rate. Per Cargill the improvements are necessary for safety and reliability.
- According to Cargill, the planned activities will not eliminate existing production bottlenecks.
- The overall effect of this project is that, following a turn-around, the plant will operate at the already physically achievable and permitted production rate of 2600 TPD for a longer period of time thereafter. This is a major goal of all turn-arounds.
- The proposed work will allow Cargill to maintain existing turn-around cycles on SAP 5. The emissions will remain within the short-term limits and the existing long-term potential-to-emit.

Because the described work is considered as routine repair, maintenance, or replacement in this case, it is not a physical change or change in method of operation. Therefore it is not a modification as defined in Rule 62-210.200, F.A.C. (definitions) and is not subject to pre-construction review under Rule 62-212, F.A.C. Furthermore the work will not change the description of the plant or its components as presently permitted.

Please note that this determination is applicable only for the specified work at Bartow SAP 5. There are many different configurations of SAPs and relevant circumstances (such as whether electricity is produced in addition to heat and steam) that could affect a decision at other installations. If the described work is part of a larger modernization project, the Department can aggregate this work with future work and come to a different conclusion. Clearly, this project on its own is at about the limits of what can be considered routine.

A person whose substantial interests are affected by the proposed decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes 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. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when

petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

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 position taken by it in this notice. 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. Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This letter constitutes final agency action unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition which conforms to Rule 62-110.106, F.A.C. Upon timely filing of a petition or a request for an extension of time this Notice will not be effective until further Order of the Department.

If either a petition for administrative hearing or a request for extension of time is not timely filed with the Department, then this letter shall constitute final agency action. Any party to this order would then have the right to seek judicial review pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



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

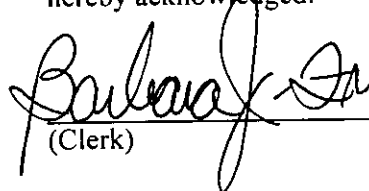
#### CERTIFICATE OF SERVICE

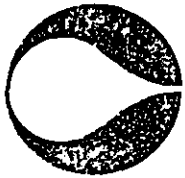
The undersigned duly designated deputy agency clerk hereby certifies that this letter was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 9/5/01 to the person(s) listed:

David Jellerson, Cargill Fertilizer, Inc. \*  
Gregg Worley, EPA  
John Bunyak, NPS  
Bill Thomas, DEP SWD  
David Buff, P.E., Golder Associates, Inc.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 9/5/01  
(Clerk) (Date)



# CARGILL FERTILIZER, INC.

P.O. Box 9002 • Bartow, Florida 33831 • Telephone 941-534-9610 • FAX 863-534-9680

July 30, 2001  
Certified Mail  
7099 3220 0007 3016 7512

**RECEIVED**

AUG 03 2001

Al Linero, P.E.  
New Source Review Section  
Florida Department of Environmental Protection  
2600 Blair Stone Rd.  
Tallahassee, Florida 32399-2400

**BUREAU OF AIR REGULATION**

Dear Mr. Linero;

RE: CARGILL FERTILIZER, BARTOW FACILITY  
#5 SULFURIC ACID PLANT TURNAROUND  
FILE NO. AC-53-271436 (PSD-FL-229); Title V Permit 1050046-003-AV Emission Unit -033

Cargill Fertilizer has an upcoming turnaround scheduled for the #5 Sulfuric Acid Plant (SAP) at our Bartow Facility. This letter is being submitted to request confirmation that the following planned activities do not trigger a requirement to obtain a Department Construction Permit.

During this turnaround the following activities are planned:

1. Replace the 4A superheater/economizer
2. Replacement of the HRS acid circuit piping
3. Replacement of HRS 1<sup>st</sup> and 2<sup>nd</sup> stage acid distribution troughs

The purpose of Item 1 is to restore or improve the heat recovery capability of the unit. Items 2 and 3 are replacements in-kind. Attached is a drawing that indicates the areas to be effected by these activities.

These activities will have the direct effect of providing for better waste heat recovery and improve the overall energy efficiency of the operating unit. The FDEP has made a previous determination that a construction permit was not needed for similar work performed at our #4 SAP last year (see attached letter dated August 14, 2000 signed by C.H. Fancy).

Following the previous turnaround conducted in September 1999, the #5 Sulfuric Acid Plant has consistently achieved maximum permitted production capability. Attached for your review is a summary of the daily production rates for this unit from October 1, 1999 through September 30, 2000. As indicated by this data, the operating rates were within 10% of the maximum permitted level of 2600 tons per day for 77% of the operating days (282 of 366 days). Since that time, physical production rates have steadily decreased in a characteristic and expected manner prior to a periodic turnaround.

The scheduled turnaround will be conducted to restore the plant to its design or permitted production rate as is commonly done throughout the industry. No production rate increase is requested. The planned activities will not eliminate existing production bottlenecks. The improvements are necessary for safety, reliability and energy efficiency. The overall effect of this project is that the plant will operate at the already physically achievable and permitted production rate. This is a major goal of all turnarounds. The proposed work will allow us to maintain existing turnaround cycles. The emissions will remain within the short-term limits and the existing long-term potential-to-emit.



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Attached is a letter from Richard L. Davis, a certified Professional Engineer in the State of Florida, which clarifies that the activities planned for the turnaround are considered to be necessary and normal maintenance and replacement of process equipment.

I trust that the information provided is sufficient for a determination that a construction permit is not required for this work. If you have any questions or need any additional information please feel free to call me at 813-671-6297 or via email at [david\\_jellerson@cargill.com](mailto:david_jellerson@cargill.com).

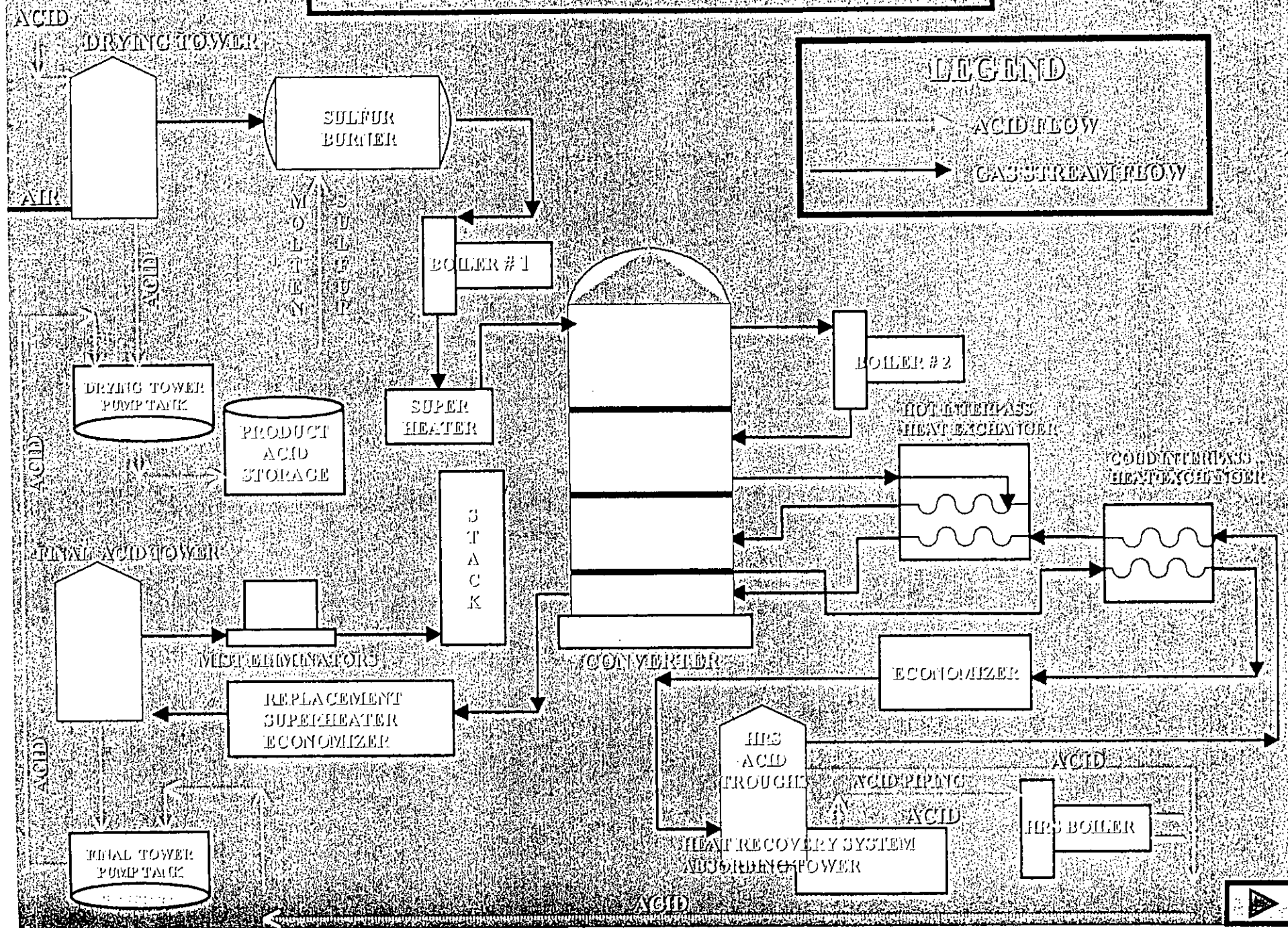
Sincerely,

A handwritten signature in black ink that reads "David B. Jellerson". The signature is fluid and cursive, with the first name "David" and last name "Jellerson" clearly legible, and "B." in the middle.

David B. Jellerson, P.E.  
Environmental Manager

Xc: Waters, Morris, Miller, Norman, Royster, File 60-07-01A  
D. Buff - Golder

## SULFURIC ACID PLANT - PROCESS FLOW



# Davis & Associates Consulting, Inc.

P. O. Box 5312  
Lakeland, Florida 33807  
863-646-7930  
e-mail: sulfuric@fdn.com

July 26, 2001

Mr. Al Linero, P.E.  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399

Re: Cargill Fertilizer - Bartow Complex  
No. 5 Sulphuric Acid Plant 2001 Turnaround

Dear Sirs:

I have reviewed the planned maintenance activities for the upcoming turnaround at Cargill Fertilizer's No. 5 sulphuric acid plant at their Bartow, Florida facility. In the fourth quarter of 2001, Cargill Fertilizer is planning to replace the following pieces of equipment:

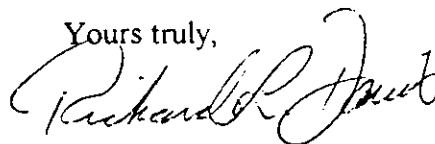
- 4A Steam Superheater & Economizer
- Heat Recovery System (HRS) first and second stage acid distributors
- HRS acid circulation piping

It is my opinion that the replacement of these pieces of process equipment is necessary and normal maintenance activities. These components, if not replaced, will reduce the availability and decrease the safety and reliability of the plant. These replacements will achieve increased energy recovery and environmental enhancements of the No. 5 Sulphuric Acid Plant. The producer will restore the original plant availability and the environment will have less emissions and or discharges due to improved plant reliability. Improving the energy recovery from the sulphuric acid unit, which will be gained by these projects, will help the producer and the environment. Increasing energy recovery of the sulphuric acid process decreases the need to burn coal in the local utility plants, therefore, reducing emissions.

This opinion is based on twenty-nine years of experience in the design, operation, and maintenance of sulphuric acid plants and our understanding of the environmental concerns of the citizens of the State of Florida. References are available.

Please let me know if you have any questions or concerns in reference to Cargill's planned maintenance replacements.

Yours truly,



Richard L. Davis P.E.



**SENDER: COMPLETE THIS SECTION**

- 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.

## 1. Article Addressed to:

David B. Jellerson  
Cargill Fertilizer, Inc.  
P. O. Box 9002  
Bartow, FL 33831

## 2. Article Number (Copy from service label)

7000 0600 0026 4129 8009

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

K. Pickard

B. Date of Delivery

9-10-01

C. Signature

x K. Pickard

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes**U.S. Postal Service****CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0600 0026 4129 8009

Postage

\$

Certified Fee

..

Return Receipt Fee  
(Endorsement Required)Restricted Delivery Fee  
(Endorsement Required)

Total Postage &amp; Fees

\$

Postmark  
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

David B. Jellerson, Cargill Fertilizer

Street, Apt. No., or PO Box No

P. O. Box 9002

City, State, ZIP+4

Bartow, FL 33831

PS Form 3800, February 2000

See Reverse for Instructions