

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF FINAL PERMIT

In the Matter of an  
Application for Permit

Mr. E. M. Newberg  
IMC-Agrico Company  
3095 Highway 640  
P.O. Box 2000  
Mulberry, Florida 33860

DEP File No. 1050059-021-AC  
Permit No. PSD-FL-199  
Polk County

Enclosed is the FINAL Permit Number PSD-FL-199 for an air classifier and bag collector at the New Wales Animal Feed Ingredient Plant located at 3095 Highway 640, Mulberry, Polk County. This permit is issued pursuant to Chapter 403, Florida Statutes and in accordance with Rules 62-212.400 and 410., F.A.C. Prevention of Significant Deterioration and Best Available Control Technology.

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., 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 Legal Office; 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 (thirty) days from the date this Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.



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

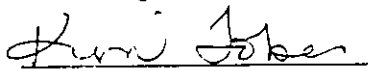
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT (including the FINAL permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 1-16-98 to the person(s) listed:

Mr. E. M. Newberg, IMC-A\*  
Mr. Brian Beals, EPA  
Mr. John Bunyak, NPS  
Mr. Bill Thomas, SWD

Clerk Stamp

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

  
(Clerk) 1-16-98  
(Date)

**FINAL DETERMINATION**  
**IMC - Agrico Company**  
**New Wales Plant**

Reissue Permit No. AC 53-222859/PSD-FL-199  
 DEP File No. 1050059-021-AC

An Intent to Issue an air construction permit for an air classifier with bag collector at IMC-Agrico's Animal Feed Ingredients plant at Highway 640 and County Line Road near Mulberry, Polk County, Florida was distributed on March 1, 1993. The Public Notice of Intent to Issue Air Construction Permit was published in the Ledger on April 2, 1993. No adverse comments were submitted in response to the public notice. Copies of the modification were available for public inspection at the Department offices in Tampa and Tallahassee. The permit was issued on June 10, 1993. Due to unfavorable economic conditions, the project was postponed and the permit expired on July 31, 1995. The applicant has requested that the permit be reissued at this time. The Department has determined that the Best Available Control Technology analysis and emission limitations are still applicable to the described Animal Feed Ingredients plant. A second Public Notice of Intent to Issue Air Construction Permit was published in the Ledger on December 15, 1997 with no comments received. Therefore, the final action of the Department will be to reissue the permit as requested.

Thank you for using Return Receipt Service.

<p><b>SENDER:</b></p> <ul style="list-style-type: none"> <li>■ Complete items 1 and/or 2 for additional services.</li> <li>■ Complete items 3, 4a, and 4b.</li> <li>■ Print your name and address on the reverse of this form so that we can return this card to you.</li> <li>■ Attach this form to the front of the mailpiece, or on the back if space does not permit.</li> <li>■ Write "Return Receipt Requested" on the mailpiece below the article number.</li> <li>■ The Return Receipt will show to whom the article was delivered and the date delivered.</li> </ul>	<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address        2. <input type="checkbox"/> Restricted Delivery        Consult postmaster for fee.</p> <p>4a. Article Number  <u>P 265 659 281</u></p> <p>4b. Service Type  <input type="checkbox"/> Registered    <input checked="" type="checkbox"/> Certified  <input type="checkbox"/> Express Mail    <input type="checkbox"/> Insured  <input type="checkbox"/> Return Receipt for Merchandise    <input type="checkbox"/> COD</p> <p>7. Date of Delivery  <u>1-10-98</u></p> <p>8. Addressee's Address (Only if requested and fee is paid)</p> <p>3. Article Addressed to:  <u>Mr. E.M. Newberg</u>  <u>IMC-Agrico Co.</u>  <u>3095 Hwy 640</u>  <u>Mulberry, FL</u>  <u>33860</u></p> <p>5. Received By: (Print Name)  <u>X</u></p> <p>6. Signature: (Addressee or Agent)</p>
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PS Form 3811, December 1994

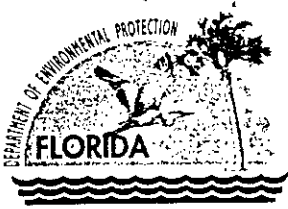
P 265 659 281

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to	<u>E.M. Newberg</u>
Street & Number	<u>IMC-Agrico</u>
Post Office, State, & ZIP Code	<u>Mulberry, FL</u>
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	<u>1-10-98</u>
<u>1050059-021AC</u> <u>PSD-FL-199</u>	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

## PERMITTEE:

IMC-Agrico Company  
Post Office Box 2000  
Mulberry, Florida 33860-1100

### *Authorized Representative:*

Mr. E. M. Newberg  
Vice President and General Manager

File No.	1050059-021-AC
Permit No.	PSD-FL-199
SIC No.	2874
Project:	New Wales AFI Plant
Expires:	December 31, 1998

## PROJECT AND LOCATION:

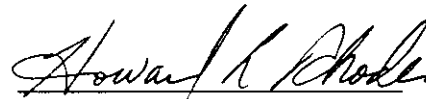
Reissued air construction and PSD permit for an air classifier with bag collector at the New Wales Animal Feed Ingredients Plant at the IMC-Agrico (New Wales ) facility, 3095 Highway 640, Mulberry, Polk County. UTM coordinates are Zone 17; 396.7 km E; 3079.4 km N.

## STATEMENT OF BASIS:

This construction permit is reissued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297. The above named permittee is authorized to construct the project 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 are made a part of this permit:

Appendix GC      Construction Permit General Conditions  
Appendix SC      Emission Unit(s) Specific Conditions

  
Howard L. Rhodes, Director  
Division of Air Resources  
Management

## **APPENDIX SC**

### **Specific Conditions**

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1. This permit supersedes permit AC53-222859 (PSD-FL-199), dated June 10, 1993.
2. The provisions of air construction permit AC53-222859 (PSD-FL-199) and the Best Available Control Technology determination dated June 10, 1993, are incorporated into this air construction permit except that the General Permit Conditions are replaced by the attached conditions with updated references to applicable statutes.

**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

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- 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,
  - (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.

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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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 non-compliance 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 (X)
  - (b) Determination of Prevention of Significant Deterioration (X);
- 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.

Florida Department of  
Environmental Protection

Memorandum

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TO: Howard L. Rhodes

THRU: Clair Fancy *copy for CHF 1/16*  
Al Linero *copy 1/16*

FROM: John Reynolds *JR*

DATE: January 16, 1998

SUBJECT: IMC-Agrico Company/ Reissued Permit / 1050059-021-AC/ PSD-FL-199

Attached for approval and signature is a reissued construction permit to install an air classifier for the Animal Feed Ingredients Plant at IMC-Agrico's New Wales facility in Mulberry. The project was permitted originally in 1993 but was not constructed due to unfavorable economic conditions. Since there is no change in the BACT determination or the emission limits, the permit can be reissued with updated general conditions to reflect changes in applicable rules and statutes. A second public notice was published on December 15, 1997. No comments were received.

I recommend your approval and signature.

Attachments

JR/jr