



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

CERTIFIED MAIL

In the Matter of an
Application for Permit by:

Mr. Herschel E. Morris, General Manager
CF Industries, Inc.
P.O. Drawer L
Plant City, FL 33564

DEP File No. 0570005-018-AC
Plant City Phosphate Complex
Hillsborough County

INTENT TO ISSUE AIR PERMIT MODIFICATION

The Department of Environmental Protection (Department) gives notice of its intent to issue an air permit modification (copy of modification attached) for the proposed project, detailed in the application specified above and the enclosed Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, CF Industries, Inc. operates a phosphate fertilizer production facility located at 10608 Paul Buckman Highway, Plant City, Hillsborough County. This permit is for a modification to decrease the minimum pond water pressure to the fume scrubbers for the X, Y, and Z-Train Granulation Units.

The Department has permitting jurisdiction under the provisions of Chapter 403.087, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, and 62-210. This action is not exempt from permitting procedures. The Department has determined that an air construction permit modification is required to lower the minimum water pressure. The Department intends to issue this air permit modification based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit Modification. The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final 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 permit issuance action for a period of fourteen (14) days from the date of publication of Public Notice of Intent to Issue Air Permit Modification.

"More Protection, Less Process"

Printed on recycled paper.

Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit modification with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes 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. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

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. 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.

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542 F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2) F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

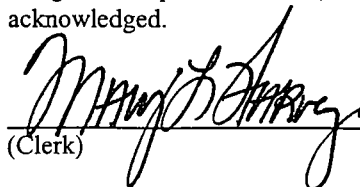
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Intent to Issue Air Permit Modification (including the Public Notice of Intent to Issue Air Permit Modification, Technical Evaluation and Preliminary Determination, and the Draft permit) was sent by certified mail (*) and copies were mailed by U.S. Mail or by e-mail before the close of business on 5/17/04 to the person(s) listed:

* Mr. Herschel E. Morris, General Manager, CFI
Mr. Michael Messina, CFI
Ms. Alice Harman, EPCHC
Mr. Jason Waters, FDEP-SWD

Clerk Stamp

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


(Clerk)

5/17/04
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT MODIFICATION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP File No. 0570005-018-AC

CF Industries, Inc.
Plant City Phosphate Complex
Hillsborough County

The Department of Environmental Protection (Department) gives notice of its intent to issue a air permit modification to CF Industries, Inc., for the Plant City Phosphate Complex located at 10608 Paul Buckman Highway, Plant City, Hillsborough County. This permit is for a modification to decrease the minimum pond water pressure to the fume scrubbers for the X, Y, and Z-Train Granulation Units.

The applicant's mailing address is: P.O. Drawer L, Plant City, Florida 33564. 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 Department will issue the Final 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 permit modification issuance action for a period of fourteen (14) days from the date of publication of this Public Notice of Intent to Issue Air Modification Permit. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

Mediation is not available in this proceeding.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes 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. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall 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 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 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of

NOTICE TO BE PUBLISHED IN THE NEWSPAPER

the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301

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. 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 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:

Dept. of Environmental Protection
Bureau of Air Regulation
Suite 13, 111 S. Magnolia Drive
Tallahassee, Florida, 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Dept. of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100

Air Management Division
Hillsborough County Environmental
Protection Commission
1410 North 21 Street
Tampa, Florida 33605
Telephone: 813/272-5530

The complete project file includes the request for permit modification, technical evaluation, Draft permit modification, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Department's reviewing engineer for this project, Cindy L. Phillips, P.E., at MS 5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or call 850/921-9534, for additional information.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

1. APPLICANT INFORMATION:

Permit project 0570005-018-AC
CFI Industries, Inc. – Plant City Phosphate Complex
Representative:
Mr. Herschel E. Morris, General Manager

2. FACILITY INFORMATION SUMMARY

Facility ID: 0570005
Location: 10608 Paul Buckman Hwy, Plant City, Polk County
Standard Industrial Classification Code (SIC): 2874 Phosphatic Fertilizers
Regulatory Classification: Title V source

3. REGULATORY CLASSIFICATION

The facility is classified as a major source of air pollution or Title V source because it has the potential to emit at least 100 tons per year of sulfur dioxide and nitrogen oxides.

The facility is also classified as a "Major Source" per 40 CFR 63.2, Definitions [adopted and incorporated by reference by the Department at Paragraph 62-204.800(11)(d)] because it consists of a group of stationary sources located within a contiguous area and under common control that emit or have the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. Therefore, these granulation units are subject to 40 CFR 63 Subpart BB – Phosphate Fertilizers Production Plants.

If additional testing and modeling demonstrate that the facility is not and has never been a major source of hazardous air pollutants since at least June 10, 2002, the permittee shall have the right to request that the Department revise the permit to remove those requirements and conditions that are applicable because the facility is a major source of hazardous air pollutants as determined by the Department.

4. PRESENT APPLICATION AND DEPARTMENT PROPOSED ACTIONS

The requested air construction permit modification is to decrease the minimum pond water pressure to the fume scrubbers for the X, Y, and Z-Train Granulation Units from 50 psig to 45 psig for each scrubber. CFI provided results of tests conducted at the lower pressure to show that this caused no violations of the permitted emissions limits.

The specific conditions X-4.A., Y-4.A, and Z-4.A of air construction permit 0570005-004-AC are proposed to be modified as follows:

FROM: Strained pond water to the reactor fume scrubbers, dryer fume scrubbers, and cooler scrubber shall not be lower than 50 psig for each scrubber. The pressure shall be recorded hourly.

TO: Strained pond water to the reactor fume scrubbers, dryer fume scrubbers, and cooler scrubber shall not be lower than 45 psig for each scrubber. The pressure shall be recorded hourly.

5. CONCLUSION

The change agreed to by the Department provides reasonable assurance that there will be no significant increase in the representative actual annual emissions of any regulated pollutant.



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

PERMITTEE:

CF Industries, Inc.
P.O. Box Drawer L
Plant City, Florida 33564

Authorized Representative:

Herschel E. Morris
V.P. Phosphate Operations & General Manager

Permit No.	0570005-018-AC
SIC No.	2874
Project:	Scrubber Parameter Change
Expires:	December 31, 2004

PROJECT AND LOCATION:

Permit for the modification of the Plant City Phosphate Complex to decrease the minimum pond water pressure to the fume scrubbers for the X, Y, and Z-Train Granulation Units which produce phosphatic fertilizers at the CFI-Plant City production facility located at 10608 Paul Buckman Highway, Plant City, Polk County. The UTM coordinates are Zone 17; 388 km E; 3116 km N.

STATEMENT OF BASIS:

This construction permit modification is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297. The above named permittee is authorized to modify the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection.

REGULATORY CLASSIFICATION

The facility is classified as a major source of air pollution or Title V source because it has the potential to emit at least 100 tons per year of sulfur dioxide and nitrogen oxides.

The facility is also classified as a "Major Source" per 40 CFR 63.2, Definitions [adopted and incorporated by reference by the Department at Paragraph 62-204.800(11)(d)] because it consists of a group of stationary sources located within a contiguous area and under common control that emit or have the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. Therefore, these granulation units are subject to 40 CFR 63 Subpart BB – Phosphate Fertilizers Production Plants.

If additional testing and modeling demonstrate that the facility is not and has never been a major source of hazardous air pollutants since at least June 10, 2002, the permittee shall have the right to request that the Department revise the permit to remove those requirements and conditions that are applicable because the facility is a major source of hazardous air pollutants as determined by the Department.

"More Protection, Less Process"

Printed on recycled paper.

SPECIFIC CONDITIONS:

The specific conditions X-4.A., Y-4.A., and Z-4.A of air construction permit 0570005-004-AC are to be modified as follows:

FROM: Strained pond water to the reactor fume scrubbers, dryer fume scrubbers, and cooler scrubber shall not be lower than 50 psig for each scrubber. The pressure shall be recorded hourly.

TO: Strained pond water to the reactor fume scrubbers, dryer fume scrubbers, and cooler scrubber shall not be lower than 45 psig for each scrubber. The pressure shall be recorded hourly.

Michael G. Cooke, Director
Division of Air Resources
Management

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Dona Lewis</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Dona Lewis</i></p> <p>C. Date of Delivery</p> <p><i>5-20-04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Mr. Herschel E. Morris General Manager CF Industries, Inc. Post Office Drawer L Plant City, Florida 33564</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number 7000 1670 0013 3109 9663 (Transfer from service label)</p>	
<p>PS Form 3811 August 2000 Domestic Return Receipt 10595-02-M-1540</p>	

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)

E996 607E E100 029T 0002

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To	
Mr. Herschel E. Morris	
Street, Apt. No., or P.O. Box No.	
Post Office Drawer L	
City, State, ZIP+4	
Plant City, Florida 33564	

PS Form 3800 May 2000 See Reverse for Instructions