

## *Florida Department of Environmental Regulation*

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Iwachmann, Secretary

John Shearer, Assistant Secretary

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
NOTICE OF PERMIT

Mr. S. L. Presnell  
Agrico Chemical Company - S. Pierce  
P. O. Box 1110  
Mulberry, Florida 33860

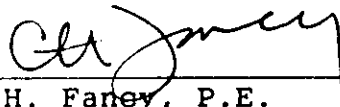
December 15, 1989

Enclosed is construction permit No. AC 53-167779 to Agrico for the existing molten sulfur system at Agrico's S. Pierce facility in Polk County, Florida. This permit is issued pursuant to Section 403, Florida Statutes.

Any party to this permit has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this permit is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

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

Copy furnished to:

B. Thomas, SW District  
D. Lynch, P.E., Agrico

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 12-15-89.

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to  
§120.52(9), Florida Statutes, with  
the designated Department Clerk,  
receipt of which is hereby  
acknowledged.

Kym Zober  
Clerk

12-15-89  
Date

P 938 762 783

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

PS Form 3800, June 1985

Sent to Mr. S. L. Presnell, Agrico	
Chem. Co.	
Street and No. P. O. Box 1110	
P.O. State and ZIP Code Mulberry, FL 33860	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date  Permit: AC 53-167779 Mailed: 12-15-89	

<p>● <b>SENDER:</b> Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge)      2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to: Mr. S. L. Presnell Agrico Chemical Co. - S. Pierce P. O. Box 1110 Mulberry, FL 33860</p>	<p>4. Article Number P 938 762 783</p> <p>Type of Service:  <input type="checkbox"/> Registered      <input type="checkbox"/> Insured  <input checked="" type="checkbox"/> Certified      <input type="checkbox"/> COD  <input type="checkbox"/> Express Mail      <input type="checkbox"/> Return Receipt for Merchandise         </p> <p>Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.</p>
<p>5. Signature - Address X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>
<p>6. Signature - Agent X <i>[Signature]</i></p>	
<p>7. Date of Delivery 12/15/89</p>	
<p>PS Form 3811, Mar. 1988      * U.S.G.P.O. 1988-212-865      DOMESTIC RETURN RECEIPT</p>	

Final Determination

Agrico Chemical Company  
Mulberry, Polk County  
Florida

Molten Sulfur Storage and Handling System

Permit Number: AC 53-167779

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

December 12, 1989

## Final Determination

Agrico Chemical Company's application for the permitting of their existing molten sulfur system in Mulberry, Polk County, Florida, has been reviewed by the Bureau of Air Regulation.

Public Notice of the Department's Intent to Issue the permit was published in the Lakeland Ledger on November 21, 1989.

Copies of the Preliminary Determination have been available for inspection at the Department's Southwest District office in Tampa and the Department's Bureau of Air Regulation office in Tallahassee.

Comments received from Agrico during the public notice period are as follows:

- a) The ventilation fans mentioned in the Preliminary Determination have an approximate ventilation rate of 1350 cfm each (manufacturers data).
- b) Agrico requested a higher molten sulfur throughput rate based on the maximum past performance of the sulfuric acid plants.
- c) Agrico requested a 30 minute duration for VE tests. Also, since truck unloading will occur in less than the VE test duration period, Agrico requested this be reflected in the permit.

The Department is in agreement with Agrico's comments and so Specific Conditions Nos. 2 and 6 were amended to reflect this.

The final action of the Department is to issue the permit as proposed in the Preliminary Determination with the above mentioned changes to Specific Conditions Nos. 2 and 6.



Agrico Chemical Company  
P O Box 1110  
Mulberry, FL 33860  
(813) 428-1431

December 1, 1989

RECEIVED

DEC 04 1989

DER-BAG

Mr. Pradeep Raval  
Permitting Engineer  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Re: INTENT TO ISSUE PERMIT NO. AC53-167779

Dear Pradeep:

The notice of intent to issue the above referenced permit was published in the Lakeland Ledger on November 21, 1989, pursuant to Section 403.815, F.S. and Department Rule 17-103.150. An Affidavit of Publication documenting such is enclosed.

Should you have any questions or wish to discuss this matter in greater detail, please do not hesitate to call.

Thank you.

Sincerely,

AGRICO CHEMICAL COMPANY

Phillip A. Steadham  
Environmental Chemist

PAS:sm

Enclosure

xc: S.L. Presnell  
D.L. Chamberlain  
D.W. Dudley

# AFFIDAVIT OF PUBLICATION

## THE LEDGER

Lakeland, Polk County, Florida

Case No. ....

STATE OF FLORIDA )  
COUNTY OF POLK )

Before the undersigned authority personally appeared Stephen DeWitt, who on oath says that he is Controller of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a .....

### Notice of Intent

in the matter of .....

Molten Sulfur

in the .....

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

November 21, 1989

### State of Florida Department of Environmental Regulation Notice of Intent to sue

The Department of Environmental Regulation hereby gives notice of its intent to sue the Florida Agricultural Experiment Station, located at the Office 601 1100, Maitland, Florida 32751, for the alleged Molten Sulfur Storage and Handling System located at Agricola's facility in Maitland, Polk County, Florida. A determination of the Best Available Technology (BAT) was not required. The Department is issuing this notice to sue for the reasons stated in the Technical Report and the Final Determination.

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2000 E. 11th Avenue, Suite 100, Tallahassee, Florida 32304-1000. The petition must be filed with a copy of the petition to the applicant. The petition indicated above of the hearing to be held at the petition within 15 days of the date of filing. A waiver of any right to petition for a hearing is requested. An additional copy of the petition must be filed under Section 120.57, Florida Statutes.

The Petitioner shall certify the following information:

(a) The name, address, and telephone number of each petitioner; the date of filing; and the address of the Department of Environmental Regulation in the county in which the petition is filed.

(b) A statement of the facts and circumstances of the proposed action.

(c) A statement of the substantial interests affected by the proposed action.

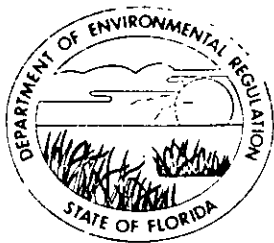
(d) A statement of the petition for a hearing.

(e) A statement of the facts and circumstances of the proposed action.

(f) A statement of the facts and circumstances of the proposed action.

(g) A statement of the facts and circumstances of the proposed action.

If a petition is filed, the Department will begin a process to determine if the proposed action is different from the petition taken by the Department. Persons whose substantial interests are affected by any decision of the Department will be notified to the application. The petition must be filed (received) within 14 days of the date of this notice in the Office of General Counsel of the Department at the above address. Failure to petition within the allowed time frame constitutes a waiver of any right to petition for a hearing under Section 120.57, Florida Statutes.



## *Florida Department of Environmental Regulation*

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtman, Secretary

John Shearer, Assistant Secretary

**PERMITTEE:**

Agrico Chemical Company  
Post Office Box 1110  
Mulberry, FL 33860

**Permit Number:** AC 53-167779

**Expiration Date:** Jan. 1, 1991

**County:** Polk

**Latitude/Longitude:** 27°46'56"N  
81°55'55"W

**Project:** Molten Sulfur Storage  
and Handling System

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the permitting of the molten sulfur storage and handling system consisting of a rail and truck unloading system; two 1050 short ton (ST) molten sulfur storage tanks; one 100 ST rail pit; one 600 ST truck pit; and the associated transfer pumps and piping. The molten sulfur system is located at the Agrico's facility in Mulberry, Polk County, Florida.

The UTM coordinates of this facility are Zone 17, 407.6 km East and 3071.3 km North.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Agrico's application received July 21, 1989.
2. DER's letter dated August 18, 1989.
3. Agrico's response received August 28, 1989.
4. DER's Preliminary Determination dated November 6, 1989.
5. Agrico's letter received November 17, 1989.
6. DER's Final Determination dated December 12, 1989.



PERMITTEE:  
Agrico Chemical Company

Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**GENERAL CONDITIONS:**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.
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, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Nor 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 does not constitute a waiver of 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.
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgement 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.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefor caused by the construction or operation of this permitted source, 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.

PERMITTEE:  
Agrico Chemical Company

Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**GENERAL CONDITIONS:**

6. The permittee shall at all times 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.

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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring 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.

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 notify and provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including exact 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 revocation of this permit.

PERMITTEE:  
Agrico Chemical Company

Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**GENERAL CONDITIONS:**

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 arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

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.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.12 and 17-30.30, as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.
- b. The permittee shall retain 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), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

PERMITTEE:  
Agrico Chemical Company

Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**GENERAL CONDITIONS:**

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the date(s) analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

14. 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 submitted or corrected promptly.

**SPECIFIC CONDITIONS:**

1. Agrico's molten sulfur storage and handling system shall be allowed to operate continuously (i.e. 8760 hours/year).

2. The maximum molten sulfur throughput rate shall neither exceed 1580 tons per day (TPD), nor 550,000 tons per year (TPY), based on the combined sulfuric acid production capacity of about 4620 TPD 100% sulfuric acid for the two plants.

3. Visible emissions (VE) shall not exceed 20% opacity from any source in the molten sulfur system.

4. The permittee shall employ procedures to minimize emissions, from the molten sulfur system pursuant to the applicable requirements of F.A.C. Rule 17-2.600(11)(a) [Molten Sulfur Storage and Handling Facilities]. The permittee shall also comply with other applicable provisions of F.A.C. Chapters 17-2 and 17-4.

5. No objectionable odors shall be allowed, in accordance with F.A.C. Rule 17-2.620(2) [Objectionable Odor Prohibited].

PERMITTEE:  
Agrico Chemical Company

Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**SPECIFIC CONDITIONS:**

6. Initial compliance tests shall be conducted in accordance with the July 1, 1988, version of 40 CFR 60 Appendix A, using EPA Method 9, for visible emissions. Test run duration shall not be less than 30 minutes. For the storage tank vents and the sulfur pits' vents the tests shall be conducted while the tank and pits are being filled (filling does not have to be continuous during the entire test). VE tests shall be required again at the time of renewing the operation permits.

7. Any change in the method of operation, equipment or operating hours shall be submitted to DER's Southwest District office for approval.

8. For emission inventory and PSD purposes, the estimated maximum emissions from the sources in the molten sulfur storage and handling system are:

Source		Expected Emissions				
		PM/PM <sub>10</sub>	SP	SO <sub>2</sub>	TRS/H <sub>2</sub> S	VOC
Tank 1 (east)	lb/hr	0.2	0.1	0.2	0.1	0.2
	TPY	0.8	0.4	0.9	0.5	0.7
Tank 2 (west)	lb/hr	0.2	0.1	0.2	0.1	0.2
	TPY	0.8	0.4	0.9	0.5	0.7
Truck Pit	lb/hr	1.0	0.5	1.2	0.7	0.8
	TPY	4.0	2.0	5.2	3.1	3.7
Rail Pit	lb/hr	0.2	0.1	0.3	0.2	0.2
	TPY	0.2	0.1	0.1	0.1	0.1

9. A minimum of 15 days prior written notification of the compliance tests shall be given to DER's Southwest District office. The compliance test results shall be submitted to the district office within 45 days of test completion.

10. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation (BAR) prior to 60 days before the expiration of the permit (F.A.C. 17-4.090).

PERMITTEE:  
Agrico Chemical Company

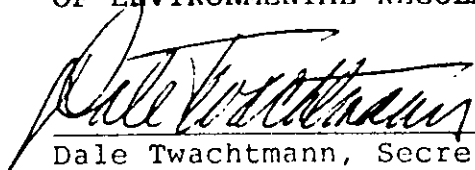
Permit Number: AC 53-167779  
Expiration Date: Jan. 1, 1991

**SPECIFIC CONDITIONS:**

11. An application for an operation permit must be submitted to DER's Southwest District office at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit (F.A.C. 17-4.220).

Issued this 14 day  
of December, 1989

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL REGULATION

  
Dale Twachtmann, Secretary

ATTACHMENTS AVAILABLE UPON REQUEST