



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

January 23, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

P. A. Steadham
Chief Environmental Services - Concentrates
IMC-Agrico Company
P.O. Box 2000
Mulberry, Florida 33860-1100

Re: DRAFT Permit 1050059-015-AC / PSD-FL-114
New Wales DAP II Plant

Dear Mr. Steadham:

Enclosed is one copy of the Draft Air Construction Permit which replaces and modifies the expired construction permit for the New Wales Facility DAP II Plant located at County Line Road and State Highway 640, southwest of Mulberry, in Polk County. The Department's Intent to Issue Air Construction Permit and the "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT" must be published within 30 (thirty) days of receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Martin Costello or Mr. Linero at 904/488-1344.

Sincerely,

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

CHF/mc

Enclosures

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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: P.A. Steadham, Chief E.S. Imc-Agico Co. P.O. Box 2000 Mulberry, FL 33860-1100		4a. Article Number P 265 659 153	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 2-3-97	
5. Received By: (Print Name) <i>[Signature]</i>		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X			

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

P 265 659 153

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

Send to	PA Steadham
Street & Number	Imc-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	1-30-97
1050059-015-AC	
P30-FL-114	

PS Form 3800, April 1995



Department of Environmental Protection

DRAFT

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

PERMITTEE:

IMC-Agrico Company
P.O. Box 2000
Mulberry, Florida 33860-1100

FID No.	1050059
PSD No.	PSD-FL-114
Permit No.	1050059-015-AC
PPS No.	N/A
Expires:	12/01/97

Authorized Representative:
P. A. Steadham
Chief Environmental Services - Concentrates

LOCATED AT:

IMC-Agrico Company, New Wales DAP II Plant
Project: Change limits on operating hours of the east and west trains
Standard Industrial Classification Code (SIC): 28
Polk County, Florida

UTM: Zone 17; 396.7 km E ; 3079.4 km N

Directions: Near intersection of County Line Road and SR 640 which is southwest of Mulberry, Polk County

STATEMENT OF BASIS:

The applicant requested an amendment to construction permit No. AC53-118671 which expired on 12/31/87. This action **re-issues and amends the original construction permit**. This draft construction permit 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, 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 (Department).

Attached documents, appendices and Tables made a part of this permit:

AC53-118671 / PSD-FL-114
Revision Dated 6/29/87

[construction permit issued to increase NOx limits]
[increased total production limit to 280 tph DAP]

EFFECTIVE DATE:

Howard L. Rhodes, Director
Division of Air Resources Management

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

DRAFT

AIR CONSTRUCTION PERMIT 1050059-015-AC AND PSD-FL-114

SECTION I. FACILITY INFORMATION

SUBSECTION A. FACILITY DESCRIPTION

This existing facility consists of sulfuric acid plants, phosphoric acid plants, granular ammoniated and granular triple superphosphate fertilizer products and animal feed supplements.

SUBSECTION B. REGULATORY CLASSIFICATION

This industry is listed in Table 62-212.400-1 as a chemical process plant.

SUBSECTION C. PERMIT SCHEDULE:

- 12/18/96 Amendment request deemed complete
- 1/23/97 Issued Notice of Intent to issue Permit
- (DATE) Petition for an administrative hearing
- (DATE) Notice of Intent published in [issue of Newspaper]

SUBSECTION D. RELEVANT DOCUMENTS:

The documents listed below are the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

1. Original construction permit (AC53-23546 / PSD-FL-034) issued 5/5/80 by EPA which included two sulfuric acid plants, a granular product load-out, and the DAP II plant.
2. Request for modification to AC-118671 by letters dated 10/28/96, 11/7/96 and 12/11/96.

DRAFT

SECTION II. SPECIFIC CONDITIONS

SUBSECTION A: SPECIFIC CONDITIONS:

1. This permit supersedes permit AC53-118671 which expired on 12/31/87 and it's revision dated, 6/29/87, which increased capacity to 140 tph of DAP for each train, and 280 tph total DAP from the DAP II plant.
2. The provisions of permit AC53-118671 as revised on 6/29/87, are incorporated into this permit except for the following modification:

AC53-118671 Specific Condition 1:

FROM:

"Maximum production for each plant shall not exceed 140 TPH DAP or 280 TPH DAP total for both plants combined. Each plant shall not operate over 7,920 hours per year. The cooler will be allowed to operate 8,760 hours per year"

TO:

"Maximum production for each plant shall not exceed 140 TPH DAP or 280 TPH DAP total for both plants combined. **The west train shall not operate over 8,030 hours per year and the east train shall not operate over 7,810 hours per year.** The cooler will be allowed to operate 8,760 hours per year."

In the Matter of an
Application for Permit by:

IMC-Agrico Company
P.O. Box 2000
Mulberry, Florida 33860-1100

DRAFT Permit No. 1050059-015-AC/PSD-FL-114
New Wales Facility DAP II Plant
Polk County

INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of DRAFT Permit attached) for the proposed project, as detailed in the application specified above, for the reasons stated below.

The applicant, IMC-Agrico Company, applied on November 15, 1996 to the Department for an air construction permit modification to modify the hours of operation at its DAP II fertilizer plant located at the New Wales Facility, County Line road and State Highway, southwest of Mulberry, Polk County

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that reissuance of the original construction permit incorporating subsequent amendments and modifications, including the present one, is required for the proposed actions.

The Department intends to issue this air construction permit 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 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT." The notice shall be published one time only within 30 (thirty) days in the legal advertisement section of a newspaper of general circulation in the area affected. 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. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. 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: 904/488-1344; Fax 904/ 922-6979) within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-103.150 (6), F.A.C.

The Department will issue the FINAL Permit , in accordance with the conditions of the enclosed DRAFT Permit 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 issuance action for a period of 14 (fourteen) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT." Any 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 , the Department shall issue a Revised DRAFT 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., or a party requests mediation as an alternative remedy under Section 120.573 F.S. 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: 904/488-9730, 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 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 at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

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 for 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.

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.


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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE, and DRAFT permit) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 1-30-97 to the person(s) listed:

Mr. P. A. Steadham, IMC-Agrico Company *
Mr. Bill Thomas, SED

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.

Lini Jober 1-30-97
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit No.: 1050059-015-AC/PSD-FL-114
IMC-Agrico New Wales Facility/DAP II Plant
Polk County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to IMC-Agrico Company for the Diammonium Ammonium Phosphate Plant (DAP II) located at the New Wales Facility, County Line Road and State Highway 640, southwest of Mulberry, Polk County. 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 permit will be a re-issuance of the expired construction permit for the existing plant and will incorporate past amendments and modifications including the present change. Under the present change, operation will be increased by 110 hours per year at the west DAP II train. This will result in minimal increases in emissions from the facility which are below significance with respect to PSD and will not cause a violation of any state or federal ambient air quality standards or increments. The applicant's name and address are: IMC-Agrico Company, P.O. Box 2000, Mulberry, Florida 33860-1100.

The Department will issue the FINAL Permit, in accordance with the conditions of the DRAFT Permit 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 issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Any 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, the Department shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The Department will issue FINAL Permit with the conditions of the DRAFT Permit 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.

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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 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 33619-8318
Telephone 813/ 744-6100
Fax: : 813/ 534-7058

The complete project file includes the Draft Permit, 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.

Florida Department of
Environmental Protection

Memorandum

TO: Clair Fancy

THRU: Al Linero *Al Linero* 1/21

FROM: Martin Costello *MC*

DATE: January 21, 1997

SUBJECT: IMC-Agrico New Wales Facility/DAP II
Re-issue and Modify Construction Permit Plant Operating Hour Limits
File No. 1050059-015-AC/PSD-FL-014

Attached is a public notice package and draft construction permit which re-issues an expired construction permit and changes individual limits on annual operating hours for the east and west trains at DAP II. This modification will allow the west DAP train to operate approximately 110 hours above the current limit (7920 hours/yr) while the east DAP train to operate 110 hours below its limit. The increase in operating hours at west train will not cause a PSD significant increase in emissions. We are not "bubbling" the units to avoid a significant increase.

I recommend your approval and signature.

AAL/mc/l