

INTEROFFICE MEMORANDUM

Sensitivity: COMPANY CONFIDENTIAL

Date: 17-Feb-1999 12:21pm
From: John Reynolds TAL
REYNOLDS_J
Dept: Air Resources Management
Tel No: 850/921-9535

To: Gerald Kissel TPA (KISSEL_G @ A1 @ TPA1)
CC: Alvaro Linero TAL (LINERO_A)

Subject: US Agri-Chem's Title V Permit

Just received your note of 2/5/99 asking us to check the language for Condition E.1.b. The condition contains a sentence that was not contained in the construction permit that Tallahassee issued, to wit:

"...Upon written approval of the performance test by the Department, which shall include a determination that the plant will be able to meet the limits of conditions E.2, E.3 and E.4, the plant will be authorized to operate at a rate up to and including the rate experienced during the performance test. ..."

The language, "written approval of the performance by the Department" and "a determination that the plant will be able to meet the limits..." and "the plant will be authorized to operate at a rate up to and including..." places additional requirements on the Department and sounds similar to what USAC attempted to get us to put into the permit during the legal negotiations last year. I would advise against including language that was not in the construction permit, as applied to compliance with permit limits. The construction permit requires that USAC notify Tallahassee before the test to regain the former rate. We want to review the results of that test to make certain that USAC meets all of the requirements that were agreed to in the negotiations for the construction permit.