



UE

Certified Mail
Return Receipt Requested

April 4, 1997

Mr. Alvaro A. Linero
Florida Department of
Environmental Protection
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Phosphoric Acid Train No. 3 w/Scrubber
Permit Nos. AO53-192132A and AC53-228026
AIRS ID No. 1050059
Unit ID No. 039
New Wales Plant

105 005 9-017-AC

Dear Mr. Linero:

The operating and construction permits for this plant contain a Visible Emission limitation, which was included in the PSD permit review of the construction permit. There are no corresponding applicable limitations in the Federal NSPS regulations or in the other permits for Phosphoric Acid East and West Plants, Unit ID Nos. 008 and 017. This is a request to remove this limitation, Specific Condition No. 4, from the Construction Permit AC53-228026. A check in the amount of \$250 is included for the required processing fee.

Thank you for your attention in this matter. If you need additional information, please contact C. D. Turley at 941-428-7153.

Sincerely,

P. A. Steadham
Chief Environmental
Services - Concentrates

Enclosure
cwk
pas97

cc: mc

RECEIVED

APR 08 1997

**BUREAU OF
AIR REGULATION**



IMC-AGRICO COMPANY
 P.O. BOX 2005 MULBERRY, FLORIDA 33860
 OPERATING ACCOUNT

The Northern Trust Company
 Chicago, IL 60610
 Payable through
 Northern Trust Bank/DuPage
 Oak Brook, IL

CHECK NO. **149807**

DATE		
MONTH	DAY	YEAR
04	03	97

➡➡➡➡➡➡ **PAY ONLY 250.00**
 TWO HUNDRED FIFTY ZERO CENTS

■ TWO HUNDRED FIFTY DOLLARS AND 00 CENTS *****

PAY TO THE ORDER OF

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 2600 BLAIR STONE RD
 TALLAHASSEE FL 32399

VOID OVER \$250.00

Authorized Signature

000149807 1:071923828:00058405

FOR THE ORIGINAL CHECKER TO SEE EFFECTIVE WATERMARK ON THE BACK OF THE CHECK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.

NO. 149807 F53568

IMC-AGRICO CO. P.O. BOX 2005 MULBERRY, FL. 33860

INVOICE DATE			INVOICE NUMBER	REFERENCE NUMBER	PURCHASE ORDER NO.	INVOICE AMOUNT	DISCOUNT	NET PAYABLE
MONTH	DAY	YEAR						
03	27	97	CK REG032797	905-866M		250.00 250.00	.00	250.00 250.00

VE

Kim, File



Certified Mail
Return Receipt Requested

April 24, 1997

Mr. W. C. Thomas, P. E.
Air Program Administrator
Florida Department of
Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

RE: Continuous Emission Monitor
Quarterly Reports for
New Wales Plant and Nichols Plant

Dear Mr. Thomas:

The first quarter 1997, above-referenced reports are enclosed for the following:

NEW WALES PLANT			
PLANT NAME	PERMIT NO.	AIRS ID NO.	UNIT ID NO.
Sulfuric Acid Plant No. 1	AO53-204057	1050059	002
Sulfuric Acid Plant No. 2	AO53-204058	1050059	003
Sulfuric Acid Plant No. 3	AO53-204059	1050059	004
Sulfuric Acid Plant No. 4	AO53-204060	1050059	042
Sulfuric Acid Plant No. 5	AO53-204061	1050059	044
NICHOLS PLANT			
Sulfuric Acid Plant No. 1	AO53-255206	1050057	005

If you should have any questions, please contact me.

Sincerely,

P. A. Steadham
Chief Environmental
Services - Concentrates

RECEIVED

APR 20 1997
BUREAU OF
AIR REGULATION

Enclosures

xc: **Bureau of Air Regulations - FDEP Tallahassee**
cwk
qtrly

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
New Wales Plant
3095 C.R. 640 West
P.O. Box 2000
Mulberry, FL 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Process Unit(s) Description:

Date of Latest CMS Certification or Audit
5/1/92

01 SULFURIC ACID PLANT
AIRS# 1050059 UNIT ID# 002
PRMT# AO53-204057

Total source operating time in reporting
period: 2107.65 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in reporting period due to:

- a. Startup/shutdown _____
- b. Control equipment problems _____
- c. Process problems _____
- d. Other known causes _____
- e. Unknown causes _____

2. Total duration of excess emission (E) _____

3. (E)x100/Total source operating time _____

1. CMS downtime in reporting period due to:

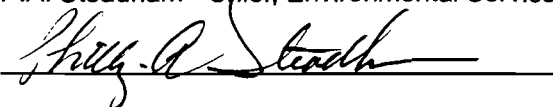
- a. Monitor equipment malfunctions _____
- b. Non-Monitor equipment malfunctions _____
- c. Quality assurance calibration 7.61 Hrs.
- d. Other known causes _____ Hrs.
- e. Unknown causes _____

2. Total CMS Downtime (T) 7.61 Hrs.

3. (T)x100/Total source operating time 0.36%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates



Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
New Wales Plant
3095 C.R. 640 West
P.O. Box 2000
Mulberry, FL 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Process Unit(s) Description:

Date of Latest CMS Certification or Audit
5/1/92

02 SULFURIC ACID PLANT
AIRS# 1050059 UNIT ID# 003
PRMT# AO53-204058

Total source operating time in reporting
period: 2132.76 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in reporting period due to:

- a. Startup/shutdown _____
- b. Control equipment problems _____
- c. Process problems _____
- d. Other known causes _____
- e. Unknown causes _____

2. Total duration of excess emission (E) _____

3. (E)x100/Total source operating time _____

1. CMS downtime in reporting period due to:

- a. Monitor equipment malfunctions _____
- b. Non-Monitor equipment malfunctions _____
- c. Quality assurance calibration 7.4 Hrs.
- d. Other known causes _____
- e. Unknown causes _____

2. Total CMS Downtime (T) 7.4 Hrs.

3. (T)x100/Total source operating time 0.35%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates

P.A. Steadham

Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
New Wales Plant
C.R. 640 West
P.O. Box 2000
Mulberry, FL 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Process Unit(s) Description:

Date of Latest CMS Certification or Audit
5/1/92

03 SULFURIC ACID PLANT
AIRS# 1050059 UNIT ID# 004
PRMT# AO53-204059

Total source operating time in reporting
period: 1971.41 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in
reporting period due to:

- a. Startup/shutdown _____
- b. Control equipment problems _____
- c. Process problems _____
- d. Other known causes _____
- e. Unknown causes _____

2. Total duration of excess
emission (E) _____

3. (E)x100/Total source operating
time _____

1. CMS downtime in reporting period
due to:


- a. Monitor equipment
malfunctions _____
- b. Non-Monitor equipment
malfunctions _____
- c. Quality assurance
calibration 6.84 Hrs.
- d. Other known causes _____
- e. Unknown causes _____

2. Total CMS Downtime (T) 6.84 Hrs.

3. (T)x100/Total source operating
time 0.35%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates



Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
New Wales Plant
3095 C.R 640 West
P.O. Box 2000
Mulberry, FL 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Process Unit(s) Description:

Date of Latest CMS Certification or Audit
5/1/92

04 SULFURIC ACID PLANT
AIRS# 1050059 UNIT ID# 042
PRMT# AO53-204060

Total source operating time in reporting
period: 7.4 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in reporting period due to:

- a. Startup/shutdown _____
- b. Control equipment problems _____
- c. Process problems _____
- d. Other known causes _____
- e. Unknown causes _____

2. Total duration of excess emission (E) _____

3. (E)x100/Total source operating time _____

1. CMS downtime in reporting period due to:

- a. Monitor equipment malfunctions _____
- b. Non-Monitor equipment malfunctions _____
- c. Quality assurance calibration 7.4 Hrs.
- d. Other known causes _____
- e. Unknown causes _____

2. Total CMS Downtime (T) 7.4 Hrs.

3. (T)x100/Total source operating time 0.35%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates



Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
New Wales Plant
3095 C.R. 640 West
P.O. Box 2000
Mulberry, FL 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Process Unit(s) Description:

Date of Latest CMS Certification or Audit
5/1/92

05 SULFURIC ACID PLANT
AIRS# 1050059 UNIT ID# 044
PRMT# AO53-204061

Total source operating time in reporting
period: 2142.92 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in reporting period due to:

- a. Startup/shutdown _____
- b. Control equipment problems _____
- c. Process problems _____
- d. Other known causes _____
- e. Unknown causes _____

2. Total duration of excess emission (E) _____

3. (E)x100/Total source operating time _____

1. CMS downtime in reporting period due to:

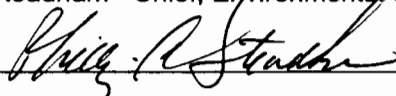
- a. Monitor equipment malfunctions _____
- b. Non-Monitor equipment malfunctions _____
- c. Quality assurance calibration 7.44 Hrs.
- d. Other known causes _____
- e. Unknown causes _____

2. Total CMS Downtime (T) 7.44 Hrs.

3. (T)x100/Total source operating time 0.35%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates



Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

**SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING
SYSTEM PERFORMANCE**

Pollutant - SO2

Reporting period dates: From : 01/01/97 TO 03/31/97

IMC - AGRICO Company
Nichols Plant
5000 C.R. 676
P.O. Box 2000
Mulberry, FI 33860

Emission Limitation: 4 lbs/ton

Monitor Manufacturer and Model No.
Dupont No. 460

Date of Latest CMS Certification or Audit
9/30/91

Process Unit(s) Description:

SULFURIC ACID PLANT
AIRS# 1050057 UNIT ID# 005
PRMT# AO53-255206

Total source operating time in reporting
period: 0.00 Hrs.

Emission Data Summary

CMS Performance Summary

1. Duration of excess emissions in reporting period due to:

a. Startup/shutdown _____

b. Control equipment problems _____

c. Process problems _____

d. Other known causes _____

e. Unknown causes _____

2. Total duration of excess emission (E) _____

3. (E)x100/Total source operating time _____

1. CMS downtime in reporting period due to:

a. Monitor equipment malfunctions _____

b. Non-Monitor equipment malfunctions _____

c. Quality assurance calibration 0.00 Hrs.

d. Other known causes 0.00 Hrs.

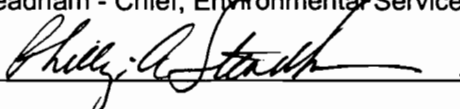
e. Unknown causes _____

2. Total CMS Downtime (T) 0 Hrs.

3. (T)x100/Total source operating time 0.00%

On a separate page, describe any changes since last quarter in CMS, process or controls. I certify that the information contained in this report is true, accurate, and complete.

P.A. Steadham - Chief, Environmental Services - Concentrates



Date: 4/24/97

If the total duration of excess emissions is 1% or greater of the total operating time or the total CMS downtime is 5% or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR Part 60.7(c) shall be submitted.

VE

May 8, 1997

Bureau of Air Regulation
2600 Blair Stone Road
Mail Station #5505
Tallahassee, FL 32399-2400

RE: Public Notice of Intent to Issue Air Construction Permit
Modification, No. 1050059-017-AC, (PSD-FL-201)
Mulberry, Polk County

This is to request additional information on exactly what emissions would be allowed to increase at IMC's facility which by the location description appears to be the New Wale's complex.

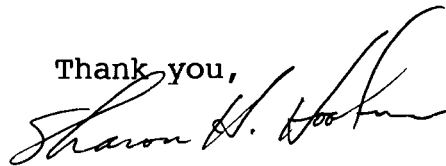
My family and I live northeast of the New Wale's plant and could be adversely effected by emissions. Several members of the family, including myself, have asthma and other inhalation-related reactions to the emissions from this plant. As of now, it is controllable but I am worried about how the air quality will be effected in our area if the proposed change is allowed.

The problems during the day have not been bad but there are some mornings and evenings when we can not go outside due to the 'fumes' from the plant. I am assuming it is from New Wales based on the wind direction. The Nichols plant only bothers us when the wind if from N to NNW.

Will an increase in 'visible' emissions also inevitably mean an increase in 'invisible' emissions?

Please reassure me.

Thank you,



Sharon H. Hooker
3430 Anderson Road
Mulberry, FL 33860

Tel: 941-425-1452 (home)
941-680-4323 (work)
or e-mail
shooker@flsouthern.edu

RECEIVED

MAY 12 1997

BUREAU OF
AIR REGULATION

*John Reynolds discussed with her
by phone. She is satisfied. oag 5/14*



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

June 9, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. P.A. Steadham
Chief - Environmental Services
IMC Agrico Company
Post Office Box 2000
Mulberry, Florida 33860-1100

Re: Modification of Permit. AC53-228026 (PSD-FL-201)
AIRS I.D. No. 1050059-017-AC
No. 3 Phosphoric Acid Plant

Dear Mr. Steadham:

The Department received IMC Agrico's April 4 letter requesting a modification of the above referenced permit. The permit is hereby modified as shown below:

FROM: Specific Condition 4.

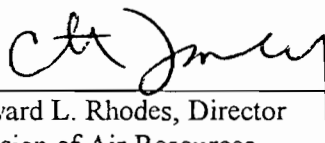
Visible emissions from the No. 3 Phosphoric Acid Plant stack shall not exceed 10 percent opacity.

TO: Specific Condition 4.

(Deleted)

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

Sincerely,

for 
Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/aal/jr

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF FINAL PERMIT MODIFICATION

In the Matter of an
Application for Permit Modification

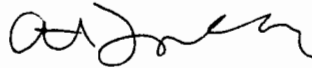
Mr. P. A. Steadham
IMC-Agrico Company
Post Office Box 2000
Mulberry Florida 33860-1100

DEP File No. 1050059-017-AC
PSD-FL-201

Enclosed is a letter that modifies Permit Number PSD-FL-201. This letter modifies the permit by deleting Specific Condition 4 relating to an opacity limit. This permit modification is issued pursuant to Section 403, Florida Statutes.

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 MODIFICATION (including the FINAL permit Modification) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 6-10-97 to the person(s) listed:

Mr. P. A. Steadham, IMC Agrico Company *
Mr. Brian Beals, EPA
Mr. Roy Harwood, Polk County
Mr. Bill Thomas, SWD

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Kerni Jober
(Clerk)

6-10-97
(Date)

Florida Department of
Environmental Protection

Memorandum

TO: ~~Howard L. Rhodes~~

THROUGH: Clair Fancy *CAF* 6/5
Al Linero

FROM: John Reynolds *JR*

DATE: June 5, 1997

SUBJECT: Modification of Construction Permit No. AC53-228026 (PSD-FL-210)
IMC Agrico Company

*I signed
CAF*

Attached is a letter that will modify the visible emissions limit in the subject construction permit. The limit was imposed for reasonable assurance purposes as a result of a BACT determination done in 1993 when the company applied for a substantial production increase. As other permittees have done since the Title V program began, IMC Agrico requested that the condition be deleted as a non-applicable requirement. The Intent to Issue was public-noticed without any comments being received.

I recommend your approval and signature.

JR/kt

Fold at line over top of envelope to

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

I 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:

P.A. Steadham
 Inc Agico Co.
 P.O. Box 2000
 Mulberry, FL 33860-1100

4a. Article Number
 P 265 659 221

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
 6-13-97 JZ

5. Received By: (Print Name)
 P.A. Steadham

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

6. Signature: (Addressee or Agent)
 X

Thank you for using Return Receipt Service.

P 265 659 221

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

Sent to	P.A. Steadham
Street & Number	Inc Agico
Post Office, State, & ZIP Code	Mulberry, FL
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	6-10-97
1050059-017-AC PSD-FI-201	

PS Form 3800, April 1995



VE

RECEIVED
MAY 14 1997
BUREAU OF
AIR REGULATION

Certified Mail
Return Receipt Requested

May 9, 1997

Mr. C. H. Fancy, P. E., Chief
Bureau of Air Regulation
Florida Department of
Environmental Protection
Twin Towers Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: Phosphoric Acid Train No. 3 with Scrubber
Construction Permit No. 1050059-017-AC, PSD-FL-201
Permit No. AO53-192132A
AIRS ID No. 1050059
Unit ID No. 039
New Wales Plant

Dear Mr. Fancy:

Enclosed is the Affidavit of Publication of the Notice of Intent to Issue Permit published in the Lakeland Ledger on Thursday, May 8, 1997 as required by the Department.

If there are any questions regarding this matter, please contact C. D. Turley at 941-428-7153.

Sincerely,

P. A. Steadham
Chief Environmental
Services - Concentrates

Enclosure
xc: C. D. Turley

ckw
pas97

cc: J. Reynolds, BAR
C. Holladay, BAR
EPA
NPS
SWD
Polk Co.

AFFIDAVIT OF PUBLICATION

THE LEDGER

Lakeland, Polk County, Florida

Case No

STATE OF FLORIDA)
 COUNTY OF POLK)

Before the undersigned authority personally appeared Nelson Kirkland, who on oath says that he is Classified Advertising Manager of The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

Public Notice Of Intent

in the matter of

No. : 1050059-017-AC, (PSD-FL-201)

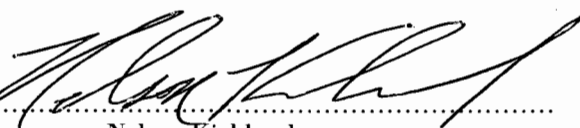
in the

Court, was published in said newspaper in the issues of

May 8;

1997

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

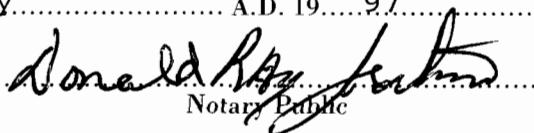
Signed 
 Nelson Kirkland
 Classified Advertising Manager
 By Nelson Kirkland who is
 personally known to me

8th

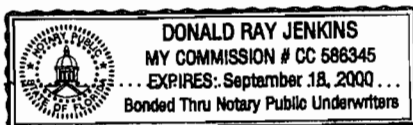
Sworn to and subscribed before me this

day of May A.D. 1997

(Seal)


 Notary Public

My Commission Expires



Order#658767

L

A253

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT MODIFICATION

STATE OF FLORIDA
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 DRAFT Permit Modification
 No.: 1050059-017-AC, (PSD-FL-201)
 Mulberry
 Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit modification to IMC Agric Company, for the No. 3 Phosphoric Acid Plant located at Highway 640 and County Line Road, Mulberry, Polk County, Florida. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: IMC Agric Company, P.O. Box 2000, Mulberry, Florida 33860-1100.

The permit modification is for the purpose of removing the existing permit limitation on visible emissions from the plant stack, since there is no corresponding federal rule requirement. The phosphoric acid process is not considered to be an emitter of particulate matter in quantities that would result in a noticeable environmental impact by removing this limitation.

The Department will issue the FINAL Permit Modification, in accordance with the conditions of the DRAFT Permit Modification unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed DRAFT Permit Modification issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Modification, the Department shall issue a Revised DRAFT Permit Modification and require, if applicable, another Public Notice.

The Department will issue the FINAL Modification with the conditions of the DRAFT Permit Modification unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57 F.S. or a party requests mediation as an alternative remedy under Section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing. If mediation does not result in a settlement, the procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, telephone: 904/488-9370, fax: 904/487-4938. Petitions must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information: (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the 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 the facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take with respect to the Department's action or proposed action addressed in this notice of intent.

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

A person whose substantial interests are affected by the Department's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

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A request for mediation must contain the following information: (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any; (b) A statement of the preliminary agency action; (c) A statement of the relief sought; and (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following: (a) The names, addresses, and telephone numbers of any persons who may attend the mediation; (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time; (c) The agreed allocation of the costs and fees associated with the mediation; (d) the agreement of the parties on the confidentiality of discussions and documents introduced during mediation; (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen; (f) The name of each party's representative who shall have authority to settle or recommend settlement and (g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573 F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57 F.S. for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements of such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57 F.S. remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 904/488-1344
Fax: 904/922-6979

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: (813) 744-6100
Fax: (813) 744-6084

The complete project file includes the Draft Permit Modification, the application, and the information submitted by the responsible official, exclusive of confidential records, under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 904/488-1344, for additional information.