

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**NOTICE OF FINAL PERMIT**

In the Matter of an  
Application for Permit by:

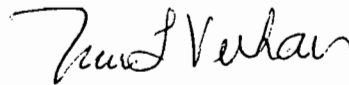
Ms. Carrie MacConnell  
Facility Manager  
Mosaic Bartow, LLC  
3200 Highway 60 West  
Bartow, Florida 33830

DEP File No. 1050046-022-AC  
Bartow Facility  
Polk County

Enclosed is Final Permit Number 1050046-022-AC. This air construction permit is for the deletion of obsolete conditions from Air Construction Permit No. 1050046-008-AC. This permit is issued pursuant to Chapter 403, Florida Statutes.



Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the 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 must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief  
Bureau of Air Regulation

## MEMORANDUM

TO: Michael G. Cooke  
THRU: Trina Vielhauer   
FROM: Bobby Bull   
DATE: August 3, 2005  
SUBJECT: FINAL Permit No. 1050046-022-AC  
Mosaic Fertilizer, LLC  
Bartow Facility

Attached for approval and signature is a final air construction permit modification for the Bartow Phosphate Complex. This air construction permit is for the deletion of obsolete conditions from Air Construction Permit No. 1050046-008-AC.

This project is not subject to PSD because there will be no emissions changes associated with the modification. The facility will be subject to all current emissions limits. This construction permit is being processed concurrently with the Title V Renewal Permit, 1050046-018-AV.

No Comments were received concerning the DRAFT Permit that was clerked on June 9, 2005.

I recommend your approval and signature.

Attachment

TV/rlb

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 8/8/05 to the person(s) listed:

Carey G. MacConnell, Facility Manager, Mosaic Fertilizer, LLC\*  
Scott McCann, P.E., Golder Associates, Inc.  
Phil Steadham, Environmental Supervisor, Mosaic Fertilizer, LLC  
Jason Waters, DEP- SWD  
U.S. EPA, Region 4

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.

  
(Clerk)

8/8/05  
(Date)

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

|   |    |
|---|----|
| Postage   | \$ |
| Certified Fee                                     |    |
| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |

Postmark  
Here

Ms. Carrie MacConnell  
Facility Manager  
Mosaic Bartow, LLC  
3200 Highway 60 West  
Bartow, Florida 33830

PS Form 3800, January 2001

See Reverse for Instructions

7001 0320 0000 T000 3692 2411

## **FINAL DETERMINATION**

Mosaic Fertilizer, LLC  
Bartow Facility  
DEP File No. 1050046-022-AC

The Department distributed a public notice package on June 9, 2005 which deletes obsolete conditions from Air Construction Permit No. 1050046-008-AC at the Mosaic Fertilizer Bartow Facility, located at 3200 Highway 60 West in Polk County, Florida. The Public Notice of Intent to Issue was published in The Ledger on June 23, 2005.

### **COMMENTS/CHANGES**

No comments were received during the Public Comment Period.

### **CONCLUSION**

The final action of the Department is to issue the permit.



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

## PERMITTEE:

Mosaic Fertilizer, LLC  
Bartow Facility  
3200 Highway 60 West  
Bartow, Florida 33830

*Authorized Representative:*  
Carey G. MacConnell, General Manager  
Bartow Facility

|            |                                 |
|------------|---------------------------------|
| Permit No. | 1050046-022-AC                  |
| Project:   | Deletion of obsolete conditions |
| SIC:       | 2874                            |
| Expires:   | August 3, 2006                  |

## PROJECT AND LOCATION:

This air construction permit is for the deletion of obsolete conditions from Air Construction Permit No. 1050046-008-AC. The revised conditions will be incorporated into the current Title V operating permit, 1050046-018-AV.

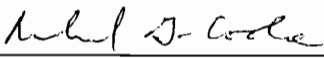
The Mosaic Fertilizer, LLC Bartow facility is located at 3200 Highway 60 West, Bartow, Polk County. UTM coordinates are Zone 17, 409.8 km E; 3086.6 km N.

## STATEMENT OF BASIS:

This air construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The above named permittee is authorized to construct/operate the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

## Attached appendices made a part of this permit:

Appendix GC      Construction Permit General Conditions

  
Michael G. Cooke, Director  
Division of Air Resource  
Management

"More Protection, Less Process"

Printed on recycled paper.

## SECTION I. GENERAL INFORMATION

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### FACILITY DESCRIPTION

This facility consists of one phosphoric acid plant (two trains), one diammonium phosphate/monoammonium phosphate (MAP/DAP) plant, one DAP fertilizer plant, four sulfuric acid plants, two fertilizer shipping plants, two boilers, and two molten sulfur storage and handling systems. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

### EMISSIONS UNITS

This permit revision addresses the following emissions units.

#### E.U.

#### ID No.

#### Brief Description

-001

Ammonium/Diammonium Phosphate Plant

The Ammonium/Diammonium Phosphate Plant (No. 3) has a design capacity of 3000 tons per day of MAP/DAP. The process consists of a dryer, a cooler, a reactor/granulator and screen vents.

### REGULATORY CLASSIFICATION

Because potential emissions of at least one regulated pollutant exceed 100 tons per year, the existing facility is a Title V Source and major source of air pollution in accordance with Chapter 62-213, F.A.C. Regulated pollutants include pollutants such as nitrogen oxides (NO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and sulfuric acid mist (SAM).

In addition, the Department has determined the facility to be a major source of hazardous air pollutants (HAPs) and affected sources are subject to 40 CFR 63 Subparts AA and BB.

Sulfuric Acid Plants 3, 4, 5, and 6 are subject to 40 CFR 60.80-85 as they apply to emissions of sulfuric acid mist only.

### RELEVANT DOCUMENTS

- Construction Permit Application 1050046-022-AC received March 15, 2005, including request for concurrent processing of Title V Air Operation Permit Revision. The Title V Air Operation Permit Revision will be incorporated into the Title V Air Operation Permit Revision/Renewal project 1050046-018-AV.

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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1. Permitting Authority:
  - a. For this permit, the permitting authority is the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and phone number (850)488-0114.
  - b. For future permitting actions, all documents related to applications for permits to construct or modify an emissions unit should be submitted to the Florida Department of Environmental Protection (FDEP), Southwest District, 3804 Coconut Palm Drive, Tampa, FL 33619-1352 and phone number (813/744-6100).
2. Compliance Authority: All documents related to operation, reports, tests, and notifications should be submitted to the Department of Environmental Protection Northeast District Office at  
Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, FL 33619-1352  
Telephone: 813/744-6100 Fax: 813/744-6084
3. General Conditions: The owner and operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
4. Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
5. Forms and Application Procedures: The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. [Rule 62-210.900, F.A.C.]
6. Modifications: The permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted sufficiently in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and the anticipated completion date of the change. [Chapters 62-210 and 62-212, F.A.C.]
7. New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
8. Completion of Construction: The permit expiration date is 3 years from final permit.
9. Permit Expiration Date Extension: The permittee, for good cause, may request that this permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rule 62-4.080, F.A.C.]



## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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10. Application for Title V Permit Revision: Concurrent processing of Air Construction Permit Application 1050046-022-AC and Title V Permit Revision/Renewal 1050046-018-AV.
11. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify the Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
12. Operating Procedures: Operating procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures as established by the equipment manufacturers. All plant operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment. [Rule 62-4.070(3), F.A.C.]
13. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without the applicable air control device operating properly. [Rule 62-210.650, F.A.C.]
14. Unconfined Particulate Matter Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]
15. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial performance tests and at least 15 days prior to any other required tests. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and conducting the test. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.7, 60.8]
16. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
17. Applicable Test Procedures
  - a. Required Sampling Time. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)1. and 2., F.A.C.]
  - b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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- c. **Calibration of Sampling Equipment.** Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C. [Rule 62-297.310(4)(d), F.A.C.]

18. **Determination of Process Variables**

- a. **Required Equipment.** The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.  
[Rule 62-297.310(5)(a), F.A.C.]
- b. **Accuracy of Equipment.** Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.  
[Rule 62-297.310(5)(b), F.A.C.]

19. **Special Compliance Tests:** When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.  
[Rule 62-297.310(7)(b), F.A.C.]

20. **Stack Testing Facilities:** Required stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C. [Rule 62-297.310]

21. **Operating Rate During Testing:** Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2)(b), F.A.C.]

22. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department, upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

23. **Emissions Performance Test Results Reports:** A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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24. Annual Operating Reports: The permittee is required to submit annual reports on the actual operating rates and emissions from this facility. Annual operating reports shall be sent to the DEP Southwest District by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

### SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

The following descriptions and specific conditions established in the Air Construction Permit, No. 1050046-008AC will be changes, and will be incorporated into the Title V permit renewal No. 1050046-018-AV; are changed as follows. Deletions are shown by ~~strikethroughs~~:

The Specific Conditions listed in this section apply to the following emission units:

| EMISSION UNIT NO. | EMISSION UNIT DESCRIPTION        |
|-------------------|----------------------------------|
| 001               | No. 3 Fertilizer (MAP/DAP) Plant |

1. Unless otherwise indicated, the modification and operation of the subject No. 3 Fertilizer Plant shall be in accordance with the capacities and specifications stated in the application or in updated submittals. **[Rule 62-210.300, F.A.C.]**
2. The subject emissions unit shall comply with all applicable provisions of the 40 CFR 60 New Source Performance Standards for Diammonium Phosphate Plants, Subpart V. **[Rule 62-204.800 F.A.C.]**
3. The No. 3 MAP/DAP Plant shall not produce more than 3,000 tons per day of MAP or DAP product or process more than 61.25 tons of  $P_2O_5$  input per hour for either product as determined using the procedure in Specific Condition No. 13. **[Rule 62-210.200, F.A.C.]**
4. The subject emission unit is allowed to operate continuously (8760 hours/year). **[Rule 62-210.200, F.A.C.]**
5. Total fluoride emissions shall not exceed 2.5 lb/hr and 10.95 TPY based on 0.041 lb F/ton of  $P_2O_5$  input. **[Rule 62-212.400, F.A.C.]**
6. Particulate matter emissions shall not exceed 11.0 lb/hr and 48.2 TPY based on 0.18 lb/ton  $P_2O_5$  input. **[Rule 62-212.400, F.A.C.]**
7. Visible emissions from the stack shall not exceed 15% opacity based on recent stack tests. **[Rule 62-212.400, F.A.C.]**
8. During periods of firing natural gas only, sulfur dioxide emissions from the stack shall be presumed as minimal and a sulfur dioxide compliance test shall be waived. No. 6 fuel oil with a maximum sulfur content of 1.5% sulfur by weight may be fired up to a maximum of 338,000 gallons per year. The firing rate of either fuel shall not exceed 40 million BTU per hour. The permittee shall maintain records of the fuel oil supplier's sulfur content analysis. **[Rule 62-210.200(227), F.A.C.]**
9. ~~The total pressure drop across the combined primary and secondary scrubber control systems shall be maintained at all times during normal operation at a minimum pressure drop of 15 inches  $H_2O$ . Instances may occur at other times such as low operating rates during which the total pressure drop may be less than the normal rate minimum of 15 inches  $H_2O$ .~~ The permittee shall install, calibrate, operate and maintain monitoring devices that continuously measure and record the total pressure drop across each scrubber. Accuracy of the monitoring devices shall be  $\pm 5\%$  over the operating range. **[Rules 62-297.310, 62-296.800; 40 CFR 60.223(c), F.A.C.]**
10. Before this construction permit expires, and annually, the subject emissions units shall be tested for compliance with the above emission limits. For the duration of all tests the emission units shall be operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then the emission unit may be tested at less than permitted capacity (i.e., 90% of the maximum operating rate allowed by the permit); in this case, subsequent emission unit operation is limited to 110 percent of

### SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

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the test load until a new test is conducted. Once the emission unit is so limited, then operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. **[Rule 62-297.310, F.A.C.]**

11. The Department's Southwest District office in Tampa shall be notified in writing at least 15 days prior to the compliance tests. Written reports of the test results shall be submitted to that office within 45 days of test completion. **[Rule 62-297.310, F.A.C.]**
12. The compliance test procedures shall be in accordance with EPA Reference Methods 1, 2, 3, 4, 5, 7E, 9 and 13A or 13B, as appropriate, as published in 40 CFR 60, Appendix A. 60, Appendix A. **[Rules 62-204.800 and 62-297.310(7)(c), F.A.C.]**
13. All measurements, records, and other data required to be maintained by the facility shall be retained for at least five (5) years following the date on which such measurements, records or data are recorded. These data shall be made available to the Department upon request. **[Rule 62-4.070(3), F.A.C.]** The permittee shall install, calibrate, maintain and operate a monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of  $\pm 5$  percent over its operating range. The permittee shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric tons/hour of phosphorus bearing feed using the flow monitor device meeting the requirements of 40 CFR 60.223(a) and then by proceeding according to 40 CFR 60.224(b)(3). **[Rule 62-296.800, F.A.C., 40 CFR 60.223(b)]**
14. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor. **[Rule 62-296.320, F.A.C.]**
15. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. **[Rule 62-210.650, F.A.C.]**
16. The subject emissions units shall be subject to the following:
  - Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. **[Rule 62-210.700, F.A.C.]**
  - Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. **[Rule 62-210.700, F.A.C.]**
  - Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest. **[Rule 62-210.700, F.A.C.]**
  - In case of excess emissions resulting from malfunctions, each source shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. **[Rule 62-210.700, F.A.C.]**
17. The permittee shall submit an Annual Operating Report using DEP Form 62-210.900(4) to the Department's Southwest District office by March 1 of the following year for the previous year's operation. **[Rule 62-210.370, F.A.C.]**

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

- G.1** The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3** As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4** This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5** This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6** The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

(c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

**G.8** If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

(a) A description of and cause of non-compliance; and

(b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

**G.9** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

**G.10** The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

**G.11** This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

**G.12** This permit or a copy thereof shall be kept at the work site of the permitted activity.

**G.13** This permit also constitutes:

(a) Determination of Best Available Control Technology (not applicable to project);

(b) Determination of Prevention of Significant Deterioration (not applicable to project);  
and

(c) Compliance with New Source Performance Standards (not applicable to project).

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

- G.14** The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15** When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.





Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

June 17, 2005

CERTIFIED MAIL - Return Receipt Requested

Carey G. MacConnell  
Facility Manager  
Mosaic Fertilizer, L.L.C.  
3200 Highway 60 West  
Bartow, FL 33830

Re: DRAFT Title V Air Operation Permit Renewal Project No.: 1050046-018-AV  
Draft Air Construction Permit Project No.: 1050046-022-AC  
Bartow Facility

Dear Ms. MacConnell:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft air construction permit, and the DRAFT Title V air operation permit renewal for the Bartow Facility located at 3200 Highway 60 West in Polk County, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

An electronic version of the DRAFT Title V Air Operation Permit Renewal has been posted on the Division of Air Resource Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

[http://www.dep.state.fl.us/air/permitting/airpermits/AirSearch\\_ltd.asp](http://www.dep.state.fl.us/air/permitting/airpermits/AirSearch_ltd.asp)

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to James K. Pennington, P.E., at the above letterhead address. If you have any other questions, please contact Bobby Bull at 850/921-9585.

Sincerely,

Trina L. Vielhauer  
Chief  
Bureau of Air Regulation

TLV/jkp/rlb  
Enclosures

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permits by:

Mosaic Fertilizer, L.L.C.  
3200 Highway 60 West  
Bartow, Florida 33830

DRAFT Title V Air Operation Permit Renewal Project  
No.: 1050046-018-AV  
Draft Air Construction Permit Project No.: 1050046-022-AC  
Bartow Facility  
Polk County

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WRITTEN NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A  
TITLE V AIR OPERATION PERMIT RENEWAL

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit (AC) and a Title V Air Operation Permit (Permit) renewal (copies of the DRAFT AC and DRAFT Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Mosaic, Inc., applied on April 4, 2003, to the permitting authority for a Permit Renewal for the Bartow Facility, 3200 Highway 60 West, Bartow, Polk County. On March 15, 2005, the applicant submitted an air construction application.

The Air Construction Permit 1050046-022-AC is being issued to remove a permit condition from air construction permit 1050046-008-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050046-003-AV, and incorporate the terms of Air Construction Permits 1050046-008-AC, 1050046-017-AC and 1050046-022-AC.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, and 62-213. This source is not exempt from construction and Title V permitting procedures. The permitting authority has determined that an AC and a Permit renewal are required to commence or continue operations at the described facility.

The permitting authority intends to issue the AC and the Permit renewal based on the belief that reasonable assurances have been provided to indicate that the AC activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/921-9533), within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106, F.A.C.

The permitting authority will issue the AC and the PROPOSED Permit and subsequent FINAL Permit, in accordance with the conditions of the attached Draft AC and the DRAFT Permit, unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed AC issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT"

**RENEWAL.** Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft AC, the permitting authority shall issue a Revised Draft AC and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the above address or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 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 of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit revision 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), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority 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, F.A.C.

A petition that disputes the material facts on which the permitting authority'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 each 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, as well as the rules and statutes which entitle the petitioner to relief;
- (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 permitting authority'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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection 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 of Environmental Protection, 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 United States Environmental Protection Agency 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.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator

Mosaic Fertilizer, L.L.C.

Bartow Facility

DRAFT Title V Air Operation Permit Project No.: 1050046-018-AV

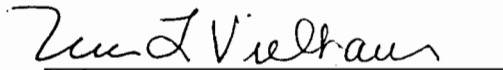
Draft Air Construction Permit Project No.: 1050046-022-AC

Page 4 of 4

of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

### CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the PUBLIC NOTICE and the DRAFT Permit) and all copies were sent by certified mail before the close of business on 6/9/05 to the person(s) listed:

Carey G. MacConnell, Mosaic Fertilizer, LLC, Facility Manager, 3200 Highway 60 West, Bartow, FL, 33830.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the PUBLIC NOTICE and Statement of Basis) were sent by U.S. mail on the same date to the person(s) listed or as otherwise noted:

Scott McCann, P.E., Golder Associates, Inc.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the DRAFT Permit package) were sent by INTERNET E-mail on the same date to the person(s) listed:

Debbie Waters, Environmental Supervisor, Mosaic Fertilizer, LLC  
Jason Waters, DEP- SWD  
U.S. EPA, Region 4

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency Clerk, receipt of which is hereby acknowledged.

Barbara J. Sunday 6/9/05  
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V  
AIR OPERATION PERMIT RENEWAL**

Permitting Authority  
Department of Environmental Protection

DRAFT Title V Air Operation Permit No. 1050046-018-AV  
DRAFT Air Construction Permit 1050046-022-AC  
Mosaic Fertilizer, LLC  
Bartow Facility  
Polk County

**Applicant:** The applicant for this project is Mosaic Fertilizer, LLC, 3200 Highway 60 West, Bartow, Florida 33830. The applicant's responsible official is Carey G. MacConnell, Facility Manager.  
**Facility Location:** The applicant operates a phosphate plant, which is located at 3200 Highway 60 West in Polk County, Florida.

**Project:** On April 4, 2003, the applicant submitted an application for a Title V Air Operation Permit (Permit) Renewal. On March 15, 2005, the applicant applied for an air construction permit (AC). Details of the project are provided in the application and the "Statement of Basis", for the Permit Renewal, and the Technical Evaluation and Preliminary Determination, for the AC.

The Air Construction Permit 1050046-022-AC is being issued to remove obsolete conditions from air construction permit No. 1050046-008-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050046-003-AV, and incorporate the terms of Air Construction Permits 1050046-008-AC, 1050046-017-AC and 1050046-022-AC.

This facility consists of one phosphoric acid plant (two trains), one diammonium phosphate/monoammonium phosphate (MAP/DAP) plant, one DAP fertilizer plant, four sulfuric acid plants, two fertilizer shipping plants, two boilers, and two molten sulfur storage and handling systems. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the renewal application, facility processes, and initial notification requirements of 40 CFR 63, Subparts AA and BB, this facility is a major source of hazardous air pollutants (HAPs).

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department of Environmental Protection is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Division of Air Resource Management, MS 5505, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. The Permitting Authority's telephone number is 850/488-0114 and facsimile 850/921-9533.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the DRAFT Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the DRAFT Permit and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/ards/>. A copy of the complete project file is also available at the Southwest District at 3804 Coconut Palm Way, Tampa, FL, 33619-1352 (Telephone: 813/744-6100).

**Notice of Intent to Issue A Permit:** The Permitting Authority gives notice of its intent to issue an AC and a permit renewal to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue an AC and the PROPOSED Permit and subsequent FINAL Permit in accordance with the conditions of the DRAFT AC and DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

**Comments:** The permitting authority will accept written comments concerning the proposed AC issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V  
AIR OPERATION PERMIT RENEWAL**

INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL.” Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft AC, the permitting authority shall issue a Revised Draft AC and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of this “PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL.” Written comments must be post-marked and all e-mail or facsimile comments must be received by the close of business (5 pm) on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department’s official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

**Petitions:** A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department’s Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) 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, F.A.C.

A petition that disputes the material facts on which the Permitting Authority’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 rights will be affected by the agency determination; (c) A statement of how and when the 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 state; (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 the 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 Permitting Authority’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, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority’s final action may be different from the position taken by it in this Public Notice of intent. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.



**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V  
AIR OPERATION PERMIT RENEWAL**

**Mediation:** Mediation is not available for this proceeding.

**Objections:** In addition to the above right to petition, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

PRELIMINARY DETERMINATION

Mosaic Fertilizer, LLC

Deletion of Conditions From  
Air Construction Permit 1050046-022-AC  
Bartow Facility  
Polk County, Florida

DEP File Number  
1050046-022-AC

Florida Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation

June 17, 2005

## PRELIMINARY DETERMINATION

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### I. APPLICATION INFORMATION

#### A. Applicant

Mosaic Fertilizer, LLC  
3200 Highway 60 West  
Bartow, Polk County, Florida 33830  
Authorized Representative: Ms. Carey G. MacConnell

#### B. Engineer

Scott A. McCann, P.E.  
Golder Associates, Inc.  
6241 NW 23<sup>rd</sup> Street, Suite 500  
Gainesville, FL 32653-1500

#### C. Project and Location

The facility is requesting scrubber parameters stated in air construction permit No. 1050046-008-AC, emissions unit 001, specific condition No. 9, be removed from the permit. Condition No. 9 currently permits the combined primary and secondary scrubber control systems to maintain pressure drop at 15 inches H<sub>2</sub>O. The facility currently has an alternate monitoring plan (AMP) which was developed by the facility and the Department, 5 years after permit No. 1050046-008-AC, to comply with the conditions of 40 CFR 63 Subpart BB, National Emission Standard for Hazardous Air Pollutants (NESHAP) for phosphate fertilizer production. The AMP provides a larger pressure drop parameters which the scrubbers can operate, based upon recent compliance testing. The parameters in the AMP will more accurately reflect the operations of emissions unit No. 001.

#### D. Facility Location

The applicant's facility is located at 3200 Highway 60 West, Bartow, Polk County, Florida. Latitude and longitude are 27° 54' 10" North and 81° 54' 59" West, respectively. UTM coordinates of the site are: Zone 17, 409.8 km East and 3086.6 km North.

Facility Identification Code (SIC): Major Group No. 28, Industry Group Nos. 2874.

#### E. Process and Controls

There will be no new process or controls introduced in this air construction permit.

#### F. Reviewing and Process Schedule

3/15/05: Date of Receipt of Application  
3/17/05: Application complete

## **PRELIMINARY DETERMINATION**

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### **II. SUMMARY OF EMISSIONS**

The emissions limitations for all existing emissions units will remain unchanged with this construction permit.

### **CONCLUSION**

Based on the information submitted by Mosaic Fertilizer, LLC, the Department has made a preliminary determination that the proposed project will comply with all applicable state air pollution regulations of Chapters 62-204 through 62-297, F.A.C. The General and Specific Conditions are listed in the attached draft conditions of approval.

### **PROPOSED AGENCY ACTION**

Pursuant to Sec. 403.087, Florida Statutes and Section 62-4.070, Florida Administrative Code, the Department hereby gives notice of its intent to delete the aforementioned air pollution sources in accordance with the draft permit and its conditions as stipulated.



Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

## PERMITTEE:

Mosaic Fertilizer, LLC  
Bartow Facility  
3200 Highway 60 West  
Bartow, Florida 33830

*Authorized Representative:*  
Carey G. MacConnell, General Manager  
Bartow Facility

|            |                                 |
|------------|---------------------------------|
| Permit No. | 1050046-022-AC                  |
| Project:   | Deletion of obsolete conditions |
| SIC:       | 2874                            |
| Expires:   | 1 year from final permit        |

## PROJECT AND LOCATION:

This air construction permit is for the deletion of obsolete conditions from Air Construction Permit No. 1050046-008-AC. The revised conditions will be incorporated into the current Title V operating permit.

The Mosaic Fertilizer, LLC Bartow facility is located at 3200 Highway 60 West, Bartow, Polk County. UTM coordinates are Zone 17, 409.8 km E; 3086.6 km N.

## STATEMENT OF BASIS:

This air construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The above named permittee is authorized to construct/operate the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

## Attached appendices made a part of this permit:

Appendix GC Construction Permit General Conditions

Michael G. Cooke, Director  
Division of Air Resource  
Management

"More Protection, Less Process"

Printed on recycled paper.

## SECTION I. GENERAL INFORMATION

### FACILITY DESCRIPTION

This facility consists of one phosphoric acid plant (two trains), one diammonium phosphate/monoammonium phosphate (MAP/DAP) plant, one DAP fertilizer plant, four sulfuric acid plants, two fertilizer shipping plants, two boilers, and two molten sulfur storage and handling systems. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

### EMISSIONS UNITS

This permit revision addresses the following emissions units.

#### E.U.

| <u>ID No.</u> | <u>Brief Description</u>            |
|---------------|-------------------------------------|
| -001          | Ammonium/Diammonium Phosphate Plant |

The Ammonium/Diammonium Phosphate Plant (No. 3) has a design capacity of 3000 tons per day of MAP/DAP. The process consists of a dryer, a cooler, a reactor/granulator and screen vents.

### REGULATORY CLASSIFICATION

Because potential emissions of at least one regulated pollutant exceed 100 tons per year, the existing facility is a Title V Source and major source of air pollution in accordance with Chapter 62-213, F.A.C. Regulated pollutants include pollutants such as nitrogen oxides (NO<sub>x</sub>), particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and sulfuric acid mist (SAM).

In addition, the Department has determined the facility to be a major source of hazardous air pollutants (HAPs) and affected sources are subject to 40 CFR 63 Subparts AA and BB.

Sulfuric Acid Plants 3, 4, 5, and 6 are subject to 40 CFR 60.80-85 as they apply to emissions of sulfuric acid mist only.

### RELEVANT DOCUMENTS

- Construction Permit Application 1050046-022-AC received March 15, 2005, including request for concurrent processing of Title V Air Operation Permit Revision. The Title V Air Operation Permit Revision will be incorporated into the Title V Air Operation Permit Revision/Renewal project 1050046-018-AV

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

1. Permitting Authority:
  - a. For this permit, the permitting authority is the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and phone number (850)488-0114.
  - b. For future permitting actions, all documents related to applications for permits to construct or modify an emissions unit should be submitted to the Florida Department of Environmental Protection (FDEP), Southwest District, 3804 Coconut Palm Drive, Tampa, FL 33619-1352 and phone number (813/744-6100).
2. Compliance Authority: All documents related to operation, reports, tests, and notifications should be submitted to the Department of Environmental Protection Northeast District Office at  
Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, FL 33619-1352  
Telephone: 813/744-6100 Fax: 813/744-6084
3. General Conditions: The owner and operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
4. Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
5. Forms and Application Procedures: The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. [Rule 62-210.900, F.A.C.]
6. Modifications: The permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted sufficiently in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and the anticipated completion date of the change. [Chapters 62-210 and 62-212, F.A.C.]
7. New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
8. Completion of Construction: The permit expiration date is 3 years from final permit.
9. Permit Expiration Date Extension: The permittee, for good cause, may request that this permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rule 62-4.080, F.A.C.]

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

10. Application for Title V Permit Revision: Concurrent processing of Air Construction Permit Application 1050046-022-AC and Title V Permit Revision/Renewal 1050046-018-AV.
11. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify the Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
12. Operating Procedures: Operating procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures as established by the equipment manufacturers. All plant operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment. [Rule 62-4.070(3), F.A.C.]
13. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without the applicable air control device operating properly. [Rule 62-210.650, F.A.C.]
14. Unconfined Particulate Matter Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]
15. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial performance tests and at least 15 days prior to any other required tests. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and conducting the test. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.7, 60.8]
16. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
17. Applicable Test Procedures
  - a. Required Sampling Time: Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)1. and 2., F.A.C.]
  - b. Minimum Sample Volume: Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]



## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

- c. **Calibration of Sampling Equipment.** Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C. [Rule 62-297.310(4)(d), F.A.C.]

### 18. Determination of Process Variables

- a. **Required Equipment.** The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.  
[Rule 62-297.310(5)(a), F.A.C.]
- b. **Accuracy of Equipment.** Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.  
[Rule 62-297.310(5)(b), F.A.C.]

19. **Special Compliance Tests:** When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.  
[Rule 62-297.310(7)(b), F.A.C.]
20. **Stack Testing Facilities:** Required stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C. [Rule 62-297.310]
21. **Operating Rate During Testing:** Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2)(b), F.A.C.]
22. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department, upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]
23. **Emissions Performance Test Results Reports:** A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

24. Annual Operating Reports: The permittee is required to submit annual reports on the actual operating rates and emissions from this facility. Annual operating reports shall be sent to the DEP Southwest District by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

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### SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

The following descriptions and specific conditions established in the Air Construction Permit, No. 1050046-008AC will be changes, and will be incorporated into the Title V permit renewal No. 1050046-018-AV; are changed as follows. Deletions are shown by ~~strikethroughs~~:

The Specific Conditions listed in this section apply to the following emission units:

| EMISSION UNIT NO. | EMISSION UNIT DESCRIPTION        |
|-------------------|----------------------------------|
| 001               | No. 3 Fertilizer (MAP/DAP) Plant |

1. Unless otherwise indicated, the modification and operation of the subject No. 3 Fertilizer Plant shall be in accordance with the capacities and specifications stated in the application or in updated submittals. **[Rule 62-210.300, F.A.C.]**
2. The subject emissions unit shall comply with all applicable provisions of the 40 CFR 60 New Source Performance Standards for Diammonium Phosphate Plants, Subpart V. **[Rule 62-204.800 F.A.C.]**
3. The No. 3 MAP/DAP Plant shall not produce more than 3,000 tons per day of MAP or DAP product or process more than 61.25 tons of  $P_2O_5$  input per hour for either product as determined using the procedure in Specific Condition No. 13. **[Rule 62-210.200, F.A.C.]**
4. The subject emission unit is allowed to operate continuously (8760 hours/year). **[Rule 62-210.200, F.A.C.]**
5. Total fluoride emissions shall not exceed 2.5 lb/hr and 10.95 TPY based on 0.041 lb F/ton of  $P_2O_5$  input. **[Rule 62-212.400, F.A.C.]**
6. Particulate matter emissions shall not exceed 11.0 lb/hr and 48.2 TPY based on 0.18 lb/ton  $P_2O_5$  input. **[Rule 62-212.400, F.A.C.]**
7. Visible emissions from the stack shall not exceed 15% opacity based on recent stack tests. **[Rule 62-212.400, F.A.C.]**
8. During periods of firing natural gas only, sulfur dioxide emissions from the stack shall be presumed as minimal and a sulfur dioxide compliance test shall be waived. No. 6 fuel oil with a maximum sulfur content of 1.5% sulfur by weight may be fired up to a maximum of 338,000 gallons per year. The firing rate of either fuel shall not exceed 40 million BTU per hour. The permittee shall maintain records of the fuel oil supplier's sulfur content analysis. **[Rule 62-210.200(227), F.A.C.]**
9. ~~The total pressure drop across the combined primary and secondary scrubber control systems shall be maintained at all times during normal operation at a minimum pressure drop of 15 inches  $H_2O$ . Instances may occur at other times such as low operating rates during which the total pressure drop may be less than the normal rate minimum of 15 inches  $H_2O$ . The permittee shall install, calibrate, operate and maintain monitoring devices that continuously measure and record the total pressure drop across each scrubber. Accuracy of the monitoring devices shall be  $\pm 5\%$  over the operating range.~~ **[Rules 62-297.310, 62-296.800, 40 CFR 60.223(c), F.A.C.]**
10. Before this construction permit expires, and annually, the subject emissions units shall be tested for compliance with the above emission limits. For the duration of all tests the emission units shall be operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then the emission unit may be tested at less than permitted capacity (i.e., 90% of the maximum operating rate allowed by the permit); in this case, subsequent emission unit operation is limited to 110 percent of

### SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

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the test load until a new test is conducted. Once the emission unit is so limited, then operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. **[Rule 62-297.310, F.A.C.]**

11. The Department's Southwest District office in Tampa shall be notified in writing at least 15 days prior to the compliance tests. Written reports of the test results shall be submitted to that office within 45 days of test completion. **[Rule 62-297.310, F.A.C.]**
12. The compliance test procedures shall be in accordance with EPA Reference Methods 1, 2, 3, 4, 5, 7E, 9 and 13A or 13B, as appropriate, as published in 40 CFR 60, Appendix A. 60, Appendix A. **[Rules 62-204.800 and 62-297.310(7)(c), F.A.C.]**
13. All measurements, records, and other data required to be maintained by the facility shall be retained for at least five (5) years following the date on which such measurements, records or data are recorded. These data shall be made available to the Department upon request. **[Rule 62-4.070(3), F.A.C.]** The permittee shall install, calibrate, maintain and operate a monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of  $\pm 5$  percent over its operating range. The permittee shall maintain a daily record of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the total mass rate in metric tons/hour of phosphorus bearing feed using the flow monitor device meeting the requirements of 40 CFR 60.223(a) and then by proceeding according to 40 CFR 60.224(b)(3). **[Rule 62-296.800, F.A.C., 40 CFR 60.223(b)]**
14. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor. **[Rule 62-296.320, F.A.C.]**
15. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. **[Rule 62-210.650, F.A.C.]**
16. The subject emissions units shall be subject to the following:
  - Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. **[Rule 62-210.700, F.A.C.]**
  - Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. **[Rule 62-210.700, F.A.C.]**
  - Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest. **[Rule 62-210.700, F.A.C.]**
  - In case of excess emissions resulting from malfunctions, each source shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. **[Rule 62-210.700, F.A.C.]**
17. The permittee shall submit an Annual Operating Report using DEP Form 62-210.900(4) to the Department's Southwest District office by March 1 of the following year for the previous year's operation. **[Rule 62-210.370, F.A.C.]**

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

- G.1** The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3** As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4** This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5** This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6** The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7** The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

(c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

**G.8** If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

(a) A description of and cause of non-compliance; and

(b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages, which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

**G.9** In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

**G.10** The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

**G.11** This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department.

**G.12** This permit or a copy thereof shall be kept at the work site of the permitted activity.

**G.13** This permit also constitutes:

(a) Determination of Best Available Control Technology (not applicable to project);

(b) Determination of Prevention of Significant Deterioration (not applicable to project);  
and

(c) Compliance with New Source Performance Standards (not applicable to project).

**APPENDIX GC**  
**CONSTRUCTION PERMIT GENERAL CONDITIONS [RULE 62-4.160, F.A.C.]**

- G.14** The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15** When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.