



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

September 1, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Dave Turney  
Environmental Coordinator  
IMC-Agrico Company  
Post Office Box 1035  
Mulberry, Florida 33860

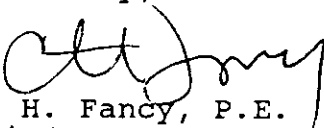
Dear Mr. Turney:

Re: Nichols Plant - Permit Nos. AC53-230355, PSD-FL-204  
Request to remove NOX limits and test requirements

Attached is one copy of the Proposed Permit Amendment for  
Sulfuric Acid Plant No. 1.

Please submit any comments you may have concerning the  
Department's proposed action to Mr. A. A. Linero, P.E., at the  
above address. If you have any questions, please call  
Mr. Martin Costello or Mr. Linero at (904)488-1344.

Sincerely,

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

CHF/mc/t

cc: John Koogler, P.E.  
Jerry Kissel, SWD  
Iwan Choronenko, EPCHC  
Jewell Harper, EPA

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

Printed on recycled paper.

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3 and 4a & b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requested" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

1.  Also wish to receive the following services (for an extra fee):  
 1.  Addressee's Address  
 2.  Restricted Delivery  
 Consult postmaster for fee.

3. Article Addressed to:  
 Dave Turney, Enr. Cord  
 TMC-AgriCo  
 P.O. Box 1035  
 Mulberry, FL 33860

4a. Article Number: 2 127 632 514

4b. Service Type:  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery: 9-13-95

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)  
 6. Signature (Agent)

PS Form 3811, December 1991, U.S. GPO: 1999-362-714

**DOMESTIC RETURN RECEIPT**

is your RETURN ADDRESS completed on the reverse side? Thank you for using Return Receipt Service.

2 127 632 514



**Receipt for Certified Mail**

No Insurance Coverage Provided  
 Do not use for International Mail  
 (See Reverse)

1. Name	Dave Turney
2. Company	TMC-AgriCo
3. State and Zip Code	Mulberry, FL
Postage	0\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	9-11-95
	AC 53-230355 ~ N-FL-204

Form 3800, March 1993

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CERTIFIED MAIL

In the Matter of an  
Application for Permit Amendment

DEP File No. PSD-FL-204  
AC53-230355  
Polk County

Mr. Dave Turney  
Environmental Coordinator  
IMC-Agrico Company  
Post Office Box 1035  
Mulberry, Florida 33860

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INTENT TO ISSUE

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit amendment for a modification (copy attached) to the applicant's facility as detailed in the application/request specified, above, for the reasons stated in the application/request.

The applicant, IMC-Agrico Company, applied on March 14, 1995, to the Department for an amendment of their PSD permit to remove NOx limits and test requirements for Sulfuric Acid Plant No. 1 located at the Nichols Plant. The facility is located in Polk County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-212 and 62-4, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a permit amendment is required for the proposed work.

Pursuant to Section 403.815, F.S., and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit Amendment. The notice shall be published one time only within 30 days in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 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 permit amendment.

The Department will issue the permit amendment with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 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 at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

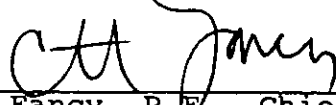
- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by Petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this intent. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this intent in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to

request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



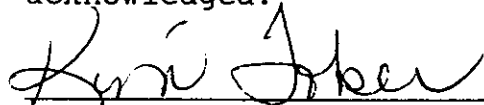
C. H. Fancy, P.E., Chief  
Bureau of Air Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32399  
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this **INTENT TO ISSUE PERMIT AMENDMENT** all copies were mailed by certified mail before the close of business on 9-11-95 to the listed persons.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**  
FILED, on this date, pursuant to §120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk 9-11-95  
Date

Copies furnished to:

- John Koogler, P.E.
- Jerry Kissel, SWD
- Iwan Choronenko, EPCHC
- Jewell Harper, EPA

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE PERMIT AMENDMENT  
PSD-FL-204/AC53-230355

The Department of Environmental Protection (Department) gives notice of its intent to issue a permit amendment to IMC-Agrico Company, P.O. Box 1035, Mulberry, Florida 33860. The company operates a phosphate fertilizer manufacturing complex located in Nichols, Polk County, Florida. The amendment will remove a nitrogen oxide (NO<sub>x</sub>) emission limit and test requirement applicable to Sulfuric Acid Plant No. 1 located at the Nichols facility. The plant is neither a significant nor a major source of NO<sub>x</sub> emissions with respect to permitting requirements pursuant to Prevention Significant Deterioration (PSD) and there are no other Departmental requirements to limit NO<sub>x</sub> emissions from or to conduct annual NO<sub>x</sub> emissions tests at from Sulfuric acid plants.

The Department will remove the NO<sub>x</sub> emission limit provided that there will not be an increase in either lb/hr or tons/yr of NO<sub>x</sub> emissions to be demonstrated by an initial compliance test. Therefore, this change will not cause or contribute to a violation of any air pollution ambient air standard or adversely affect the environment.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes (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 at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information; (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by Petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's

action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and, (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the application/request have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, Florida Administrative Code.

The application/request 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:

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida 32301

Department of Environmental Protection  
Southwest District  
8407 Laurel Fair Circle  
Tampa, Florida 33619

Any person may send written comments on the proposed action to Administrator, New Source Review at the Department's Tallahassee address. All comments received within 30 days of the publication of this notice will be considered in the Department's final determination.

Further, a public hearing can be requested by any person(s). Such requests must be submitted within 14 days of this notice.

# DRAFT

September XX, 1995

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Dave Turney  
Environmental Coordinator  
IMC-Agrico Company  
Post Office Box 1035  
Mulberry, Florida 33860

Dear Mr. Turney:

Re: Nichols Plant - Permit Nos. AC53-230355, PSD-FL-204  
Request to Remove NO<sub>x</sub> Limits and Test Requirements  
Sulfuric Acid Plant No. 1

The Department is in receipt of the March 14, 1995 letter from Dr. John Koogler, requesting a permit modification to remove the nitrogen oxides NO<sub>x</sub> emission limits and test requirement from the above referenced permit.

On March 15, 1995 the Bureau of Air Regulation received a request to amend the above referenced permit for Sulfuric Acid Plant No. 1 located at the IMC-Agrico Company phosphate fertilizer chemical manufacturing facility on C.R. 676 near Nichols, Florida. The Department was asked to remove the emission limit and testing requirements for NO<sub>x</sub> from air construction permit number AC53-230355/PSD-FL-204 Specific Conditions Nos. 4 and 6. The applicant stated that the NO<sub>x</sub> limit in the permit was not based on a regulatory standard, nor does it reflect an emission limitation requested by IMC-Agrico to avoid a specific rule applicability.

The Department's files show that in 1981, when the facility was owned by Conserv Company, two 750 TPD acid plants were replaced with a 2000 TPD acid plant/electrical generation plant which resulted in a net decrease in NO<sub>x</sub> emissions. On April 28, 1993, the Department's Bureau of Air Regulation received a PSD permit application to increase production of the existing sulfuric acid plant No. 1 from 2,000 TPD to 2,500 TPD of acid. The proposed project also included increased capacity of the molten sulfur storage and feed system as well as the diammonium phosphate (DAP) plant. The application indicated that PSD review was applicable only to sulfur dioxide, sulfuric acid mist, particulate matter, and



**DRAFT**

Mr. Dave Turney  
September XX, 1995  
Page Two

fluorides. Although emission increases for NO<sub>x</sub> were calculated as 12 TPY which is less than the significant emissions rate for PSD review a NO<sub>x</sub> emission limitation was incorporated into the final permit issued April 18, 1994 (AC 53-230355).

The Bureau of Air Regulation has evaluated your request and will remove the NO<sub>x</sub> emission limit provided there will not be an increase in either lb/hr or tons/yr of NO<sub>x</sub> emission rates from Sulfuric Acid Plant No. 1. Consequently, the following changes to AC 53-230355, PSD-FL 204 are established:

SPECIFIC CONDITION No. 4

FROM:

4. Nitrogen oxides, (NO<sub>x</sub>) emissions from the plant shall not exceed 0.12 lb/ton of 100% H<sub>2</sub>SO<sub>4</sub> produced, 12.5 lbs/hr, and 54.8 tons/yr. The nitrogen oxides limits based on a general emission factor, are subject to revision if sufficient test data indicate that the emission factor is improper.

TO:

4. **For PSD Purposes only:** Nitrogen oxides, (NO<sub>x</sub>) emissions from the plant are calculated to be 0.12 lb/ton of 100% H<sub>2</sub>SO<sub>4</sub> produced, 12.5 lbs/hr, and 54.8 tons/yr. The nitrogen oxides **emission rates** based on a general emission factor, are subject to revision if sufficient test data indicate that the emission factor is improper.

Specific Condition 6 requires an initial compliance test for NO<sub>x</sub>. This testing requirement is intended to confirm the emission factor used in Specific Condition 4 and is not intended to carry forth as an annual NO<sub>x</sub> test requirement in the operating permit. Specific condition 6 will not be changed.

A copy of this amendment letter shall be attached to and shall become a part of Air Construction Permit AC53-230355/PSD-FL-204.

Sincerely,

Howard L. Rhodes, Director  
Division of Air Resources  
Management



Florida Department of  
**Environmental Protection**

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Memorandum

TO: C. H. Fancy  
FROM: A. A. Linero  
DATE: September 1, 1995 *A. A. Linero*  
SUBJ: IMC-Agrico Company - Nichols facility  
Permit Amendment - AC53-230355/PSD-FL-204

Attached for your review and approval is a permit amendment which removes the NO<sub>x</sub> limits for Sulfuric Acid Plant No. 1 at the above referenced facility. The NO<sub>x</sub> emission limit was not based on federal or state rules nor did it reflect an emission limitation requested by the applicant to avoid a specific rule applicability.

We are however, still requiring IMC-Agrico to demonstrate with an initial compliance test that NO<sub>x</sub> emissions are indeed below significant levels with respect to PSD and major source permitting.

If you have any questions, Martin Costello and I will be glad to discuss the details.

AAL/mc/t