

Gene
John
Victor
Lisa



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APR 05 2004

April 2, 2004

BUREAU OF AIR REGULATION

VIA OVERNIGHT DELIVERY
VIA FACSIMILE: 850.245.2303

Office of General Counsel Florida Department
of Environmental Protection
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, Florida 32399-3000

Office of General Counsel:

RE: Cargill Fertilizer, Inc.: Draft Permit No. 1050053-033-AC; PSD-FL-334
Green Bay Phosphate Fertilizer Facility
*Request for an Additional Extension of the Time in Which to File Petition for
Hearing, Mediation or Alternate Remedies, or in the alternative, Petition for an
Administrative Hearing*

Office of General Counsel:

Cargill Fertilizer, Inc. ("Cargill") requests from the Florida Department of Environmental Protection ("FDEP") an additional extension of the time in which to file a petition for an administrative hearing, mediation or alternate remedies with respect to the above referenced permit ("Permit").

Cargill received the original "Intent to Issue" for the modifications to the Green Bay Phosphate Fertilizer Facility and the "Public Notice of Intent to Issue" from the FDEP on December 29, 2003. Cargill initially requested an extension of time on January 8, 2004, to which no direct response was received. However, on March 4, 2004, Cargill received a revised version of the Permit via e-mail. Cargill seeks this additional extension to resolve with FDEP various issues pertaining to the terms of the revised version of the Permit.

While Cargill is confident such issues can be resolved without the need for a formal proceeding, in order to fully protect and reserve its right to a hearing, mediation or other remedy, Cargill requests an extension. My client, David Jellerson, has discussed this additional extension with the FDEP New Source Review Permitting Administrator, Jim Pennington.

James K. Voyles
Attorney
(952) 742-2589

Mailing Address:
P.O. Box 5624
Minneapolis, MN 55440-5624

Location/Shipping Address:
15407 McGinty Road West
Wayzata, MN 55391-5624

Facsimile:
(952) 742-6349
or (952) 742-7503

Therefore, Cargill hereby requests an additional extension until May 14, 2004, or such other extension period FDEP deems adequate to provide Cargill and FDEP a reasonable opportunity to resolve any issues with respect to the Permit, and further requests the FDEP suspend its intent to issue accordingly.

In the event FDEP declines to grant Cargill's extension request, Cargill hereby petitions for an administrative hearing and provides FDEP the following pertinent information:

- (a) *The name, address, and telephone number of petitioner; the FDEP's identification number for the Agency action and the county in which the subject matter or activity is located:*

Cargill Fertilizer, Inc.
Green Bay Facility
8813 U.S. Highway 41, S.
Riverview, FL 33569

Permit No. 1050053-033-AC; PSD-FL-334
Polk County

- (b) *A statement of how and when each petitioner received notice of Agency action.*

Cargill received notice via U.S. Mail on December 29, 2003.

- (c) *A statement of how each petitioner's substantial interests are affected by the Agency action.*

Cargill's facility is the subject of the Permit.

- (d) *A statement of the material facts disputed by petitioner, if any.*

Cargill is unsure if there are any material facts in dispute at this time. The Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (e) *A statement of facts which petitioner contends warrant reversal or modification of the Agency action.*

Cargill is unsure if there are any material facts warranting reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the

Office of General Counsel
April 2, 2004
Page 3

extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (f) *A statement of which rules or statutes petitioner contends require reversal or modification of the Agency action.*

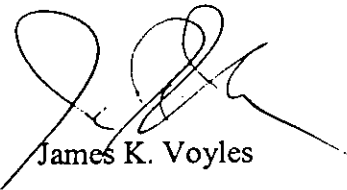
Cargill is unsure if there are any rules or statutes requiring reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (g) *A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Agency action.*

Cargill is unsure if Departmental action is required at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

Cargill thanks you for your consideration and continued cooperation. Please contact me with any questions or concerns.

Very truly yours,



James K. Voyles

JKV:rl
340731

cc: Mr. Jim Pennington
Florida Dept. of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

David Jellerson/Fert/Riverview, FL
Taylor Abel/Fert/Green Bay, FL

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603



February 6, 2004

0337506

Florida Department of Environmental Protection
Division of Air Resources Management
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399-2400

RECEIVED

FEB 09 2004

Attention: Mr. Syed Arif, P. E.

BUREAU OF AIR REGULATION

RE: CARGILL FERTILIZER INC., GREEN BAY FACILITY
DEP FILE NO. 1050053-033-AC/PSD-FL-334
MODIFICATION OF PHOSPHORIC ACID PLANTS AND MAP/DAP PLANTS

Dear Mr. Arif:

Cargill Fertilizer Inc. (Cargill) through its consultant, Golder Associates Inc. (Golder), submitted a response to the Department's request for additional information on October 1, 2003, concerning the application to modify the Green Bay facility. An error was discovered on Table 5-7 that was attached to the letter. The particulate matter and fluoride emission test results for monoammonium phosphate (MAP) production on October 26, 1999 and October 27, 1999 are incorrect. The table has been revised and is attached.

Please call if you have any questions concerning this additional information.

Sincerely,
GOLDER ASSOCIATES INC.

David A. Buff, P.E., Q.E.P.
Principal Engineer
Florida P. E. #19011
SEAL

DB/FWB/jej

Enclosures

cc: T. Abel, Cargill
F. Bergen, Golder
D. Jellerson, Cargill

Y:\Projects\2003\0337506 Cargill - Green Bay\4\1\020604\1.020604.doc

Table 5-7. Summary of Recent North MAP/DAP Fertilizer Plant Emission Tests at Cargill Green Bay (revised 2/6/04)

Date	Average Production Rate ^a (tons/hr)	Average Process Rate ^b (tons/hr)	PM ^c		Fluoride ^c	
			avg lb/hr	avg lb/ton P ₂ O ₅	avg lb/hr	avg lb/ton P ₂ O ₅
MAP Production						
8/1/02-8/2/02	160.4	81.8	10.19	0.125	0.81	0.0099
3/27/01-3/28/01	167.3	85.3	8.44	0.099	0.93	0.0108
3/16/00-3/17/00	148.6	75.8	16.99	0.224	1.21	0.0160
3/16/00-3/20/00	150.1	76.6	11.75	0.154	1.55	0.0203
10/26/99-10/27/99	139.7	71.3	9.10	0.128	1.80	0.0253
6/30/99-7/2/99	143.5	73.2	6.90	0.094	2.64	0.0361
4/12/99-4/14/99	158.0	80.6	6.77	0.084	1.97	0.0244
DAP Production						
5/1/02-5/2/02	94.8	43.6	14.02	0.322	1.06	0.0306
2/13/01-2/14/01	106.0	48.8	7.24	0.148	1.02	0.0209
4/6/00-4/7/00	97.9	45.1	3.03	0.067	0.28	0.0061
3/17/99-3/18/99	94.9	43.7	2.02	0.046	0.71	0.0162
1/20/99-1/21/99	94.0	43.3	5.12	0.118	0.56	0.0129
1/26/98-1/29/98	99.3	45.7	7.90	0.173	0.83	0.0181

^a As MAP or DAP. Based on 51% P₂O₅ for MAP and 46% P₂O₅ for DAP.

^b As P₂O₅.

^c Represents both stacks combined.

Golder Associates Inc.

6241 NW 23rd Street, Suite 500
Gainesville, FL 32653-1500
Telephone (352) 336-5600
Fax (352) 336-6603

RECEIVED  **Golder Associates**

FEB 03 2004

February 2, 2004

BUREAU OF AIR REGULATION

0337506

Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5505
Tallahassee, Florida 32399-2400

Attention: Jim Pennington, P.E., Permitting Administrator, North Section

RE: DRAFT PERMIT NO. 1050053-033-AC
DRAFT PERMIT COMMENTS
CARGILL FERTILIZER, INC., GREEN BAY FACILITY

Dear Mr. Pennington:

Cargill Fertilizer, Inc. (Cargill) is in receipt of the draft air construction permit (Permit No. 1050053-033-AC/PSD-FL-334) for the Green Bay Phosphate Fertilizer Facility located in Polk County. Cargill and its consultant, Golder Associates Inc. (Golder), have reviewed the draft permit. The comments on the draft permit are listed below by the original permit condition number.

General comments are as follows:

1. In the application, on pages 2-2 and 2-3, Cargill requested that the phosphoric acid storage, clarification, aging and blending tanks be classified as unregulated sources. In response to the Department's request for additional information (RAI) dated May 23, 2003, Cargill provided additional information on these emission units, including historic permits, in a letter dated October 1, 2003, from Golder to the Department. However, the draft permit does not clearly address these emission units. In the October 1, 2003, response letter, it was Golder's belief that EU014 (clarification tank and aging tank) could be revised through the Title V process, but that EU 037 (four phosphoric acid blend tanks) would have to be revised through an air construction permit. We request that the Department address both of these emission units in the permit and/or in the TE&PD, as appropriate (see specific comments on draft permit below).
2. In the application, on page 2-12, Cargill requested that the fluoride emission limit for the MAP/DAP Storage and Shipping Buildings (EU 020) be removed because this limit was imposed due to granular triple superphosphate (GTSP) manufacturing and storage. Since Cargill will not manufacture GTSP at the Green Bay facility, this limit should be removed. In addition, it was requested that the allowable PM emission limit apply to the "shipping" operation only (i.e., the PM limit should not include the storage buildings). We request that the Department address this emission unit in the permit and/or in the TE&PD.

Specific comments on the Technical Evaluation and Preliminary Determination (TE&PD), draft permit and Best Available Control Technology Determination (BACT) are as follows:

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Pg. 3 of 12. Facility Description – Note that the Green Superphosphoric Acid plant has been shutdown.

Pg. 7 of 12, Federal and State Emission Standards – As discussed on page 3-11 of the application, we do not believe that the NSPS will apply to the Phosphoric Acid Plants or to the Ammoniated Phosphate

Plants at Green Bay due to the proposed project. In addition, according 40 CFR 63.610 and 63.631, sources subject to Part 63 Subparts AA or BB are exempt from the NSPS Subparts T, U, V, W and X.

Pg. 11 of 12. AAQS Analysis – Background PM10 concentrations of 21 ug/m³ (annual) and 50 ug/m³ (24-hour average), were used in the submitted air modeling analysis. The annual background was based on the lower measured values since the modeled sources would have impacted this monitor. The 24-hour value was based on the 6th-highest measured value, consistent with the form of the AAQS. The TE&PD states that the background concentrations are 27 and 78 ug/m³, respectively. This results in higher predicted ambient impacts for the project.

Pg. 12 of 12 - Additional Impact Analysis – change “Cargill Bartow facility” to “Cargill Green Bay facility”.

DRAFT PERMIT

Pg. 2 of 12 - Regulatory Classification – change “Cargill Bartow Facility” to “Cargill Green Bay Facility”.

Relevant Documents – Add the applicant’s letter dated October 1, 2003 to the list of documents on file.

Pg. 3 of 12, item 5, Expiration – In the application, Cargill requested a project completion date of June 1, 2007. We therefore request a permit expiration date of June 1, 2007. This will allow sufficient time to complete actual construction and then perform all the compliance testing, prepare and submit a Title V revision application, and then obtain a revised Title V permit.

Pg. 4 of 12, item 11, Quarterly Reports – This condition references 40 CFR Part 60, which are the new source performance standards (NSPS) regulations. As discussed on page 3-11 of the application, we do not believe that the NSPS will apply to the Phosphoric Acid Plants or to the Ammoniated Phosphate Plants at Green Bay due to the proposed project.

Subsection A. Common Conditions

Emission Unit Description- The Phosphoric Acid Tanks should be designated as insignificant or unregulated emissions units, and not as part of the regulated phosphoric acid plants.

Subsection B. Phosphoric Acid Production System

Page 7 of 12, item 3. To clarify that the phosphoric acid tanks are not subject to any fluoride emission limits, reword as follows. As discussed under comments to the BACT Determination (see below), also include the requested fluoride emission limit of 0.012 lb/ton.

“The combined fluoride emissions from the three Phosphoric Acid Plants’ scrubber stacks (controlling the reactors, filters and filtrate tanks) shall not exceed 0.012 lb/ton of equivalent P₂O₅ feed, 1.53 lb/hr, and 6.70 TPY.”

Page 7 of 12, item 5. To be consistent with condition 1, reword the fourth sentence as:

“The current maximum operating capacity limit is 128 TPH P₂O₅.”

Page 7 of 12, items 7 and 8. An Administrative Order has been issued by DEP for the Green Bay facility which approves an alternative monitoring method for compliance with the Subpart 63 MACT standards. Therefore, Conditions 7 and 8 are in conflict with the Order. It is recommended that these conditions be modified to just state that this emission unit is subject to the monitoring requirements of Subpart AA.

Subsection C. AP Plants

Page 10 of 12, items 1 and 2. It is requested that the production rates be expressed in tons per day (TPD), i.e., 1,560 TPD for the South AP and 1,920 TPD for the North AP, as requested in the application.

Page 10 of 12, item 3. Change “rotary dryer” to “rotary dryers”, since each plant has a dryer. To reduce recordkeeping requirements, we request that the heat input limits be specified as a “daily average”.

Page 10 of 12, item 5. The NO_x limit for the North AP should read “0.148 lb/MMBtu” instead of “0.0150 lb/MMBtu”. Although a NO_x limit is being imposed on the AP Plants as BACT, it is requested that no stack testing for NO_x be required. The NO_x limits are based solely on AP-42 emission factors, and there is no NO_x control equipment on the AP dryers to reduce NO_x emissions. Cargill is not modifying the existing dryers, burners or heat input rates. Previous NO_x testing on the North AP Plant showed NO_x emissions of less than 0.5 lb/hr. Additional stack testing would not serve a useful purpose. The way the draft permit reads, stack testing for NO_x would be required annually (refer to Condition 3 of Subsection A).

Page 10 of 12, item 6. The reference to the current Title V permit as the basis of the 10% opacity limit is not correct. The current Title V permit limits opacity to 20%.

Page 11 of 12, items 11 and 12. An Administrative Order has been issued by DEP for the Green Bay facility which approves an alternative monitoring method for compliance with the Subpart 63 MACT standards. Therefore, Conditions 11 and 12 are in conflict with the Order. It is recommended that these conditions be modified to just state that this emission unit is subject to the monitoring requirements of Subpart BB.

APPENDIX BD- BACT DETERMINATION

Gaseous Fluoride – The Department has imposed a fluoride limit for the Phosphoric Acid Plant of 0.009 lb/ton of P₂O₅ feed. The Department justifies this emission limit in part based on historic test data from the existing Phosphoric Acid Plants, as presented in the application. The discussion acknowledges that the phenomena accounting for these lower test values have not been fully explained, but the Department believes that they may be the result of a combination of factors including low reactor surface evacuation rates and favorable pond water characteristics rather than high scrubber efficiencies.

Cargill also believes that favorable pond water conditions may be the primary influence upon fluoride emissions. That being the case, Cargill does not believe that a limit of 0.009 lb/ton will be achievable on a consistent basis, year-to-year, because of potential fluctuations in pond water conditions as well as Phosphoric Acid Plant and scrubber operating fluctuations. The Department’s evaluation apparently only considered the last three years of fluoride test data, although the last four years of data were submitted in the application. This additional year of data is critical to the analysis since it showed fluoride emissions of 0.0096 lb/ton, which is higher than the Department’s proposed limit. This test in 2000 coincides with the two lowest rainfall years out of the last 6 years. Rainfall in 1991 and 2000 at Bartow was 42 and 36 inches respectively. These lower rainfall amounts would result in higher pond water fluoride concentrations, thereby causing higher scrubber fluoride emissions.

In situations where the scrubbers are operating at or near equilibrium conditions, the temperature and fluoride concentration on the pond water are critical in determining the resulting fluoride emissions. The attached table shows the potential effect upon fluoride emissions due to variations in pond water conditions. The table shows that at pond water fluoride concentrations of 8,000 ppm, fluoride emissions from the Phosphoric Acid Plants could exceed the 0.009 lb/ton limit in the draft

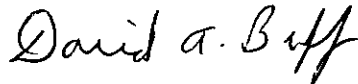
permit, due solely to the pond water fluoride content (i.e., no contribution considered from fluorides in the Phosphoric Acid Plant exhaust gases).

As a result, Cargill cannot accept the 0.009 lb/ton limit in the draft permit, and asks that the Department reconsider the BACT limit and set it at 0.012 lb/ton, consistent with other recent BACT determinations.

If you have any questions regarding these comments, please feel free to contact me at (352) 336-5600, or David Jellerson at (813) 671-6297.

Sincerely,

GOLDER ASSOCIATES INC.



David A. Buff, P.E., Q.E.P.
Principal Engineer
Florida P.E. # 19011
SEAL

Enclosure

cc: T. Abel
D. Buff

Y:\Projects\2003\0337506 Cargill - Green Bay\4.1\020204\1.020204.doc

J. Reynolds
C. Holladay
G. Kiesel, SWD
H. Wiley, EPA
G. Benzal, NPS

Table 1. Calculation of Fluoride Emissions Due To Pond Water for Phosphoric Acid Plants at Cargill Green Bay

Scrubber	Scrubber Exit Conditions		Pond Water Conditions (ppm F)	F Equilibrium Concentration (mg/ACF)	Fluoride Emissions (lb/hr)	Fluoride lb/ton P ₂ O ₅ @ 128 TPH
	Air Flow (acfm)	Temp. (deg. F)				
PAP No. 1 - North	29.100	110	5.660	0.027	0.104	
PAP No. 1 - South	29.100	110	5.660	0.027	0.104	
PAP No. 2	24.300	110	5.660	0.027	<u>0.087</u>	
				Total=	0.294	0.0023
PAP No. 1 - North	29.100	110	7.100	0.064	0.246	
PAP No. 1 - South	29.100	110	7.100	0.064	0.246	
PAP No. 2	24.300	110	7.100	0.064	<u>0.206</u>	
				Total=	0.698	0.0055
PAP No. 1 - North	29.100	110	8.000	0.090	0.346	
PAP No. 1 - South	29.100	110	8.000	0.090	0.346	
PAP No. 2	24.300	110	8.000	0.090	<u>0.289</u>	
				Total=	0.981	0.0077
.....						
PAP No. 1 - North	29.100	120	5.660	0.036	0.138	
PAP No. 1 - South	29.100	120	5.660	0.036	0.138	
PAP No. 2	24.300	120	5.660	0.036	<u>0.116</u>	
				Total=	0.393	0.0031
PAP No. 1 - North	29.100	120	7.100	0.082	0.315	
PAP No. 1 - South	29.100	120	7.100	0.082	0.315	
PAP No. 2	24.300	120	7.100	0.082	<u>0.263</u>	
				Total=	0.894	0.0070
PAP No. 1 - North	29.100	120	8.000	0.115	0.442	
PAP No. 1 - South	29.100	120	8.000	0.115	0.442	
PAP No. 2	24.300	120	8.000	0.115	<u>0.369</u>	
				Total=	1.254	0.0098

Notes:

mg/ACF = milligrams per actual cubic feet



RECEIVED

JAN 28 2004

BUREAU OF AIR REGULATION

January 13, 2004

CERTIFIED MAIL: 7002 0510 0000 8688 8133

Mr. Jim Pennington, P.E.
Dept. of Environmental Protection
Bureau of Air Regulation
Suite 4, 111 S. Magnolia Drive
Tallahassee, Florida, 32301

Re: Affidavit of Publication
Notice of Permit Revision 1050053-033-AC (PSD-FL-334)

Dear Mr. Jim Pennington,

Please find enclosed the original Affidavit of Publication for the Notice of Draft Permit 1050053-033- AC (PSD-FL-334). The public notice was published in The Ledger newspaper on January 3, 2004. The Ledger serves Lakeland and Polk County, Florida.

Should you have any questions, or require additional information, please feel free to give me a call at (863) 519-1371.

Sincerely,

Taylor D. Abel, P.E.
EHS Superintendent

cc: file 60.04.01

D. Jellerson

P. Bose

J. Reynolds

D. Kinsel

B. Harley, EPA

J. Bennett, NPS

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

RECEIVED
JAN 28 2004
BUREAU OF AIR REGULATION

Case No

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Morgan Miller, who on oath says that he is Classified Sales Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a Notice of Intent to Issue Permit

PSD Air Construction Permit

in the matter of.....

in the.....

Court, was published in said newspaper in the issues of.....

I-3; 2004

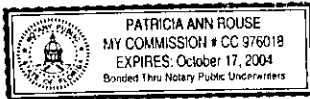
Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed, *Morgan Miller*
Morgan Miller
Classified Sales Manager
Who is personally known to me.

Sworn to and subscribed before me this 5TH

day of January A.D. 20 04

Patricia Ann Rouse
Notary Public



(Seal)

My Commission Expires Oct 17 2004

LC126403

J712 Cargil

Attach Notice Here

PUBLIC NOTICE OF INTENT TO ISSUE PSD AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP File No. 1050053 033-AC (PSD-FL-334)
Green Bay Facility
Cargill Fertilizer, Incorporated
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue a Prevention of Significant Deterioration (PSD) air construction permit to Cargill Fertilizer, Inc. to modify several existing emission units at its Green Bay Phosphate Fertilizer Facility located in Bartow, Florida. A Best Available Control Technology (BACT) determination was required for nitrogen oxides (NO_x), fluorides (F), particulate matter (PM) and particulate matter less than or equal to 10 micrometers (PM₁₀) pursuant to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD). The applicant's name and address are Cargill Fertilizer, Inc., 8813 U.S. Highway 41 South, Riverview, Florida 33567.

Cargill applied on April 30, 2003 (complete on October 2, 2003) to modify its Phosphoric Acid Plants (PAP), South Diammonium Phosphate (DAP) Fertilizer Plant, and its North Monammonium Phosphate (MAP/DAP) Plant. The PAP plant is being modified to improve process efficiency, plant stability, and evaporation capacity. The South DAP and North MAP/DAP are being modified to improve product quality and production capabilities. As a result of these changes, significant emission increases will occur for PM₁₀/PM_{2.5}, F and NO_x. The annual increases and adjusted for contemporaneous emission changes over the last five years, are approximately 36 tons per year (TPY) Sulfur Dioxide (SO₂), 93 TPY NO_x, 40 TPY Carbon Monoxide (CO), 63 TPY PM₁₀, 66 TPY PM_{2.5}, 5 TPY Volatile Organic Compounds, 4 TPY Total Reduced Sulfur, 0.4 TPY Sulfuric Acid Mist, and 33 TPY F.

The Department proposes the following as BACT for this project:

Phosphoric Acid Production System (PAP No. 1 North & South Train and PAP No. 2)

POLLUTANT	EMISSION LIMIT	LIMIT BASIS	CONTROL TECHNOLOGY
F	1.15 lb/hr 5.03 ton/yr	0.009 lb F/ton P ₂ O ₅ input	(2) Cyclonic Jet Scrubbers North 1 (2) Cyclonic Jet Scrubbers South 1 Poly-Con Wet Scrubber-PAP No. 2

South Ammoniated Phosphate (AP) Plant

POLLUTANT	EMISSION LIMIT	LIMIT BASIS	CONTROL TECHNOLOGY
PM ₁₀ /PM _{2.5}	11.1 lb/hr, 48.4 TPY	0.170 lb/ton P ₂ O ₅ input	Two-stage scrubbers using acid/pond water
VE	10% opacity	Prior Permits	
F	2.6 lb/hr, 11.4 TPY	0.040 lb/ton P ₂ O ₅ input	Two-stage scrubbers using acid/pond water
NO _x	12.6 lb/hr, 55.2 TPY	0.210 lb/MMBtu	Low N fuel, good combustion

North Ammoniated Phosphate (AP) Plant

POLLUTANT	EMISSION LIMIT	LIMIT BASIS	CONTROL TECHNOLOGY
PM ₁₀ /PM _{2.5}	13.6 lb/hr, 59.6 TPY	0.170 lb/ton P ₂ O ₅ input	Two-stage scrubber using acid/pond water
VE	10% opacity	Prior permits	
F	3.2 lb/hr, 14.0 TPY	0.040 lb/ton P ₂ O ₅ input	Two-stage scrubbers using acid/pond water
NO _x	7.4 lb/hr, 32.4 TPY	0.0150 lb/MMBtu	Low N fuel, good combustion

An air quality impact analysis was conducted. Emissions from the facility will not significantly contribute to or cause a violation of any state or federal ambient air quality standards. The maximum predicted PM₁₀ and NO_x PSD Class II increments in the vicinity of the project controlled by all sources in the area, including this project, will be as indicated below:

Averaging Time	Allowable Increment (ug/m ³)	Increment Consumed (ug/m ³)	Percent Consumed
PM ₁₀ 24 hour Annual	30	13	43
NO _x Annual	17	<0	0
NO _x Annual	25	2	8

There were no significant impacts predicted for the PSD Class I (Chassahowitzka National Wilderness Area located 110 km to the northwest). Based on the required increment analysis, the Department has reasonable assurance that the proposed project will not cause or significantly contribute to a violation of any PSD increment in the Class I or Class II areas.

The permitting authority has determined that a PSD Air Construction Permit is required. The Department will issue the Final PSD Air Construction Permit in accordance with the conditions of the Draft PSD Air Construction Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments and requests for a public meeting concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE PSD AIR CONSTRUCTION PERMIT." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32309-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S. before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below. Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3200. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petitioner must so indicate; (e) A concise statement of the ultimate facts of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

A complete project file is available for public inspection during normal business hours: 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Dept. of Environmental Protection Bureau of Air Regulation Suite 4, 111 S. Magnolia Drive Tallahassee, Florida 32301 Telephone: 850/488-0114 Fax: 850/922-6979	Dept. of Environmental Protection Southwest District 3804 Coconut Palm Drive Tampa, Florida 33619-8218 Telephone: 813/744-0100 Fax: 813/744-0064
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The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, North Permitting Section at 111 South Magnolia Drive, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

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JAN 09 2004

BUREAU OF AIR REGULATION

January 8, 2004

VIA COURIER & FAX: 850.487.4938

Office of General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, Florida 32399-3000

RE: Cargill Fertilizer, Inc.: Draft Permit No. 1050053-033-AC; PSD-FL-334
Green Bay Phosphate Fertilizer Facility
***Request for an Extension of the Time in Which to File Petition for Hearing,
Mediation or Alternate Remedies, or in the alternative, Petition for an
Administrative Hearing***

Office of General Counsel:

Cargill Fertilizer, Inc. ("Cargill") requests from the Florida Department of Environmental Protection ("FDEP") an extension of the time in which to file a petition for an administrative hearing, mediation or alternate remedies with respect to the above referenced permit ("Permit").

Cargill received the "Intent to Issue" for the modifications to the Green Bay Phosphate Fertilizer Facility and the "Public Notice of Intent to Issue" from the FDEP on December 29, 2003. Cargill seeks this extension to resolve with FDEP various issues pertaining to the terms of the Permit.

While Cargill is confident such issues can be resolved without the need for a formal proceeding, in order to fully protect and reserve its right to a hearing, mediation or other remedy, Cargill requests an extension. My client, David Jellerson, spoke with the FDEP New Source Review Permitting Administrator, Jim Pennington who was agreeable to an extension.

Therefore, Cargill hereby requests a 60-day extension, or such other extension period FDEP deems adequate to provide Cargill and FDEP a reasonable opportunity to resolve any issues with respect to the Permit, and further requests the FDEP suspend its intent to issue accordingly.

In the event FDEP declines to grant Cargill's extension request, Cargill hereby petitions for an administrative hearing and provides FDEP the following pertinent information:

James K. Voyles
Attorney
(952) 742-2589

Mailing Address:
P.O. Box 5624
Minneapolis, MN 55440-5624

Location/Shipping Address:
15407 McGinty Road West
Wayzata, MN 55391-5624

Facsimile:
(952) 742-6349
or (952) 742-7503

- (a) *The name, address, and telephone number of petitioner; the FDEP's identification number for the Agency action and the county in which the subject matter or activity is located:*

Cargill Fertilizer, Inc.
Green Bay Facility
8813 U.S. Highway 41, S.
Riverview, FL 33569

Permit No. 1050053-033-AC; PSD-FL-334
Polk County

- (b) *A statement of how and when each petitioner received notice of the Agency action*
Cargill received notice via U.S. Mail on December 29, 2003.

- (c) *A statement of how each petitioner's substantial interests are affected by the Agency action.*

Cargill's facility is the subject of the Permit.

- (d) *A statement of the material facts disputed by petitioner, if any*

Cargill is unsure if there are any material facts in dispute at this time. The Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (e) *A statement of facts which petitioner contends warrant reversal or modification of the Agency action.*

Cargill is unsure if there are any material facts warranting reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (f) *A statement of which rules or statutes petitioner contends require reversal or modification of the Agency action*

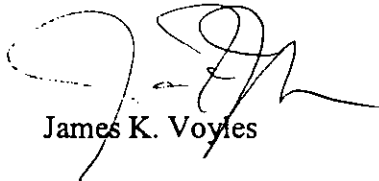
Cargill is unsure if there are any rules or statutes requiring reversal or modification at this time. Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

- (g) *A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Agency action.*

Cargill is unsure if Departmental action is required at this time Draft permit contains conditions which appear to be inconsistent with the intended project and the application. Therefore, Cargill desires the extension to resolve these issues and to determine if material facts are in dispute and wishes to work with FDEP on the Permit's conditions accordingly.

Cargill thanks you for your consideration and continued cooperation. Please contact me with any questions or concerns.

Very truly yours,



James K. Voyles

JKV:rl
329710

cc: Mr. Jim Pennington
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

David Jellerson/Fert/Riverview, FL
Taylor Abel/Fert/Green Bay, FL