




Florida Department of Environmental Protection  
Office of General Counsel

# Memo

**To:** Syed Arif, Trina Vielhauer, and OGC File  
**From:** Ronni Moore, Assistant General Counsel   
**Date:** August 4, 2009  
**Re:** Mosaic Fertilizer, LLC vs. DEP; DEP Permit No. 1050059-061-AC; OGC No. 09-2922

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On or about May 28, 2009, the Department issued a notice of intent to issue air construction permit no. 1050059-061-AC to Mosaic Fertilizer, LLC (Mosaic) for its facility in Mulberry, Polk County, Florida. Mosaic timely requested an extension of time to file a petition for hearing on the draft permit, which the Department granted through August 3, 2009.

On July 30, 2009, Mosaic filed a withdrawal of its request for extension as the Department and Mosaic had reached agreement on a final draft permit to be issued to Mosaic. There being no further matters to consider, the Department's file in this matter is closed.

## Gibson, Victoria

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**From:** Vielhauer, Trina  
**Sent:** Tuesday, August 04, 2009 12:27 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Mosaic Fertilizer, LLC 09-2922  
**Attachments:** MEMO CLOSING FILE 08-04-09.pdf

FYI also

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**From:** Phipps, Jessica R.  
**Sent:** Tuesday, August 04, 2009 12:09 PM  
**To:** Arif, Syed; Vielhauer, Trina  
**Cc:** Moore, Ronni  
**Subject:** Mosaic Fertilizer, LLC 09-2922

Please find attached the Memo Closing File for Mosaic Fertilizer, LLC OGC #: 09-2922

*Jessica Phipps*

*Department of Environmental Protection  
Administrative Assistant  
850-245-2243*

Florida's Water - Ours to Protect: Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

## Gibson, Victoria

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**From:** Arif, Syed  
**Sent:** Thursday, July 30, 2009 1:55 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Mosaic - Draft Permit No. 1050059-061-AC - OGC Case No. 09-2922  
**Attachments:** Mosaic Withdrawal of Request for Enlargment.pdf

FYI

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**From:** Moore, Ronni  
**Sent:** Thursday, July 30, 2009 12:27 PM  
**To:** Arif, Syed  
**Cc:** Vielhauer, Trina  
**Subject:** FW: Mosaic - Draft Permit No. 1050059-061-AC - OGC Case No. 09-2922

Syed,

Attached is Mosaic's request to withdrawal its extension of time. If Attachment A of the withdrawal is the revised draft we intend to issue, then we're good to go. Please let me know.

Thanks,  
Ronni

Ronda L. Moore  
Assistant General Counsel

 Please consider the environment before printing this email.

**Florida's Water - Ours to Protect:** Check out the latest information on Florida Water Issues at <http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.

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**From:** Kay Skipper [mailto:KayS@hgslaw.com]  
**Sent:** Thursday, July 30, 2009 11:58 AM  
**To:** Crandall, Lea  
**Cc:** Susan Stephens; Moore, Ronni  
**Subject:** Mosaic - Draft Permit No. 1050059-061-AC - OGC Case No. 09-2922

Attached for filing in the referenced matter is Mosaic Fertilizer LLC's Withdrawal of Request for Enlargement of Time. Please date-stamp and e-mail it back to us. Thanks!

Kay Skipper  
Legal Assistant  
Hopping Green & Sams, P.A.  
119 S. Monroe St., Suite 300  
Tallahassee, FL 32301  
(850) 425-3457  
[kays@hgslaw.com](mailto:kays@hgslaw.com)

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**MOSAIC FERTILIZER LLC**

**Petitioner,**

**OGC Case No. 09-2922  
DEP Draft Permit No. 1050059-061-AC  
BART Exemption Project –  
New Wales Facility**

**vs.**

**STATE OF FLORIDA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Respondents.**

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**MOSAIC FERTILIZER LLC'S WITHDRAWAL OF  
REQUEST FOR ENLARGEMENT OF TIME**

Pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.) and Rule 28-106.201, Florida Administrative Code (F.A.C.), Mosaic Fertilizer, LLC ("Mosaic") hereby withdraws its request for an enlargement of time in which to file a Petition for Administrative Proceedings in the above-styled matter ("Petition"). As good cause for granting this request, Mosaic states the following:

1. On or about May 28, 2009, Mosaic received from the Department of Environmental Protection ("Department") an "Intent to Issue Air Permit" and accompanying "Draft Permit" (Draft Permit No. 1050059-061-AC), for the New Wales facility, which is located at 3095 U.S. Highway 640, Mulberry, Polk County, Florida.

2. On June 11, 2009, Mosaic timely filed its request for enlargement of time in which to file a Petition until and including August 1, 2009, based on Mosaic's initial review of the initial Draft Permit, which contained several provisions that warranted

clarification or corrections. The Department granted the enlargement request, allowing Mosaic until August 3, 2009, to file a petition for hearing.

3. Mosaic provided comments and suggested revisions to the Draft Permit on June 11, 2009, and July 28-29, 2009.

4. Mosaic and the Department have agreed on a resolution of the issues involved in this Draft Permit, as reflected in Attachment A (a preliminary Final Permit). While the Department has not accepted or incorporated all of Mosaic's comments and suggested revisions, and notwithstanding Mosaic's continued objections to certain language in the Draft Permit, Mosaic is nonetheless willing to accept the terms and conditions as set forth in the preliminary Final Permit.

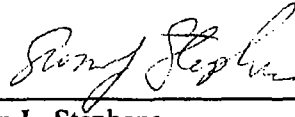
5. The Department has advised that the Final Permit cannot be issued unless and until Mosaic withdraws its request for enlargement of time.

6. Based on correspondence and agreement with the Department, Mosaic understands that the Department will issue the Final Permit in accordance with the attached preliminary Final Permit (Attachment "A"). Based on that understanding and contingent upon the issuance of the Final Permit in conformance with Attachment A, Mosaic is willing to withdraw the request for enlargement of time.

7. Should the Final Permit when issued not conform to Attachment A in all material respects, Mosaic requests a further enlargement of time, and this withdrawal shall be null and void.

WHEREFORE, Mosaic Fertilizer, LLC hereby withdraws its request for enlargement of the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No. 1050059-061-AC.

Respectfully submitted this 30<sup>th</sup> day of July, 2009.



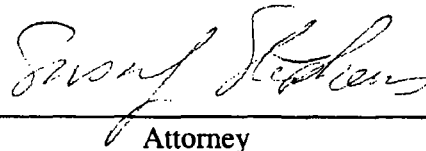
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Susan L. Stephens  
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Attorneys for Petitioner,  
Mosaic Fertilizer, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail to Ronni Moore, Office of General Counsel, Florida, [Ronni.moore@dep.state.fl.us](mailto:Ronni.moore@dep.state.fl.us), Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 30<sup>th</sup> day of July, 2009.



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Attorney

**ATTACHMENT A**



**Kay Skipper**

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**From:** Iyer, Rama - Pierce [Rama.Iyer@mosaicco.com]  
**Sent:** Wednesday, July 29, 2009 4:12 PM  
**To:** Susan Stephens  
**Subject:** FW: NW BART  
**Attachments:** Final Determination.doc; Final Permit.doc

Susan,

The email from Syed.

Thanks,

Rama.

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**From:** Arif, Syed [mailto:Syed.Arif@dep.state.fl.us]  
**Sent:** Wednesday, July 29, 2009 12:17 PM  
**To:** Iyer, Rama - Pierce  
**Subject:** RE: NW BART

Rama,

Attached are the final determination and the final permit based on your recent comments. Let me know if I missed anything.

Syed

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**PERMITTEE**

Mosaic Fertilizer, LLC  
Post Office Box 2000  
Mulberry, FL 33860

Air Permit No. 1050059-061-AC Expiration Date: June 30, 2013 New Wales Facility BART Exemption Project
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*Authorized Representative:*

Mr. David B. Jellerson, Assistant Vice President - Environmental

**PLANT AND LOCATION**

The Mosaic Fertilizer, LLC operates the New Wales facility, which is located at 3095 Highway 640, Mulberry in Polk County, Florida. The facility is an existing phosphate fertilizer manufacturer, which is identified by Standard Industrial Classification (SIC) code No. 2874.

**STATEMENT OF BASIS**

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). Pursuant to Rule 62-296.340(5)(c) (escape BART), F.A.C., the permittee shall install the air pollution control equipment and/or implement the air pollution control measures that are specified by this permit to be exempt from a Best Available Retrofit Technology (BART) determination.

**EFFECTIVE DATE**

Unless otherwise specified by this permit, the affected emissions units shall comply with the conditions of this permit as expeditiously as practicable, but not later than the expiration date of this permit. [Rule 62-296.340(3)(b)2., F.A.C.]

Executed in Tallahassee, Florida

\_\_\_\_\_  
Joseph Kahn, Director  
Division of Air Resource Management

\_\_\_\_\_  
Effective Date

JK/tlv/sa

## SECTION 1. GENERAL INFORMATION

### FACILITY DESCRIPTION

The applicant, Mosaic Fertilizer, LLC, operates an existing phosphate fertilizer manufacturer. The fertilizer complex processes phosphate rock into several different fertilizer products and animal feed ingredients. This is accomplished by reacting the phosphate rock with sulfuric acid to produce phosphoric acid and then converting the phosphoric acid to fertilizer and animal feed ingredient products. The facility consists of five double absorption sulfuric acid plants (SAP); three phosphoric acid plants (PAP); a phosphoric acid clarification and storage area; three diammonium phosphate (DAP) plants; a monoammonium phosphate (MAP) plant; a granular monoammonium phosphate (GMAP) plant; an animal feed ingredients (AFI) plant; a multifos production plant; a molten sulfur storage and handling system; a limestone storage silo/rock grinding operation and a phosphogypsum stack.

### FACILITY REGULATORY CLASSIFICATIONS

- The facility is a major source of hazardous air pollutants (HAP).
- The facility does not operate emissions units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source pursuant to Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

### AFFECTED EMISSIONS UNITS

Mosaic Fertilizer, LLC submitted an application to escape the BART determination requirements of Rule 62-296.340(5)(c) (escape BART), F.A.C., which addresses the following emissions units with the potential to emit at least 50 tons per year (TPY) or more of a visibility-impairing pollutant:

EU ID No.	Brief Description
-002	SAP No. 1
-003	SAP No. 2
-004	SAP No. 3
-009	DAP Plant No. 1
-011	MAP Plant
-027	AFI Plant
-036	Multifos A and B Kilns, Dryer and Blending Operations

The rest of the BART-eligible emissions units at the New Wales facility are sources with relatively low particulate matter (PM) emissions (less than 5 lb/hr each). They are as follows:

EU ID No.	Brief Description
-015	AFI truck loadout system
-023	AFI storage silos - north side
-024	AFI railcar loadout system

## SECTION 1. GENERAL INFORMATION

-025	AFI limestone storage silos
-026	AFI silica storage bin
-028	AFI storage silos – south side
-030	Multifos soda ash unloading
-031	Multifos soda ash conveying
-032	Multifos A kiln cooler
-033	Multifos B kiln cooler
-034	Multifos A and B kilns milling and sizing – West baghouses
-035	Multifos A and B kilns milling and sizing – East baghouses
-038	Multifos A and B kilns milling and sizing – surge bin
-052	AFI limestone feed bin
-055	MAP plant cooler
-063	1,500-Ton truck unloading sulfur pit
-066	200-Ton molten sulfur transfer pit
-067	1,500-Ton truck unloading sulfur pit – front vents
-068	1,500-Ton truck unloading sulfur pit – rear vents

Except for the molten sulfur pits (EUs-063, -066, -067 and -068), all of these emissions units emit only PM. The molten sulfur pits each emit 0.2 lb/hr or less of PM and 0.3 lb/hr or less of sulfur dioxide (SO<sub>2</sub>).

## **SECTION 1. GENERAL INFORMATION**

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### **CONTENTS**

Section 1. General Information

Section 2. Administrative Requirements

Section 3. Emissions Units Specific Conditions

Section 4. Appendices

Appendix A. Citation Formats

Appendix B. General Conditions

Appendix C. Standard Testing Requirements

Appendix D. Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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1. **Permitting Authority:** The **Permitting Authority for this project is the Bureau of Air Regulation** in the Division of Air Resource Management of the Florida Department of Environmental Protection. The mailing address for the Bureau of Air Regulation is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400.
2. **Compliance Authority:** All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the **Compliance Authority, Southwest District (SWD) Office**. The Compliance Authority's mailing address is:

Florida Department of Environmental Protection Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813/632-7600, Fax: 813/632-7665

3. **Appendices:** The following Appendices are attached as part of this permit: Appendix A (Citation Formats); Appendix B (General Conditions); Appendix C (Standard Testing Requirements); and, Appendix D (Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants).
4. **Applicable Regulations, Forms and Application Procedures:** Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to the applicable provisions of: Chapter 403, F.S.; Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C.; and the applicable parts and subparts of Title 40, Code of Federal Regulations (CFR). Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. **Title V Air Operation Permit:** This permit authorizes specific modifications and/or new construction on the affected emissions units as well as initial operation to determine compliance with conditions of this permit. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after completing the required work and commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the **Permitting Authority, the Florida Department of Environmental Protection, Southwest District Office**.  
[Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]
6. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 (five) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2., F.A.C.]
7. **Annual Operating Report (AOR):** The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by April 1<sup>st</sup> of each year. [Rule 62-210.370(3), F.A.C.]

### NEW AND PREVIOUS PERMIT SPECIFIC CONDITIONS

8. Pursuant to Rule 62-296.340(5)(c) (escape BART), F.A.C., the specific terms and conditions of this permit are required in order to escape a Best Available Retrofit Technology Determination. These specific terms and conditions apply to each emissions unit and are in addition to any other applicable standards. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Proposed by the Applicant in the Application;

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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and, Rules 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.]

9. A relaxation of the specific terms and conditions of this permit may subject the facility to a BART and/or a Best Available Control Technology (BACT) determination. Any request to change the specific terms and conditions of this permit must be submitted to the Bureau of Air Regulation in the Division of Air Resource Management of the Florida Department of Environmental Protection. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; and, Rules 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.]
10. The applicant has proposed two emission reduction scenarios A and B for the BART-eligible emissions units at the New Wales facility. For each of the emissions reduction scenarios, the New Wales facility is exempt from BART because its contribution to visibility impairment does not exceed 0.5 deciview (dv) above natural conditions in any Class I area. Emissions Unit Specific Conditions in Section 3 of the permit will address both the emission reduction scenarios under different subsections. The applicant will make a decision to implement scenario A or B no later than January 1, 2010, at which time the scenario that was not selected will become obsolete. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; and, Rules 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.]
11. No emissions unit or facility subject to this permit shall be constructed or modified without obtaining the appropriate air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
12. Source Obligation:
  - (b) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification. [Rule 62-212.400(12)(b), F.A.C.]

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

This subsection addresses the following affected emissions units:

<b>EU ID No.</b>	<b>Brief Description</b>
-002	SAP No. 1
-003	SAP No. 2
-004	SAP No. 3
-009	DAP Plant No. 1
-011	MAP Plant
-027	AFI Plant
-036	Multifos A and B Kilns, Dryer and Blending Operation

**ADMINISTRATIVE REQUIREMENTS**

1. Emission Reductions under Scenario A: This subsection deals with emission reductions for the above affected emissions units under Scenario A. The permittee shall notify the Department's Bureau of Air Regulation and the SWD Office through a letter from the responsible official by January 1, 2010 whether Scenario A will be implemented. Under Scenario A, the permittee shall shutdown EU-036 (Multifos A and B Kilns including associated coolers) as expeditiously as practicable after January 1, 2010, but no later than June 30, 2013. [Rule 62-296.340(5)(c) (escape BART), F.A.C. and Applicant's Request received October 3, 2008]

{Note: The dryer and blending operations under EU-036 will not be shut down as it is part of a mixed feed system that feeds Kiln C. The Multifos A and B Kiln coolers will be shut down and are designated as EU-032 and EU-033, respectively.}

2. Notification of Shutdown: The permittee shall notify the Department's Bureau of Air Regulation, SWD Office and the Compliance Authority upon the shutdown of the EU-036 (Multifos A and B Kilns including associated coolers). If these emission units resume operations a BART analysis shall be performed as though they had not been shutdown. Other preconstruction review requirements may apply. [Rule 62-296.340(5)(c) (escape BART), F.A.C. and Applicant's Request received October 3, 2008]

**ESSENTIAL POTENTIAL TO EMIT (PTE) PARAMETERS**

3. Design Capacity: The existing design capacity of each SAP, DAP Plant No. 1, MAP Plant and the AFI Plant shall not be changed as a result of the proposed work under this project, Permit No. 1050059-061-AC. The existing design capacity of each of these emissions units shall not exceed the following:

<b>EU ID No.</b>	<b>Plant Description</b>	<b>Design Production Capacity</b>
-002	SAP No. 1	3,400 TPD (tons per day) of 100% H <sub>2</sub> SO <sub>4</sub> (sulfuric acid)
-003	SAP No. 2	3,400 TPD of 100% H <sub>2</sub> SO <sub>4</sub>
-004	SAP No. 3	3,400 TPD of 100% H <sub>2</sub> SO <sub>4</sub>
-009	DAP Plant No. 1	150 TPH (tons per hour) of MAP or DAP
-011	MAP Plant	50 TPH of MAP
-027	AFI Plant	120 TPH

[Rules 62-4.160(2) and 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]



**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

4. **Methods of Operation - Fuels:** The DAP Plant No. 1 and the AFI Plant dryers shall be fired by natural gas. The two dryers can be fired with No. 6 fuel oil or better grade fuel oil (as defined in Condition CC.20 in Permit 1050059-045-AV) only during periods of natural gas curtailment. The permittee shall submit an official document from the natural gas pipeline vendor to the SWD Office for verification of natural gas curtailments. [Rules 62-4.070(1)&(3) (Reasonable Assurance) and Rule 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]
5. **Design Capacity and Permitted Production:** The permittee shall submit a statement from the responsible official within 30 days after the completion of all of the proposed work under this project. [Rules 62-4.160(2) and 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]

**AIR POLLUTION CONTROL TECHNOLOGIES AND MEASURES**

6. **SAP SO<sub>2</sub> Controls:** This BART exemption determination does not require new, modified or additional air pollution control systems for sulfur dioxide (SO<sub>2</sub>). To control emissions of SO<sub>2</sub> from each SAP, the permittee shall continue the use of the existing double absorption system technology with vanadium and/or cesium catalyst in the converters and the use of good combustion practices and best operational practices to minimize excess emissions during startup and shutdown. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Proposed by the Applicant in the Application]
7. **SAP Acid Mist Controls:** This BART exemption determination does require new, modified or additional air pollution control systems for sulfuric acid mist (SAM). By controlling SAM emissions, particulate matter/particulate matter less than 10 microns (PM/PM<sub>10</sub>) and visible emissions are minimized. To control emissions of SAM, the permittee shall install Brownian diffusion-type candles on SAPs 1 and 2, similar to the one employed on SAP No. 3. Other SAM control technologies may be considered by the Bureau of Air Regulation upon written request. The permittee shall submit a written request for other SAM control technologies to the Bureau of Air Regulation with a copy to the Compliance Authority for review and approval prior to use. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Proposed by the Applicant in the Application]
8. **Circumvention:** The permittee shall not circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

**EMISSION STANDARDS AND LIMITATIONS**

9. **PM, NO<sub>x</sub> and SO<sub>2</sub> Standards:** Particulate matter, nitrogen oxides and sulfur dioxide emissions shall not exceed the following emissions standards.

EU ID No.	Emissions Unit Description	Emissions Standards		
		PM	NO <sub>x</sub>	SO <sub>2</sub>
-002	No.1 Sulfuric Acid Plant	---	17 lb/hour <sup>a</sup>	496 lb/hour <sup>b</sup>
-003	No. 2 Sulfuric Acid Plant	---	17 lb/hour <sup>a</sup>	496 lb/hour <sup>b</sup>
-004	No. 3 Sulfuric Acid Plant	---	17 lb/hour <sup>a</sup>	496 lb/hour <sup>b</sup>
-009	DAP Plant No.1	15 lb/hour	---	See Footnote "c"
-011	MAP Plant	7 lb/hour	---	---
-027	AFI Plant	36.8 lb/hour	---	See Footnote "c"

- a. Nitrogen oxides (NO<sub>x</sub>) emissions from Nos. 1, 2, and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004)

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

shall not exceed 17 lb/hour {Permitting Note (for information purposes only): equivalent to 0.12 lb/ton of 100% sulfuric acid at design capacity} based on a 3-hour average as determined by stack test data.

- b. Sulfur dioxide emissions from Nos. 1, 2, and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004) shall not exceed 496 lb/hour {Permitting Note (for information purposes only): equivalent to 3.5 lb/ton of 100% sulfuric acid at design capacity} based on a 24-hour (daily) block CEMS average. Permitting Note (for information purposes only): A 24-hour (daily) block average was established based on the emission rate averaging period of 24-hour (daily) used in the air dispersion modeling. No stack testing is required.
- c. To control sulfur dioxide emissions from the dryers, only natural gas shall be fired as a fuel. During periods of natural gas curtailments, No. 6 fuel oil or better grade fuel oil (as defined in Condition CC.20 in Permit 1050059-045-AV) may be fired as a fuel.

[Rules 62-4.070(3) and 62-296.340(5)(c) (escape BART), F.A.C.]

- 10. Opacity Standards: Visible emissions from the Nos. 1, 2 and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004) shall not exceed 10% opacity as determined by EPA Method 9. Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; and 40 CFR 60.83(a)2 and 40 CFR 60, Appendix A, Method 9]
- 11. SO<sub>2</sub> Continuous Emissions Monitoring System (CEMS): This BART exemption determination requires an SO<sub>2</sub> CEMS to be used to demonstrate continuous compliance with the SO<sub>2</sub> emission standards and limitations specified in this section.
  - a. In accordance with the New Source Performance Standards (NSPS) (40 CFR 60, Subpart H) requirements for sulfuric acid plants, the permittee shall continue to properly calibrate, maintain, and operate a CEMS to measure and record emissions of SO<sub>2</sub>.
  - b. A CEMS shall be properly calibrated, maintained, and operated to comply with: 40 CFR 60 Subpart A, General Provisions; 40 CFR 60 Appendix B, Performance Specification 2; and, 40 CFR 60, Appendix F, Quality Assurance Procedures for Gas CEMS Used for Compliance Determination.
  - c. The emissions data collected with the certified CEMS shall be used to demonstrate continuous compliance with the standards and limitations specified in this section.

[Rules 62-296.340(5)(c) (escape BART), 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.; and, Proposed by the Applicant in the Application]

- 12. SAM Emission Standards and Limitations: This BART determination specifies new SAM emission standards. Emissions of SAM shall not exceed the following as demonstrated by stack test data:

SAP No.	lb/hour
1	7.1
2	7.1
3	7.1

Emissions of SAM shall not exceed 7.1 pounds per hour for each of the three SAPs based on a 3-hour average as determined by stack test data.

{The equivalent lb SAM/ton 100% H<sub>2</sub>SO<sub>4</sub> values for SAP Nos. 1, 2, and 3 at design capacity for each SAP is 0.05 lb SAM/ton 100% H<sub>2</sub>SO<sub>4</sub>. The equivalent lb/ton value corresponding to the lb/hour limits is less than the current existing standards. The equivalent tons per year (TPY) values for SAP Nos. 1, 2, and 3 is 31.1 TPY. This permit requires stack test data to be used to demonstrate compliance. Compliance with the 3-hour average

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

by stack test assures compliance with a numerical standard on a 24-hour (daily) average basis. The air dispersion modeling was performed using a 24-hour (daily) average.)

[Rule 62-296.340(5)(c) (escape BART), F.A.C.; and, Proposed by the Applicant in the Application]

#### EXCESS EMISSIONS

13. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
14. Excess Emissions Allowed: Unless otherwise specified by permit, excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
15. Excess Emissions Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
16. Best Operational Practices to Minimize Excess Emissions:
  - a. The permittee shall follow the best operational practices to minimize excess emissions during startup and shutdown as described in the most recent Title V permit.
  - b. Best operational practices to minimize excess SO<sub>2</sub> and sulfur trioxide (SO<sub>3</sub>) emissions during startup are governed by this condition. The permittee shall follow the best operational practices to minimize excess emissions during startup contained within the attached Appendix D - Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants initially executed on October 25, 1989.[Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Title V Permit No. 1050059-045-AV]
17. Best Operational Practices to Minimize Leaks of SO<sub>2</sub> and SO<sub>3</sub>, or Other Fugitive Process Emissions: Best operational practices to minimize leaks of SO<sub>2</sub> and SO<sub>3</sub>, or other fugitive process emissions shall be adhered to and shall include regular inspections and the prompt repair or correction of any leaks or other fugitive emissions. [Rules 62-4.070(1)&(3) and 62-296.320, F.A.C.]

#### EMISSIONS TESTING

18. Test Methods: The following reference methods (or more recent versions) shall be used to conduct any required emissions tests.

Method	Description of Method and Comments
1 - 4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
5	Determination of PM Emissions from Stationary Sources
6 or 6C	Determination of SO <sub>2</sub> Emissions from Stationary Sources
7E	Determination of NO <sub>x</sub> Emissions from Stationary Sources (Instrumental Analyzer Procedure)

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

Method	Description of Method and Comments
8	Determination of SAM and SO <sub>2</sub> Emissions from Stationary Sources
9	Visual Determination of Opacity from Stationary Sources

EPA Methods 1, 2, 3 and 4 shall be used as necessary to support the other test methods. The above methods are described in 40 CFR 60, Appendix A, which is adopted by reference in Rule 62-204.800, F.A.C. No other methods shall be used without prior written approval from the Permitting Authority. [Rules 62-204.800 and 62-297.100, F.A.C.; and 40 CFR 60, Appendix A]

19. **Standard Testing Requirements:** All required emissions tests shall be conducted in accordance with the requirements specified in Appendix C (Standard Testing Requirements) of this permit. [Rules 62-204.800 and 62-297.100, F.A.C.; and 40 CFR 60, Appendix A]
20. **Compliance Test Schedule:** In accordance with the following schedule, the permittee shall have stack tests conducted to demonstrate compliance with the emissions standards specified in this permit.
- Initial Test:** On or before April 30, 2012, an initial test shall be conducted for NO<sub>x</sub> and SAM emissions from each SAP and PM emissions from DAP Plant No. 1, MAP Plant and the AFI Plant. The initial compliance test report for NO<sub>x</sub>, SAM and PM shall be submitted within 45 days of completion of testing. [Rules 62-296.340(5)(c) (escape BART) and 62-297.310(7)(a)1, F.A.C.]
  - Initial and Special Test:** A visible emissions (VE) test shall be conducted concurrently with one run of the SAM stack test to demonstrate initial compliance with the existing VE standards after the proposed work has been completed for each SAP. The VE test results shall be submitted with the SAM stack test report. [Rules 62-4.070(1)&(3) and 62-297.310(7)(b), F.A.C.]
  - Tests Prior to Renewal:** Within the 12-month period prior to renewing the Title V air operation permit, tests shall be conducted for SAM and NO<sub>x</sub> emissions from each SAP.

[Rules 62-296.340(5)(c) (escape BART), and 62-297.310(7)(a)3, F.A.C.]

{Note: Under this permit SO<sub>2</sub> CEMS are required to demonstrate compliance on a continuous basis, therefore, no initial or annual compliance test for SO<sub>2</sub> is necessary on the SAPs.}

#### RECORDS AND REPORTS

21. **Quarterly Reporting Requirements:** The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of 5 (five) years. {The permittee is required to use SO<sub>2</sub> continuous emissions monitoring systems for continuous compliance demonstrations.} [Rules 62-296.402(5) and 62-213.440(1)(b)2., F.A.C.]
22. **Construction Plan and Progress Reports:** The permittee shall submit a Construction Plan within sixty (60) days of January 1, 2010 which shall contain the necessary milestones to comply with this permit. The Plan shall include at a minimum the necessary actions and corresponding scheduled due dates to complete those actions to comply with this permit.
- The permittee shall submit progress reports based on the anniversary date (one year from the effective date) of this permit regarding the status of the milestones in the Construction Plan to the Department and to the Compliance Authority, no less than annually in 2010 - 2013.

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

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**Subsection A (Scenario A). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

b. The permittee shall complete all required construction and modifications no later than June 30, 2013.

[Rules 62-296.340(5)(c) (escape BART), 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

This subsection addresses the following affected emissions units:

EU ID No.	Brief Description
-002	SAP No. 1
-003	SAP No. 2
-004	SAP No. 3
-009	DAP Plant No. 1
-011	MAP Plant
-027	AFI Plant
-036	Multifos A and B Kilns, Dryer and Blending Operation

#### ADMINISTRATIVE REQUIREMENTS

1. Emission Reductions under Scenario B: This subsection deals with emission reductions for the above affected emissions units under Scenario B. The permittee shall notify the Department's Bureau of Air Regulation and the SWD Office through a letter from the responsible official by January 1, 2010 whether Scenario B will be implemented. Under Scenario B, the permittee shall reduce production rates of SAP Nos. 1, 2 and 3 from 3,400 TPD to 3,200 TPD and reduce lower daily average of SO<sub>2</sub> and SAM emissions rates from the three SAPs. The SAPs shall comply with the new BART exemption limits for SO<sub>2</sub> and SAM by April 30, 2013. Multifos A and B Kilns (EU-036) will continue to operate with lower SO<sub>2</sub> and PM emission rates. A new scrubber will be installed to meet the lower SO<sub>2</sub> emission limits for Multifos A and B Kilns. The Multifos A and B Kilns shall comply with the new BART exemption limits for SO<sub>2</sub> and PM as expeditiously as practicable after January 1, 2010 but no later than June 30, 2013. [Rule 62-296.340(5)(c) (escape BART), F.A.C. and Applicant's Request received October 3, 2008]

#### ESSENTIAL POTENTIAL TO EMIT (PTE) PARAMETERS

2. Design Capacity: The design capacity of each SAP, DAP Plant No. 1, MAP Plant, AFI Plant and the Multifos A and B Kilns shall not exceed the following:

EU ID No.	Plant Description	Design Production Capacity
-002	SAP No. 1	3,200 TPD of 100% H <sub>2</sub> SO <sub>4</sub>
-003	SAP No. 2	3,200 TPD of 100% H <sub>2</sub> SO <sub>4</sub>
-004	SAP No. 3	3,200 TPD of 100% H <sub>2</sub> SO <sub>4</sub>
-009	DAP Plant No. 1	150 TPH of MAP or DAP
-011	MAP Plant	50 TPH of MAP
-027	AFI Plant	120 TPH
-036	Multifos A and B Kilns, Dryer and Blending Operation	15 TPH process input rate to each Kiln and 150,000 tons per year (TPY) of multifos from both Kilns combined

[Rules 62-4.160(2) and 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]

3. Methods of Operation - Fuels: The DAP Plant No. 1, AFI Plant and the Multifos A and B Kilns dryers shall be fired by natural gas. The dryers can be fired with No. 6 fuel oil or better grade fuel oil (as defined in

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

Condition CC.20 in Permit 1050059-045-AV) only during periods of natural gas curtailment. The permittee shall submit an official document from the natural gas pipeline vendor to the SWD Office for verification of natural gas curtailments. [Rules 62-4.070(1)&(3) (Reasonable Assurance) and Rule 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]

4. **Design Capacity and Permitted Production:** The permittee shall submit a statement from the responsible official within 30 days after the completion of all of the proposed work under this project. [Rules 62-4.160(2) and 62-210.200 (Definitions - Potential to Emit (PTE)), F.A.C.]

**AIR POLLUTION CONTROL TECHNOLOGIES AND MEASURES**

5. **SAP SO<sub>2</sub> Controls:** This BART exemption determination does require new, modified or additional air pollution control systems for SO<sub>2</sub>. To control emissions of sulfur dioxide (SO<sub>2</sub>) from each SAP, the permittee shall continue the use of the existing double absorption system technology with vanadium and/or cesium catalyst in the converters and the use of good combustion practices and best operational practices to minimize excess emissions during startup and shutdown. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Proposed by the Applicant in the Application]
6. **Proposed Work:** The applicant is required to perform the following specific work activities under this project in order to escape BART:

EU ID No.	Work Activities
-002	<ul style="list-style-type: none"> <li>• Increase the catalyst loading ratio from approximately 147 liters per ton H<sub>2</sub>SO<sub>4</sub> per day (L/TPD) at 3,400 TPD production rate to approximately 190 L/TPD at 3,200 TPD production rate {increases the current catalyst loading from approximately 498,400 liters to 610,000 liters};</li> <li>• Install a heat recovery system (HRS) to replace the interpass absorption (IPA) tower (If necessary, install/replace);</li> <li>• Replace the sulfur furnace (If necessary, install/replace);</li> <li>• Replace the drying tower (If necessary, install/replace); and</li> <li>• Install Brownian diffusion-type candles in the final absorption tower for SAM control.</li> </ul>
-003	<ul style="list-style-type: none"> <li>• Increase the catalyst loading ratio from approximately 147 L/TPD at 3,400 TPD production rate to approximately 213 L/TPD at 3,200 TPD production rate {increases the current catalyst loading from approximately 498,400 liters to 610,000 liters};</li> <li>• Install HRS to replace the IPA tower (If necessary, install/replace);</li> <li>• Replace the sulfur furnace (If necessary, install/replace);</li> <li>• Replace the drying tower (If necessary, install/replace); and</li> <li>• Install Brownian diffusion-type candles in the final absorption tower for SAM control.</li> </ul>
-004	<ul style="list-style-type: none"> <li>• Increase the catalyst loading ratio from approximately 157 L/TPD at 3,400 TPD production rate to approximately 190 L/TPD at 3,200 TPD production rate {increases the current catalyst loading from approximately 535,200 liters to 610,000 liters}.</li> </ul>
-036	<ul style="list-style-type: none"> <li>• Install caustic scrubber for each of the Multifos A and B Kilns.</li> </ul>

Higher catalyst loadings are allowed by this permit in order to meet the BART SO<sub>2</sub> emission limits. The Brownian diffusion-type candles will be installed in the IPA tower which will become the final absorption tower after the reconfiguration. The candles will lower SAM emission rates from the two SAPs. A caustic scrubber is required for each Multifos A and B Kilns to meet the lower SO<sub>2</sub> emission limits. [Rule 62-

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

296.340(5)(c) (escape BART), F.A.C.; Rules 62-4.160(2) and 62-4.070(1)&(3) (Reasonable Assurance), and, Proposed by the Applicant in the Application]

7. **SO<sub>2</sub> Controls:** The permittee shall use the specific catalyst loadings and types as cited in the study by the permittee's catalyst supplier in Appendix C of the Application. The specific catalyst loadings and types in Appendix C of the Application provide the permitting authority reasonable assurances of compliance with this permit. The study confirms that with the proposed modifications to each SAP, the SAPs can achieve the SO<sub>2</sub> emission rates of 3.0 lb SO<sub>2</sub>/ton 100% H<sub>2</sub>SO<sub>4</sub>. Other specific catalyst types may be considered by the Bureau of Air Regulation upon written request. The permittee shall submit a written request for other specific catalyst loadings and types to the Bureau of Air Regulation with a copy to the Compliance Authority for review and approval prior to use. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rules 62-4.160(2) and 62-4.070(1)&(3) (Reasonable Assurance), F.A.C.; and, Proposed by the Applicant in the Application]
8. **SAP Acid Mist Controls:** This BART exemption determination does require new, modified or additional air pollution control systems for sulfuric acid mist (SAM). By controlling SAM emissions, PM/PM<sub>10</sub> and visible emissions are minimized. To control emissions of SAM, the permittee shall install Brownian diffusion-type candles on SAPs 1 and 2, similar to the one employed on SAP No. 3. Other SAM control technologies may be considered by the Bureau of Air Regulation upon written request. The permittee shall submit a written request for other SAM control technologies to the Bureau of Air Regulation with a copy to the Compliance Authority for review and approval prior to use. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Proposed by the Applicant in the Application]
9. **Circumvention:** The permittee shall not circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

#### EMISSION STANDARDS AND LIMITATIONS

10. **PM, NO<sub>x</sub> and SO<sub>2</sub> Standards:** Particulate matter, nitrogen oxides and sulfur dioxide emissions shall not exceed the following emissions standards.

EU ID No.	Emissions Unit Description	Emissions Standards		
		PM	NO <sub>x</sub>	SO <sub>2</sub>
-002	No.1 Sulfuric Acid Plant	---	16 lb/hour <sup>a</sup>	400 lb/hour <sup>b</sup>
-003	No. 2 Sulfuric Acid Plant	---	16 lb/hour <sup>a</sup>	400 lb/hour <sup>b</sup>
-004	No. 3 Sulfuric Acid Plant	---	16 lb/hour <sup>a</sup>	400 lb/hour <sup>b</sup>
-009	DAP Plant No.1	15 lb/hour	---	See Footnote "c"
-011	MAP Plant	7 lb/hour	---	---
-027	AFI Plant	36.8 lb/hour	---	See Footnote "c"
-036	Multifos A and B Kilns, Dryer and Blending Operation	25 lb/hour	---	25 lb/hour <sup>c</sup>

- a. Nitrogen oxides (NO<sub>x</sub>) emissions from Nos. 1, 2, and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004) shall not exceed 16 lb/hour {Permitting Note (for information purposes only): equivalent to 0.12 lb/ton of 100% sulfuric acid at design capacity} based on a 3-hour average as determined by stack test data.



**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation**

- b. Sulfur dioxide emissions from Nos. 1, 2, and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004) shall not exceed 400 lb/hour {Permitting Note (for information purposes only): equivalent to 3.0 lb/ton of 100% sulfuric acid at design capacity} based on a 24-hour (daily) block CEMS average. Permitting Note (for information purposes only): A 24-hour (daily) block average was established based on the emission rate averaging period of 24-hour (daily) used in the air dispersion modeling. No stack testing is required.
- c. To control sulfur dioxide emissions from the dryers, only natural gas shall be fired as a fuel. During periods of natural gas curtailments, No. 6 fuel oil or better grade fuel oil (as defined in Condition CC.20 in Permit 1050059-045-AV) may be fired as a fuel. [Rules 62-4.070(3) and 62-296.340(5)(c) (escape BART), F.A.C.]
- 11. Opacity Standards: Visible emissions from the Nos. 1, 2 and 3 Sulfuric Acid Plants (EU-002, EU-003 and EU-004) shall not exceed 10% opacity as determined by EPA Method 9. Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. [Rule 62-296.340(5)(c) (escape BART), F.A.C.; and 40 CFR 60.83(a)2 and 40 CFR 60, Appendix A, Method 9]
- 12. SO<sub>2</sub> Continuous Emissions Monitoring System (CEMS): This BART exemption determination requires an SO<sub>2</sub> CEMS to be used to demonstrate continuous compliance with the SO<sub>2</sub> emission standards and limitations specified in this section.
  - a. In accordance with the NSPS (40 CFR 60, Subpart H) requirements for sulfuric acid plants, the permittee shall continue to properly calibrate, maintain, and operate a CEMS to measure and record emissions of SO<sub>2</sub>.
  - b. A CEMS shall be properly calibrated, maintained, and operated to comply with: 40 CFR 60 Subpart A, General Provisions; 40 CFR 60 Appendix B, Performance Specification 2; and, 40 CFR 60, Appendix F, Quality Assurance Procedures for Gas CEMS Used for Compliance Determination.
  - c. The emissions data collected with the certified CEMS shall be used to demonstrate continuous compliance with the standards and limitations specified in this section.

[Rules 62-296.340(5)(c) (escape BART), 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.; and, Proposed by the Applicant in the Application]

- 13. SAM Emission Standards and Limitations: This BART determination specifies new SAM emission standards. Emissions of SAM shall not exceed the following as demonstrated by stack test data:

SAP No.	lb/hour
1	6.7
2	6.7
3	6.7

Emissions of SAM shall not exceed 6.7 pounds per hour for each of the three SAPs based on a 3-hour average as determined by stack test data.

{The equivalent lb SAM/ton 100% H<sub>2</sub>SO<sub>4</sub> values for SAP Nos. 1, 2, and 3 at design capacity for each SAP is 0.05 lb SAM/ton 100% H<sub>2</sub>SO<sub>4</sub>. The equivalent lb/ton value corresponding to the lb/hour limits is less than the current existing standards. The equivalent tons per year (TPY) values for SAP Nos. 1, 2, and 3 is 29.3 TPY. This permit requires stack test data to be used to demonstrate compliance. Compliance with the 3-hour average by stack test assures compliance with a numerical standard on a 24-hour (daily) average basis. The air dispersion modeling was performed using a 24-hour (daily) average.}

[Rule 62-296.340(5)(c) (escape BART), F.A.C.; and, Proposed by the Applicant in the Application]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

#### EXCESS EMISSIONS

14. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
15. Excess Emissions Allowed: Unless otherwise specified by permit, excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
16. Excess Emissions Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
17. Best Operational Practices to Minimize Excess Emissions:
  - a. The permittee shall follow the best operational practices to minimize excess emissions during startup and shutdown as described in the most recent Title V permit.
  - b. Best operational practices to minimize excess SO<sub>2</sub> and SO<sub>3</sub> emissions during startup are governed by this condition. The permittee shall follow the best operational practices to minimize excess emissions during startup contained within the attached Appendix D - Memorandum of Understanding Regarding Best Operational Start-up Practices for Sulfuric Acid Plants initially executed on October 25, 1989.  
[Rule 62-296.340(5)(c) (escape BART), F.A.C.; Rule 62-210.700(1), F.A.C.; and, Title V Permit No. 1050059-045-AV]
18. Best Operational Practices to Minimize Leaks of SO<sub>2</sub> and SO<sub>3</sub>, or Other Fugitive Process Emissions: Best operational practices to minimize leaks of SO<sub>2</sub> and SO<sub>3</sub>, or other fugitive process emissions shall be adhered to and shall include regular inspections and the prompt repair or correction of any leaks or other fugitive emissions. [Rules 62-4.070(1)&(3) and 62-296.320, F.A.C.]

#### EMISSIONS TESTING

19. Test Methods: The following reference methods (or more recent versions) shall be used to conduct any required emissions tests.

Method	Description of Method and Comments
1 - 4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
5	Determination of PM Emissions from Stationary Sources
6 or 6C	Determination of SO <sub>2</sub> Emissions from Stationary Sources
7E	Determination of NO <sub>x</sub> Emissions from Stationary Sources (Instrumental Analyzer Procedure)
8	Determination of SAM and SO <sub>2</sub> Emissions from Stationary Sources
9	Visual Determination of Opacity from Stationary Sources

EPA Methods 1, 2, 3 and 4 shall be used as necessary to support the other test methods. The above methods are described in 40 CFR 60, Appendix A, which is adopted by reference in Rule 62-204.800, F.A.C. No other methods shall be used without prior written approval from the Permitting Authority. [Rules 62-204.800

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### Subsection B (Scenario B). SAP Nos. 1, 2 and 3, DAP Plant No. 1, MAP Plant, AFI Plant and Multifos A and B Kilns, Dryer and Blending Operation

and 62-297.100, F.A.C.; and 40 CFR 60, Appendix A]

20. Standard Testing Requirements: All required emissions tests shall be conducted in accordance with the requirements specified in Appendix C (Standard Testing Requirements) of this permit. [Rules 62-204.800 and 62-297.100, F.A.C.; and 40 CFR 60, Appendix A]
21. Compliance Test Schedule: In accordance with the following schedule, the permittee shall have stack tests conducted to demonstrate compliance with the emissions standards specified in this permit.
- Initial Test*: On or before April 30, 2013, an initial test shall be conducted for NO<sub>x</sub> and SAM emissions from each SAP and PM emissions from DAP Plant No. 1, MAP Plant and the AFI Plant. On or before April 30, 2013, an initial test shall be conducted for SO<sub>2</sub> and PM emissions from Multifos A and B Kilns, Dryer and Blending Operation. The initial compliance test report for NO<sub>x</sub>, SO<sub>2</sub>, SAM and PM shall be submitted within 45 days of completion of testing. [Rules 62-296.340(5)(c) (escape BART) and 62-297.310(7)(a)1, F.A.C.]
  - Initial and Special Test*: A visible emissions (VE) test shall be conducted concurrently with one run of the SAM stack test to demonstrate initial compliance with the existing VE standards after the proposed work has been completed for each SAP. The VE test results shall be submitted with the SAM stack test report. [Rules 62-4.070(1)&(3) and 62-297.310(7)(b), F.A.C.]
  - Tests Prior to Renewal*: Within the 12-month period prior to renewing the Title V air operation permit, tests shall be conducted for SAM and NO<sub>x</sub> emissions from each SAP.

[Rules 62-296.340(5)(c) (escape BART), and 62-297.310(7)(a)3, F.A.C.]

{Note: Under this permit SO<sub>2</sub> CEMS are required to demonstrate compliance on a continuous basis, therefore, no initial or annual compliance test for SO<sub>2</sub> is necessary on the SAPs.}

#### RECORDS AND REPORTS

22. Quarterly Reporting Requirements: The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of 5 (five) years. {The permittee is required to use SO<sub>2</sub> continuous emissions monitoring systems for continuous compliance demonstrations.} [Rules 62-296.402(5) and 62-213.440(1)(b)2., F.A.C.]
23. Construction Plan and Progress Reports: The permittee shall submit a Construction Plan within sixty (60) days of January 1, 2010 which shall contain the necessary milestones to comply with this permit. The Plan shall include at a minimum the necessary actions and corresponding scheduled due dates to complete those actions to comply with this permit.
- The permittee shall submit progress reports based on the anniversary date (one year from the effective date) of this permit regarding the status of the milestones in the Construction Plan to the Department and to the Compliance Authority, no less than annually in 2010 - 2013.
  - The permittee shall complete all required construction and modifications no later than June 30, 2013.
- [Rules 62-296.340(5)(c) (escape BART), 62-4.070(1)&(3) (Reasonable Assurance), and 62-213.440(1) (Assurance of Compliance), F.A.C.]

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MOSAIC FERTILIZER, LLC,

Petitioner,

vs.

OGC No. 09-2922  
DEP Permit No. 1050059-061-AC

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION,

Respondent.

---

**ORDER GRANTING REQUEST FOR EXTENSION  
OF TIME TO FILE PETITION FOR HEARING**

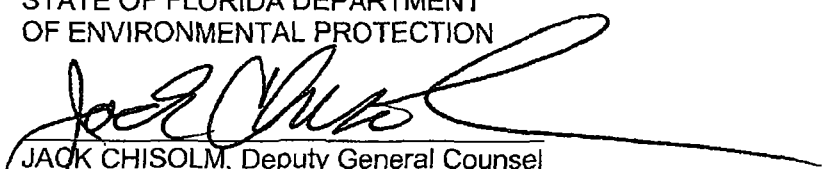
This cause has come before the State of Florida Department of Environmental Protection (Department) upon receipt of a request made by Petitioner, Mosaic Fertilizer, LLC (Petitioner) to grant an extension of time to file a petition for an administrative hearing regarding the Department's Intent to Issue Air Permit No. 1050059-061-AC to Petitioner. Because the request shows good cause for the extension of time,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is GRANTED. Petitioner shall have until **August 3, 2009**, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 17 day of June, 2009, in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

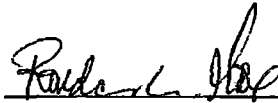
  
JACK CHISOLM, Deputy General Counsel  
3900 Commonwealth Boulevard, M.S. 35  
Tallahassee, Florida 32399-3000  
850-245-2242 Fax: 850-245-2302

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing, Order Granting Request for Extension of Time to File Petition for Hearing, was furnished via electronic mail only on this 17<sup>th</sup> day of June, 2009, to:

Susan L. Stephens  
[susans@hgslaw.com](mailto:susans@hgslaw.com)  
Paula L. Cobb  
[paulac@hgslaw.com](mailto:paulac@hgslaw.com)  
Hopping Green & Sams, P.A.  
123 South Calhoun Street  
Tallahassee, Florida 32301

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



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RONDA L. MOORE  
Assistant General Counsel  
3900 Commonwealth Blvd. – MS 35  
Tallahassee, FL 32399-3000  
Ph: (850)245-2193 Fax: (850)245-2302  
Florida Bar No. 0676411

Cc: Syed Arif, FDEP  
Trina Vielhauer, FDEP

## Gibson, Victoria

---

**From:** Vielhauer, Trina  
**Sent:** Wednesday, June 17, 2009 3:02 PM  
**To:** Gibson, Victoria  
**Subject:** FW: Mosaic Fertilizer, LLC OGC#: 09-2922  
**Attachments:** ORDER GRANTING EXTENSION OF TIME 06-17-09.pdf

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**From:** Phipps, Jessica R.  
**Sent:** Wednesday, June 17, 2009 2:49 PM  
**To:** 'susans@hgslaw.com'; 'paulac@hgslaw.com'  
**Cc:** Arif, Syed; Vielhauer, Trina; Moore, Ronni  
**Subject:** Mosaic Fertilizer, LLC OGC#: 09-2922

Please find attached the Order Granting Request for Extension of Time to File Petition for Hearing for Mosaic Fertilizer, LLC.

*Jessica Phipps*  
*Administrative Assistant*  
850-245-2243

## Gibson, Victoria

---

**From:** Moore, Ronni  
**Sent:** Monday, June 15, 2009 1:30 PM  
**To:** Arif, Syed  
**Cc:** Vielhauer, Trina; Gibson, Victoria; Phipps, Jessica R.  
**Subject:** RE: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)


**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Syed,

Thanks. We'll get an order granting through Aug. 1st out, copying you and Trina.

Thanks,  
Ronni

Ronda L. Moore  
Assistant General Counsel

 Please consider the environment before printing this email.

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**From:** Arif, Syed  
**Sent:** Monday, June 15, 2009 1:18 PM  
**To:** Moore, Ronni  
**Cc:** Vielhauer, Trina; Gibson, Victoria  
**Subject:** RE: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Ronni,

I don't see a problem in granting them an extension until August 1<sup>st</sup>. Hopefully, we'll be able to issue the final permit prior to that date.

Syed

---


**From:** Moore, Ronni  
**Sent:** Monday, June 15, 2009 1:07 PM  
**To:** Arif, Syed  
**Subject:** RE: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Syed,

Now that we know it was the 28th (i.e. timely), for how long would you like to grant the extension? They request through Aug. 1st, do you think it would take that long?

Thanks,  
Ronni

Ronda L. Moore  
Assistant General Counsel

 Please consider the environment before printing this email.

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**From:** Arif, Syed  
**Sent:** Monday, June 15, 2009 12:28 PM  
**To:** Moore, Ronni  
**Cc:** Walker, Elizabeth (AIR); Livingston, Sylvia  
**Subject:** RE: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Ronni,

The draft package was send to them electronically on May 28<sup>th</sup>. Sylvia or Elizabeth can confirm when we received the read receipt from Mosaic.

Syed

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**From:** Moore, Ronni  
**Sent:** Friday, June 12, 2009 2:35 PM  
**To:** Arif, Syed  
**Subject:** FW: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Afternoon Syed,

Attached is Mosaic's request for extension of time regarding the recently issued draft BART exemption permit for its New Wales facility. In the request, Mosaic states it received the draft "on or about May 28th." Who would I speak with to confirm when Mosaic received the permit? I'm not sure if this request for extension is timely filed.

Thanks,  
Ronni

Ronda L. Moore  
Assistant General Counsel

 Please consider the environment before printing this email.

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**From:** Brown, Lisa L.  
**Sent:** Thursday, June 11, 2009 3:38 PM  
**To:** Phipps, Jessica R.  
**Cc:** Moore, Ronni  
**Subject:** FW: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

This will be Ronni's. Watch for it to come down. Change atty in LCT, make file. Yada yada yada.

*Lisa* ☺

Lisa L. Brown,  
Legal Assistant to Jack Chisolm, Deputy General Counsel  
Toni Sturtevant, Senior Assistant General Counsel  
Siting Assistant: PPSA/TLSA/NGTLSA



Office of General Counsel - Waste~Air Section

850-245-2276

[lisa.l.brown@dep.state.fl.us](mailto:lisa.l.brown@dep.state.fl.us)

*Cover Florida*, developed by Governor Charlie Crist and the Florida Legislature, gives Floridians access to more affordable health insurance options. To learn more or to sign up for email updates, visit [www.CoverFloridaHealthCare.com](http://www.CoverFloridaHealthCare.com).

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**From:** Crandall, Lea

**Sent:** Thursday, June 11, 2009 3:29 PM

**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Arif, Syed

**Subject:** Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Attached is a Request for Extension of Time re: Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone (850) 245-2212  
Fax: (850) 245-2303

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPT OF ENVIRONMENTAL  
PROTECTION

JUN 1 1 2009

OFFICE OF  
GENERAL COUNSEL

MOSAIC FERTILIZER LLC

Petitioner,

OCG Case No. \_\_\_\_\_  
DEP Draft Permit No. 1050059-061-AC  
BART Exemption Project –  
New Wales Facility

vs.

STATE OF FLORIDA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Respondents.

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**REQUEST FOR ENLARGEMENT OF TIME**

By and through undersigned counsel, Mosaic Fertilizer, LLC (“Mosaic”) hereby requests, pursuant to Florida Administrative Code Rule 62-110.106(4), an enlargement of time to and including August 1, 2009, in which to file a Petition for Administrative Proceedings in the above-styled matter. As good cause for granting this request, Mosaic states the following:


1. On or about May 28, 2009, Mosaic received from the Department of Environmental Protection (“Department”) an “Intent to Issue Air Permit” and accompanying “Draft Permit” (Draft Permit No. 1050059-061-AC), for the New Wales facility, which is located at 3095 U.S. Highway 640, Mulberry, Polk County, Florida.
2. Based on Mosaic’s initial review, the Draft Permit and associated documents contain several provisions that warrant clarification or corrections.
3. Mosaic and the Department are in the process of discussing possible resolutions to the issues needing clarification or correction. Mosaic will provide written

comments and suggested revisions to the Draft Permit in advance of the June 16, 2009, public comment deadline.

4. This request is filed simply as a protective measure to avoid waiver of Mosaic's right to challenge certain conditions contained in the Draft Permit. This request will allow the Department adequate time to review Mosaic's concerns and, in turn, give Mosaic adequate time to respond. To that end, Mosaic reserves the right to make additional comments to the Department. Grant of this request will not prejudice either party, but will further their mutual interests and hopefully avoid the need to file a Petition and proceed to a formal administrative hearing.

WHEREFORE, Mosaic Fertilizer, LLC respectfully requests that the time for filing of a Petition for Administrative Proceedings in regard to the Department's Intent to Issue Air Permit No. 1050059-061-AC be formally extended to and including August 1, 2009.

Respectfully submitted this 11th day of June, 2009.



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Susan L. Stephens  
Florida Bar No. 986836  
Paula L. Cobb  
Florida Bar No. 43561  
HOPPING GREEN & SAMS, P.A.  
123 South Calhoun Street  
Tallahassee, Florida 32301  
Phone: 850-222-7500  
Fax: 850-224-8551  
Email: [susans@hgslaw.com](mailto:susans@hgslaw.com)  
[paulac@hgslaw.com](mailto:paulac@hgslaw.com)

Attorneys for Petitioner,  
Mosaic Fertilizer, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Hand Delivery to Lea Crandall, Agency Clerk, and Jack Chisholm, Deputy General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Room 659, Tallahassee, Florida 32399-3000, this 11<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
Attorney

## Gibson, Victoria

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**From:** Gibson, Victoria  
**Sent:** Friday, June 12, 2009 8:23 AM  
**To:** Vielhauer, Trina; Koerner, Jeff  
**Subject:** FW: Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)  
**Attachments:** Mosaic Fertilizer, LLC - OGC 09-2922.pdf

FYI,

Vickie

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**From:** Crandall, Lea  
**Sent:** Thursday, June 11, 2009 3:29 PM  
**To:** Chisolm, Jack; Brown, Lisa L.; Gibson, Victoria; Arif, Syed  
**Subject:** Request for Extension of Time - Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922 (1050059-061-AC)

Attached is a Request for Extension of Time re: Mosaic Fertilizer, LLC vs. DEP - OGC 09-2922.

Thanks,  
Lea

Lea Crandall  
Agency Clerk  
Office of General Counsel  
3900 Commonwealth Blvd., MS 35  
Tallahassee, FL 32399-3000  
Phone (850) 245-2212  
Fax: (850) 245-2303

**Chronology of Activities**

OGC Number	09 2922 53 AC	District	SOUTHWEST	County	POLK
Style of Case	MOSAIC FERTILIZER, LLC VS. DEP				
Program Area	AIR CONSTRUCT	Mode	PERMITTING		
Lead Attorney	RONNI L MOORE	Status	CLOSED		
Forum Name		Forum Case Number			
Permit Appl	1050059-061-AC	Final Order Number			

Date *	Code	Activity Description
06/11/2009	AA	ASSIGNED TO LEAD ATTORNEY JACK J CHISOLM
06/11/2009	ACO	ADMIN. CASE OPENED IN OGC
06/11/2009	REX1	RECEIVED FIRST REQUEST FOR EXTENSION OF TIME
06/11/2009	AR	RE-ASSIGNED TO LEAD ATTORNEY RONNI L MOORE
06/17/2009		ORDER GRANTING REQUEST FOR EXTENSION OF TIME
07/30/2009		WITHDRAWAL OF REQUEST FOR EXTENSION OF TIME
08/03/2009	EXP1	FIRST EXTENSION EXPIRES TODAY
08/04/2009		MEMO CLOSING FILE
08/04/2009	CC	CASE CLOSED IN OGC
08/04/2009		REFERENCE OCLUS FOR THESE DOCUMENTS (FILE WAS RECYCLED)