



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

February 18, 2005

CERTIFIED MAIL - Return Receipt Requested

NEVER
PUBLISHED

Phong T. Vo
General Manager
US Agri-Chemicals Corporation
Post Office Box 1480
Bartow, Florida 33830

Re: DRAFT Title V Air Operation Permit Renewal Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Bartow Chemical Plant

Dear Mr. Vo:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft air construction permit (letter), and the DRAFT Title V air operation permit renewal for the Bartow Chemical Plant located on State Road 60, 2 miles West of Bartow, 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"

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:

US Agri-Chemicals Corporation
Bartow Chemical Plant
Post Office Box 1480
Bartow, Florida 33830

DRAFT Title V Air Operation Permit Renewal Project
No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Bartow Chemical Plant
Polk County

**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, US Agri-Chemicals Corporation, applied on February 28, 2003, to the permitting authority for a Permit Renewal for the Bartow Chemical Plant, State Road 60, 2 miles West of Bartow, Polk County. On January 26, 2005, the applicant submitted an air construction application.

The Air Construction Permit 1050050-015-AC is being issued 1) for the deletion of the bag collector located at emissions unit (EU) No. 039, 2) to revise or delete obsolete conditions for EU No. 038 and No. 039 from the current Title V permit, 3) to add reporting requirements to the Title V permit to demonstrate the facility is not a major source of hazardous air pollutants (HAPs), and 4) to modify specific conditions of Air Construction Permit 1050050-009-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050050-008-AV, and incorporate the terms of Air Construction Permit 1050050-015-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.

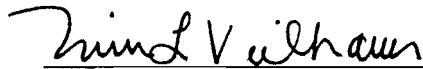
Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any 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

US Agri-Chemicals Corporation
Bartow Chemical Plant
DRAFT Title V Air Operation Permit Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
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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>.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer, Chief
Bureau of Air Regulation

US Agri-Chemicals Corporation
Bartow Chemical Plant
DRAFT Title V Air Operation Permit Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Page 5 of 5

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Combined PUBLIC NOTICE, Draft AC and DRAFT Permit) and all copies were sent by certified mail before the close of business on 2/21/05 to the person(s) listed:

Phong T. Vo, General Manager, US Agri-Chemicals Corporation, Post Office Box 1480, Bartow, Florida 33830

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Combined PUBLIC NOTICE, Draft AC and DRAFT Permit) were sent by U.S. mail on the same date to the person(s) listed:

Ronald Brunk, Manager, Environmental Services, US Agri-Chemicals, Bartow Chemical Plant
John B. Koogler, PhD., P.E., Koogler and Associates
Pradeep Raval, Consultant, Koogler and Associates

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

Jerry Kissel, FDEP- SWD
Jason Waters, FDEP- 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. Friday Friday 2/21/05
(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. 1050050-014-AV
DRAFT Air Construction Permit 1050050-015-AC
US Agri-Chemicals Corporation
Bartow Chemical Plant
Polk County

Applicant: The applicant for this project is US Agri-Chemicals Corporation, Post Office Box 1480, Bartow, Florida 33830. The applicant's responsible official is Phong T. Vo, General Manager.

Facility Location: The applicant operates a phosphate plant, which is located on State Road 60, 2 miles West of Bartow in Polk, Florida.

Project: On February 28, 2003, the applicant submitted an application for a Title V Air Operation Permit (Permit) Renewal. On January 26, 2005, the applicant applied for an air construction permit (AC). Details of the project are provided in the application and the enclosed "Statement of Basis", for the Permit Renewal, and the Preliminary Determination, for the AC.

The Air Construction Permit 1050050-015-AC is being issued 1) for the deletion of the bag collector located at emissions unit (EU) No. 039, 2) to revise or delete obsolete conditions for EU No. 038 and No. 039 from the current Title V permit, 3) to add reporting requirements to the Title V permit to demonstrate the facility is not a major source of hazardous air pollutants (HAPs), and 4) to modify specific conditions of Air Construction Permit 1050050-009-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050050-008-AV, and incorporate the terms of Air Construction Permit 1050050-015-AC.

This facility consists of a Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant and a MAP/DAP Storage & Loadout. Also in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the Title V permit renewal application received February 28, 2003, this facility is not a major source of hazardous air pollutants (HAPs). Continuous Assurance Monitoring (CAM) Requirements do apply.

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 Drive, 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.

Public Notice to be Published in the Newspaper

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

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 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

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

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: 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

US Agri-Chemicals Corporation

Deletion and Revision of Permit Conditions and
Bag Collector
Bartow Chemical Plant
Polk County, Florida

DEP File Number
1050050-015-AC

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

February 18, 2005

PRELIMINARY DETERMINATION

I. APPLICATION INFORMATION

A. Applicant

US Agri-Chemicals Corporation

P.O. Box 1480

Bartow, Polk County, Florida 33830

Authorized Representative: Mr. Phong T. Vo, General Manager of Engineering and Technical Services

B. Engineer

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

Koogler and Associates

4014 NW 13th Street

Gainesville, FL 32609

C. Project and Location

The air construction permit will remove the bag collector for emissions unit (EU) No. 039, loadout operation. The bag collector is no longer being used by the facility. Particulate Matter (PM) emissions from EU No. 039 loadout operation are currently being controlled by dust suppressant. The permit will revise specific conditions in Section III, Facility Conditions, Subsection B once the bag collector is removed by this air construction permit. This permit will also remove and revise permit conditions in the Title V Operation Permit to remove operating parameters for EU No. 038. Operating parameters for the scrubber located at EU No. 038 will be addressed in the facility's Compliance Assurance Monitoring (CAM) Plan.

Air Construction permit 1050050-009-AC will be modified based upon these changes. Conditions in project no. 009 will be removed or revised to accommodate the revisions to the current Title V permit.

The facility has stated they are not major for Hazardous Air Pollutants (HAPs), and request to have minor source status. This permit will also add reporting requirements to the current Title V permit for reasonable assurance the facility will not be applicable to 40 CFR 63 Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

All emissions units are located at the Bartow Chemical Plant.

D. Facility Location

The applicant's facility is located on State Road 60, 2 miles West of Bartow, Bartow, Polk County, Florida. Latitude and longitude are 27°54'01" North and 81°52'55" West, respectively. UTM coordinates of the site are: Zone 17, 413.2 km East and 3086.3 km North.

PRELIMINARY DETERMINATION

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

1/26/05: Date of Receipt of Application

1/26/05: Application complete

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 US Agri-Chemical Corporation, 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 control equipment in accordance with the draft permit and its conditions as stipulated.



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

PERMITTEE:

US Agri-Chemicals Corporation
Bartow Chemical Plant
PO Box 1480
Bartow, Florida 33830

Authorized Representative:
Phong T. Vo, General Manager
Bartow Chemical Plant

Permit No.	1050050-015-AC
Project:	Deletion of Bag Collector and Removal of obsolete conditions
SIC:	2874
Expires:	January 30, 2006

PROJECT AND LOCATION:

This air construction permit is for the deletion of the bag collector located at emissions unit (EU) No. 039 and to delete and revise obsolete conditions for EU No. 038 and No. 039 as applicable to the Title V Operation Permit. Operating parameters removed by this permit, for the scrubber located at EU No. 038, will be addressed in the facility's Compliance Assurance Monitoring (CAM) Plan as part of the Title V Permit Renewal Permit 1050050-014-AV. Air Construction permit 1050050-009-AC will be modified based upon these changes. Conditions in project no. 009 will be removed or revised to accommodate the revisions to the current Title V permit.

The facility has stated they are not major for Hazardous Air Pollutants (HAPs), and request to have minor source status. This permit will also add reporting requirements to the current Title V permit for reasonable assurance the facility will not be applicable to 40 CFR 63 Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

The US Agri-Chemicals Corporation Bartow Chemical Plant is located on State Road 60, 2 miles West of Bartow, Polk County. UTM coordinates are Zone 17; 413.2 km E; 3086.3 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"

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SECTION I. GENERAL INFORMATION

FACILITY DESCRIPTION

This facility consists of a Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant and a MAP/DAP Storage & Loadout. Also 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

<u>No.</u>	<u>Brief Description</u>
-038	Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant
-039	MAP/DAP Storage & Loadout

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_x), particulate matter (PM/PM₁₀), and sulfur dioxide (SO₂).

Based on the Title V permit renewal application received February 28, 2003 and applicant request, this facility is not a major source of hazardous air pollutants (HAPs). Continuous Assurance Monitoring (CAM) Requirements do apply.

RELEVANT DOCUMENTS

Construction Permit Application 1050050-015-AC received January 26, 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 1050050-014-AV.

SECTION II. ADMINISTRATIVE REQUIREMENTS

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 Southwest District Office at

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida, 33619-1352
Telephone: 813/744-6100 Fax: 813/744-6084

3. General Conditions: The owner/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 January 30, 2006.

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. ADMINISTRATIVE REQUIREMENTS

10. Application for Title V Permit Revision: The Permittee requested concurrent processing of Air Construction Permit Application 1050050-015-AC and Title V Permit Revision/Renewal 1050050-014-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. ADMINISTRATIVE REQUIREMENTS

- 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. ADMINISTRATIVE REQUIREMENTS

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 UNIT SPECIFIC CONDITIONS

The following descriptions and specific conditions established in Air Construction Permit, No. 1050050-009-AC are changed as follows. Additions are highlighted, and deletions are shown by strikethroughs:

E.U. ID

<u>No.</u>	<u>Brief Description</u>
038	MAP/DAP Plant
039	MAP/DAP Storage & Loadout

SPECIFIC CONDITIONS

Condition 1. (This condition modifies the provisions of Condition A.12 of Title V permit 1050050-002-AV)

~~In order to provide reasonable assurance that the MAP/DAP plant's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop and water flowrate that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. [Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-004-AC]~~

Condition 2. (This condition modifies the provisions of Condition B.8 of Title V permit 1050050-002-AV)

~~In order to provide reasonable assurance that the DAP/MAP storage and loadout facility's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. [Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-003-AC]~~

Condition 3. (This condition modifies the provisions of Subsection B of Title V permit 1050050-002-AV)

The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by a Mikro-pulsaire Model 512K10 baghouse rated at 30,000 acfm and/or application of a dust-suppressing oil to product.

3.A. There shall be less than 5% visible emissions to the ambient atmosphere from any point on the MAP/DAP storage and load-out building when a dust-suppressing oil has been applied to product to control particulate emissions in lieu of operation of the baghouse emission control device. [Rules 62-4.070(3) & 62-296.320(4)(c), F.A.C.]

3.B. ~~Test the baghouse exhaust emissions for visible emissions in each federal fiscal year. (The Department shall waive this test in each year that the permittee submits a statement that since the last compliance test (1) dust suppressing oil has been applied at no less than the minimum rate established by Condition 3.C and (2) the baghouse system has not been used.)~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

~~{Rules 62-297.310(7)(a)4 & (7)(c) and 62-4.070(4), F.A.C.}~~

3.C. The permittee shall conduct performance tests on all types of dust-suppressing oils that will be used to control generation of dust in the MAP/DAP storage and loadout system. A report of the results of these performance tests shall be submitted to the Department. For each oil tested, the report shall include at least the following information:

1. The specific type of dust-suppressing oil (include a MSDS sheet on this material, if available);
2. The point of application of the dust-suppressing oil, the *minimum rate* at which it was applied, and a description of how the rate of application was controlled and measured;
3. A statement of the results of observation of visible emissions from the transfer and load-out building when handling product to which dust-suppressing oil has been applied at the minimum rate.

Should the permittee decide at some future time to use a dust-suppressing oil (1) for which no performance test has been submitted to the Department or (2) for which any of the conditions of application in Condition 3.C.2, above, has been altered, then additional performance testing shall be conducted within 15 days of the change for the new oil and/or conditions. A report that contains conditions 1, 2, & 3, above, shall be submitted to the Department within 30 days of the testing. [Rules 62-4.070(3) and 62-297.310(7)(c), F.A.C.]

3.D. The permittee shall create and keep a daily record log. ~~(at least one reading per day) of the operating parameters for the baghouse. The record log shall contain, at a minimum, the gas pressure drop (inches of water), the date and time of the measurements, and the person responsible for performing the measurements.~~ If dust-suppressing oil was applied to product, then the lowest rate at which oil was applied shall be entered into the daily record log. [Rules 62-4.070(3), and 62-210.650, F.A.C.]

~~{Permitting Note: Daily recordkeeping is required only on days that the load-out system baghouse is operated or the dust-suppressing oil system is used.}~~

Condition 4.

The permittee shall submit an application to revise Title V permit 1050050-002-AV by April 30, 2001. Along with the application, the permittee shall submit a copy of the report required by Condition 3.C and a copy of the record log amended by Condition 3.D. [Rule 62-213.420, F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following descriptions and specific conditions established in the initial Title V Air Operation Permit, No. 1050050-001-AV; and the previous Title V Air Operation Permit Revision, No. 1050050-012-AV; are changed as follows. Additions are highlighted, and deletions are shown by strikethroughs:

Section III. Emissions Unit(s) and Conditions. Subsection A.

~~A.12. In order to provide reasonable assurance that the MAP/DAP plant's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop and water flowrate that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. (Effective as of the date of revision under Project 012, as shown on page 2 of 10.) [Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-009 AC (as amended under Project 010)]~~

~~[Permitting Note: This condition is deleted because of CAM]~~

Section III. Emissions Unit(s) and Conditions. Subsection B.

Subsection B. This section addresses the following emissions unit(s).

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-039	MAP/DAP Storage & Loadout

The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by a ~~Mikro Pulsaire Model 512K10 baghouse rated at 30,000 acfm and/or~~ application of a dust-suppressing oil to product.

{Permitting note(s): This emissions unit is regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; Rule 62-296.700, F.A.C., RACT Particulate Matter; and Rule 62-296.403, F.A.C., Phosphate Processing; }

The following specific conditions apply to the emissions unit(s) listed above:

Essential Potential to Emit (PTE) Parameters

B.1. Capacity. The maximum process/transfer rate for the MAP/DAP storage and loadout facility shall not exceed 300 tons per hour on a 24-hour basis.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE), Title V Application dated 6/13/96.]

Emission Limitations and Standards

B.2. ~~The maximum allowable particulate matter emissions from the MAP/DAP storage and loadout facility shall not exceed 22.7 pounds per hour and 99.43 tons per year. This particulate matter emission rate limitation qualifies the facility for the PM RACT exemption per Rule 62-296.700(2)(b), F.A.C.~~

~~[Requested by permittee, August 9, 1988, and Rule 62-296.700(2)(b), F.A.C.]~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

~~B.3.2~~ Visible emissions shall not be equal to or greater than 20% opacity. However, when a dust-suppressing oil has been applied to product to control particulate emissions in lieu of operation of the baghouse emission control device, there shall be less than 5% visible emissions to the ambient atmosphere from any point on the MAP/DAP storage and load-out building. (Effective as of the date of revision under FDEP project 012, as shown on page 2 of 10.)

[Rule 62-4.070(3) and -296.320(4)(b)&(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010); and Air Construction Permit 1050050-015-AC]

~~B.4.~~ Due to the expense and complexity of conducting a stack test on a minor source of particulate matter, and because the MAP/DAP storage and loadout facility is equipped with a baghouse emission control device, the Department, pursuant to the authority granted under Rule 62-297.620(4), F.A.C., hereby establishes a visible emission limitation not to exceed an opacity of 5% from this source's baghouse exhaust in lieu of a particulate stack test and a 20% opacity standard. [Rule 62-297.620(4), F.A.C.]

Test Methods and Procedures

~~B.5.~~ Test the baghouse exhaust emissions for visible emissions in each federal fiscal year (October 1 – September 30). The Department shall waive this test in each year that the permittee submits a statement that since the last compliance test (1) dust-suppressing oil has been applied at no less than the minimum rate established by performance test and maintained in Table 2-1, and (2) the baghouse emission control device has not been used. (Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)

[Rules 62-4.070(4) and 297.310(7)(a)4 & (7)(e), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010)]

~~B.6.3~~ Prior to the use of a dust-suppressing oil for which (1) no performance test has been submitted to the Department or (2) any condition identified by Condition B.10.a, b, & c for a Department-approved oiling procedure has been altered, then additional performance testing shall be conducted within 15 days of the change for the new oil and/or conditions. (Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)

[Rules 62-4.070(4) and 297.310(7)(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010)]

~~B.7.4~~ Test for particulate matter emissions per Condition B.2, on or during the 120 day period prior to the expiration date of this permit. The visible emissions test shall be conducted as required per by Condition B.6. shall be conducted concurrently with this particulate matter emissions test. (waived per Condition B.4). [Rules 62-297.310(7)(a)3, F.A.C. and Air Construction Permit 1050050-015-AC]

~~B.8.5~~ Compliance with the emission limitations of Conditions B.2., B.3 and B.4 shall be determined using EPA Methods 1, 2, 4, 5, and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test.

[Rule 62-297, F.A.C. and Air Construction Permit 1050050-015-AC]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

Monitoring, Recordkeeping and Reporting Requirements

~~B.9. In order to provide reasonable assurance that the MAP/DAP storage and loadout facility's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. (Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)~~

~~{Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-009-AC (as amended by project no. 010)}~~

~~B.10.6. In order to assure that the MAP/DAP storage and loadout facility does not produce visible emissions while handling product when the baghouse emission control device is shutdown, the product shall have been oiled at no less than the minimum rate identified in Condition B.6, and in Table 2-1, Summary of Compliance Requirements. For each oil tested, a report of all information identified by B.6.a, b, & c, below, shall be submitted to the Department within 30 days of the testing.~~

- a. The specific type of dust-suppressing oil (including a MSDS sheet on this material, if available),
- b. The point of application of the dust-suppressing oil, the minimum rate at which it was applied, and a description of how the rate of application was controlled and measured,
- c. A statement of the results of observation of visible emissions from the transfer and loadout building when handling product to which dust-suppressing oil has been applied at a minimum rate.

Pollution Control Equipment	Dust-Suppressing Oil	Minimum Application Rate	Point of Application	Method of Measurement
MAP/DAP Storage & Loadout Unit—Product Oiling	Düstrol 3064	0.5 gallons per ton of product	Cooler; approx. 15" from discharge end	Mass flow meter/automatic valve

~~(Effective as of date of revision under FDEP Project No. 012, as shown on page 2 of 10.)~~

~~[Rules 62-4.070(4) and 297.310(7)(a)4. & (7)(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010) ; and Air Construction Permit 1050050-015-AC]~~

~~B.11.7. In order to document compliance with rate limitations of Condition B.1, the permittee shall maintain daily records of the amount of material processed and the total hours of process operations. Documentation as to how the daily process rates were calculated shall be included as part of the records. These records log shall be maintained at the facility and shall be made available to the Department upon request.~~

~~[Rule 62-4.070(3), F.A.C.]~~

~~B.12.8. The permittee shall create and keep a daily record log (at least one reading per day) of the baghouse operating parameters for the baghouse. The record log shall contain, at a minimum, the gas pressure drop (inches of water), the date and time of the measurements, and the person responsible for performing the measurements. If of dust-suppressing oil was applied to product, then the lowest rate~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

at which oil was applied shall be entered into the daily record log. (~~Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.~~)

[Rules 62-4.070(3) and 62-210.650, F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010); ~~and Air Construction Permit 1050050-015-AC~~]

~~{Permitting Note: Daily recordkeeping is required only on days that the load out system baghouse is operated and/or the dust suppressing oil system is used.}~~

~~B.13.9~~¹ All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

- a. the material/process rate
- b. gas pressure drop ("w.g.).

~~Failure to submit the above information or operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance. [Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]~~

~~B.10. Operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance. [Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following specific conditions are established in this Air Construction Permit, No. 1050050-015-AC. The specific conditions will be incorporated into the Title V renewal permit.

1. This facility shall not emit more than 9 tons per year of Hydrogen Fluoride or any other Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards.)

2. This facility shall not emit more than 24 tons per year of any combinations of Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards.)

3. In order to document compliance with specific conditions 1 and 2 of this permit, the permittee shall maintain monthly records of the amount of fluoride emitted and the total hours of process operations. Documentation as to how monthly emissions rates were calculated shall be included as part of the records. [Rule 62-4.070(3), F.A.C.]

4. 40 CFR 60.224 shall be used to demonstrate compliance with specific conditions 1 and 2 of this permit:

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b) The owner or operator shall determine compliance with the total fluorides standard in § 60.222 as follows:

(1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^N C_{si} Q_{sdi} \right) / (PK)$$

where:

E=emission rate of total fluorides, g/Mg (lb/ton) of equivalent P2O5 feed.

C_{si}=concentration of total fluorides from emission point "i," mg/dscm (gr/dscf).

Q_{sdi}=volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).

N=number of emission points associated with the affected facility.

P=equivalent P2O5 feed rate, Mg/hr (ton/hr).

K=conversion factor, 1000 mg/g (7,000 gr/lb).

(2) Method 13A or 13B shall be used to determine the total fluorides concentration (C_{si}) and volumetric flow rate (Q_{sdi}) of the effluent gas from each of the emission points. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(3) The equivalent P2O5 feed rate (P) shall be computed for each run using the following equation:

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

$P = M_p R_p$

where:

M_p = total mass flow rate of phosphorus-bearing feed, Mg/hr (ton/hr).

R_p = P_2O_5 content, decimal fraction.

(i) The accountability system of § 60.223(a) shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

(ii) The Association of Official Analytical Chemists (AOAC) Method 9 (incorporated by reference -- see § 60.17) shall be used to determine the P_2O_5 content (R_p) of the feed.

[40CFR60.224]

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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.