

Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

December 18, 1990

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. James V. Burleson
Vice President & General Manager
IMC Fertilizer, Inc.
P. O. Box 867
Bartow, Florida 33830

Dear Mr. Burleson:

Attached is one copy of the Technical Evaluation and Preliminary Determination and proposed permit for IMC to relocate an existing scrubber at the Noralyn facility.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Barry Andrews at the above address.

Sincerely,

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

CHF/JR/plm

Attachments

c: B. Thomas, SW District
D. Turley, P.E.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

In the Matter of
Application for Permit by:

IMC Fertilizer, Inc.
P. O. Box 867
Bartow, Florida 33830

DER File No. AC 53-187665

INTENT TO ISSUE

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above. The Department is issuing this Intent to Issue for the reasons stated in the attached Technical Evaluation and Preliminary Determination.

The applicant, IMC Fertilizer, Inc., applied on October 8, 1990, to the Department of Environmental Regulation for a permit to relocate an existing scrubber at their Noralyn facility near Bartow, Polk County, Florida.

The Department has permitting jurisdiction under Chapter 403, Florida Statutes, and Florida Administrative Code Rules 17-2 and 17-4. The project is not exempt from permitting procedures. The Department has determined that an air construction permit is required for the proposed work.

Pursuant to Section 403.815, F.S. and DER Rule 17-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice shall be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purpose of this rule, "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. The applicant shall provide proof of publication to the Department, at the address specified within 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.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

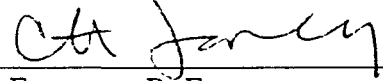
- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application(s) have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office in General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such

person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION



C. H. Fancy, P.E.

Chief

Bureau of Air Regulation

Copies furnished to:

B. Thomas, SW District

D. Turley, P.E.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF INTENT TO ISSUE and all copies were mailed before the close of business on 12-20-90.

FILING AND ACKNOWLEDGEMENT
FILED, on this date, pursuant to
§120.52(9), Florida Statutes, with
the designated Department Clerk,
receipt of which is hereby
acknowledged.

Kerni Jaker
Clerk

12-20-90
Date

State of Florida
Department of Environmental Regulation
Notice of Intent to Issue

The Department of Environmental Regulation hereby gives notice of its intent to issue a permit to IMC Fertilizer, Inc., Noralyn Mine Road, Bartow, Florida 33830 to relocate an existing scrubber at their Noralyn phosphate rock processing facility near Bartow in Polk County. A determination of Best Available Control Technology (BACT) was not required. The Department is issuing this Intent to Issue for the reasons stated in the Technical Evaluation and Preliminary Determination.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, 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 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within fourteen (14) days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department 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 facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, 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 decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of publication of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Department of Environmental Regulation
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Department of Environmental Regulation
Southwest District
4520 Oak Fair Boulevard
Tampa, Florida 33610-7347

Any person may send written comments on the proposed action to Mr. Barry Andrews at the Department's Tallahassee address. All comments mailed within 14 days of the publication of this notice will be considered in the Department's final determination.

Technical Evaluation
and
Preliminary Determination

IMC Fertilizer, Inc.
Bartow, Polk County, Florida

Relocate Existing Scrubber
(C-20 Pit Transfer Scrubber)
Permit No. AC 53-187665

Department of Environmental Regulation
Division of Air Resources Management
Bureau of Air Regulation

December 18, 1990

I. Application

A. Applicant

IMC Fertilizer, Inc.
P. O. Box 867
Bartow, Florida 33830

B. Request

The Department received a complete application on October 8, 1990, for a permit to relocate an existing scrubber for control of material handling emissions at the applicant's facility near Bartow, Polk County, Florida.

C. Classification/Location

The applicant's phosphate rock processing facility (SIC Code 2874) is located off Noralyn Mine Road near State Roads 640 and 555 in Polk County. The UTM coordinates of the site are 414.7 km E and 3079.4 km N.

II. Project Description/Emissions

The applicant proposes to relocate an existing scrubber from the C track loadout station to the C-17/C-18/C-20 pit area. The relocated C track loadout scrubber will replace an existing scrubber for the C-17 head pulley transfer. Point sources controlled by the relocated scrubber will be the C-17 head pulley, No. 1 Dryer discharge, two cyclone discharge points, and the C-18 head pulley.

Actual particulate matter emissions from the relocated scrubber will increase to 0.41 lb/hr and 1.79 tons/yr (8760 hours per year). The former C-17 scrubber emissions were 0.04 lb/hr and 0.18 ton/yr. The increase in allowable emissions is 5.0 lb/hr and 21.9 tons/yr.

III. Rule Applicability

The proposed installation is subject to review under provisions of Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Chapters 17-2 and 17-4. The source is located in an area of influence of a nonattainment area for particulate matter. New source review requirements under F.A.C. Rule 17-2.510 do not apply since the net emission increase is below significant levels. The applicable rule is F.A.C. Rule 17-2.650(2)(c)5.b.(i).

IV. Conclusion

Based on the information provided by IMC, the Department has reasonable assurance that the proposed relocation of an existing scrubber, as described in this evaluation, and subject to the conditions proposed herein, will not cause or contribute to a violation of any air quality standard, PSD increment, or any other technical provision of Chapter 17-2 of the Florida Administrative Code.





Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary

PERMITTEE:
IMC Fertilizer, Inc.
P. O. Box 867
Bartow, Florida 33830

Permit Number: AC 53-187665
Expiration Date: Dec. 31, 1991
County: Polk
Project: Relocate Existing Scrubber
(C-20 Pit Transfer)

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-2 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the relocation of an existing scrubber for the C-17/C-20 areas. This project will be located at the applicant's Noralyn facility near Bartow, Polk County, Florida. The UTM coordinates of this site are Zone 17, 414.7 km E and 3,080.3 km N.

The source shall be constructed in accordance with the permit application, plans, documents, amendments and drawings, except as otherwise noted in the General and Specific Conditions.

Attachments are listed below:

1. Application to Operate/Construct Air Pollution Sources, DER Form 17-202(1), received on October 8, 1990.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC 53-187665
Expiration Date: December 31, 1991

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC 53-187665
Expiration Date: December 31, 1991

GENERAL CONDITIONS:

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under the conditions of the permit;
- b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- a. a description of and cause of non-compliance; and
- b. the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC 53-187665
Expiration Date: December 31, 1991

GENERAL CONDITIONS:

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.120 and 17-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. The permittee shall comply with the following:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC 53-187665
Expiration Date: December 31, 1991

GENERAL CONDITIONS:

records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

c. Records of monitoring information shall include:

- the date, exact place, and time of sampling or measurements;
- the person responsible for performing the sampling or measurements;
- the dates analyses were performed;
- the person responsible for performing the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. The construction and operation of the relocated C-20 Pit Transfer Scrubber shall be in accordance with the capacities and specifications stated in the application.

2. Phosphate rock input rate shall not exceed the nominal 50 tons per hour as stated in the application.

3. The C-20 Pit Transfer Scrubber shall be operated at all times during which the process is operated, up to 8760 hours per year.

4. Particulate matter emissions from the C-20 Pit Transfer Scrubber shall not exceed 15.0 pounds per hour and 65.7 tons per year.

5. Visible emissions shall not exceed 20 percent opacity.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC 53-187665
Expiration Date: December 31, 1991

SPECIFIC CONDITIONS:

6. Within 60 days after initial startup, the relocated C-20 Pit Transfer Scrubber shall be tested for particulate matter and visible emissions. Test procedures shall be in accordance with EPA reference methods 5 and 9 as published in 40 CFR Part 60, Appendix A. The Department's Southwest District office shall be notified in writing at least 5 days prior to initial startup and at least 15 days prior to the compliance test. The test shall be conducted at permitted production capacity or no less than 90 percent thereof. Results of the compliance test shall be reported to the Department's Southwest District office within 45 days of test completion.

7. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit (F.A.C. Rule 17-4.090).

8. An application for an operation permit must be submitted to the Department's Southwest District office at least 90 days prior to the expiration date of this construction permit or within 45 days after completion of compliance testing, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed noting any deviations from the conditions in the construction permit, and compliance test reports as required by this permit (F.A.C. Rule 17-4.220).

Issued this _____ day
of _____, 1990

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION**

STEVE SMALLWOOD, P.E.
Director
Division of Air Resources
Management