



Department of Environmental Protection Southwest District

Jeb Bush
Governor

Division of Air Resource Management
8407 Laurel Fair Circle
Tampa, Florida 33610

Colleen M. Castille
Secretary

FACSIMILE TRANSMISSION SHEET

DATE: 6/14/06

TO: Syed Arif, P.E

FROM: Quaid Noor

PROGRAM: AIR RESOURCES

PHONE: (813) ⁶³²⁻⁷⁶⁰⁰ ~~744-6100~~ SUNCOM ⁵¹⁴⁻⁹¹⁵⁵ ~~512-1042~~ EXT. 112

SUBJECT: CF Industries Consent order (EPC Case# 00-0126009005)

AIR PROGRAM FAX NUMBER IS (813) 744-6458
SUNCOM 512-1073

TOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 6

Message

Syed, Here is the CO you requested.
Please let me know should you need anything
else -

TKO, Quaid.

Noor, Quaid

From: Waters, Jason
Sent: Tuesday, June 13, 2006 3:24 PM
To: Arif, Syed
Cc: Noor, Quaid
Subject: RE: CF Industries

Quaid,

can you help Syed with this?

Jason W. Waters, P.E.
Air Permitting Supervisor
Florida Department of Environmental Protection
Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
813-632-7600 x107 FAX 813-744-6458

-----Original Message-----

From: Arif, Syed
Sent: Tuesday, June 13, 2006 3:20 PM
To: Waters, Jason
Subject: CF Industries

Jason -

I am working on a PSD project for CF Industries. The project includes 'A' Sulfuric Acid plant. The sulfuric acid mist emissions were established I believe based on a consent order referenced in the Title V permit. The consent order (EPC Case #: 00-0126CCG005) is not included in the zip file. Cindy Phillips mentioned that she had returned the entire file back to the District. If at all possible, I would like to get a copy of that consent order. Any help on this will be appreciated.

*Syed Arif, P.E
Permit Engineer
Division of Air Resources Management
Department of Environmental Protection
(850) 921-9528 or SC 291-9528*

6/14/2006

D.E.I.
DEC 26 2000
Southwest District Tampa

BEFORE THE ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

Environmental Protection
Commission of Hillsborough County
Complainant

vs.

EPC Case #: 00-0126CCG0005

CF Industries, Inc.,
Respondent

CONSENT ORDER

This Consent Order is made and entered into between the Environmental Protection Commission of Hillsborough County (EPC) and CF Industries, Inc. (Respondent) in resolution of the above case pursuant to Chapter 84-446, as amended, Laws of Florida (Act), and interagency agreement with the Florida Department of Environmental Protection.

EPC finds, and Respondent neither admits nor denies, the following:

1. EPC has jurisdiction over the matters addressed in this Consent Order.
2. Respondent, a person within the meaning of the Act and Chapter 403, Florida Statutes, owns and operates the Plant City Phosphate Complex (Facility), located at 10608 Paul Buchman Highway, in Hillsborough County. All of its operations are subject to the conditions of Title V Air Operation Permit No. 0570005-007-AV (Permit), to the prohibitions of the Act and rules promulgated thereunder, and the Florida Administrative Code (FAC).
3. On January 27, 2000, Respondent reported to Commission staff that the "A" Sulfuric Acid Plant exceeded the emissions limitations for sulfuric acid mist in Condition No. B.3. of the Permit. Emissions of sulfuric acid mist during annual compliance testing conducted on January 26, 2000, were 2.40 lbs./hr., which is an exceedance of the permitted limit of 1.43 lbs./hr.
4. Respondent shut the plant down on January 27 between 6:00 PM and 11:00 PM to perform maintenance work. Testing on January 28 again revealed an exceedance of the sulfuric acid mist emission limits, and Respondent performed additional maintenance work. Two

demister pads in the ammonia scrubber were replaced and additional testing on January 29 indicated that sulfuric acid emissions from the plant were in compliance. Results of compliance testing conducted on February 1, 2000, demonstrated compliance with the standard.

5. Respondent has worked with EPC staff to resolve the above matters by reporting and correcting the emissions exceedances in a timely manner.

THEREFORE, having reached a resolution of these matters, Respondent and the EPC mutually agree and it is **ORDERED**:

6. Respondent shall, within 60 days of this Order, submit a Preventative Maintenance Plan (Plan) for the "A" Sulfuric Acid Plant that includes maintenance recommendations from a person or company knowledgeable in the manufacture of sulfuric acid. The Plan shall be subject to approval by EPC staff and will be incorporated into the Permit upon approval.
7. Respondent shall, within 15 days of this Order, submit to the Executive Director the amount of \$3,600.00, as an appropriate settlement ascribed to the above incidents, made payable to the Hillsborough County Pollution Recovery Fund.

All payments shall be by check or money order and shall reference this Order and the case number above. If the Respondent files for bankruptcy, any unpaid balance will become immediately due and owing.

8. EPC, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby waives its right to seek judicial or additional administrative imposition of damages or civil penalties for the incidents described in this Order. Respondent waives its right to a hearing or judicial review of the terms of this Order, except to the extent of proving compliance with this Order or to challenge the implementation of this Order.
9. This Consent Order is a settlement of the EPC's civil and administrative authority arising from the Act and Chapter 403, Florida Statutes, to pursue the matters addressed herein. This Order does not address or include settlement of any criminal liabilities which may arise therefrom.
10. Entry into this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances. The entry of this Order does not abrogate the rights of substantially affected persons who are not parties to this Order.
11. The EPC hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit the future

violation of applicable statutes or the rules promulgated thereunder. Nothing herein shall be construed to limit the authority of the EPC to undertake any action against any Respondent in response to, or to recover the cost of responding to, conditions at or from the site requiring EPC action to abate an imminent hazard to the public health, welfare or the environment. Respondent expressly reserves all of its legal rights and defenses in any such actions.

- 12. The provisions of this Order shall apply to and be binding upon the parties, their officers, agents, servants, employees, successors, and assigns and all persons, firms and corporations acting under, through or for them and upon those persons, firms and corporations in active concert or participation with them. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction. Failure to comply with the terms of this Order shall constitute a violation of Chapter 84-446, as amended, Laws of Florida.
- 13. Respondent is fully aware that violation of the terms of this Order may subject it to judicial imposition of damages, civil penalties of up to \$10,000 per offense per day, criminal penalties and costs and expenses incurred in litigating this matter.
- 14. This Consent Order shall take effect upon the date of execution by the Executive Director and shall constitute final agency action by the EPC. The EPC shall forward a copy of this Consent Order by U.S. Mail to Respondent immediately upon execution.

June 12, 2000
Date

RESPONDENT:
By Signature: Herschel E. Morris
Print: Herschel E. Morris

Corporate Seal

State of Florida
County of Hillsborough

I, the undersigned Herschel E. Morris (printed name of Affiant), being duly sworn, do affirm that I am the authorized agent for Respondent CE Industries, Inc. (name of Respondent), that I am authorized to bind and obligate the Respondent by my signature, and that it is my signature that first appears above on behalf of the Respondent.

Signature Herschel E. Morris
Title General Manager

Sworn to and subscribed before me this 12th day of June, 2000,
by Herschel E. Morris (printed name of Affiant), who is personally
known to me, or who produced _____ as identification.



Tameia J. Jackson
MY COMMISSION # CC597541 EXPIRES
February 28, 2001
BONDED THRU TROY FAIN INSURANCE, INC.

Tameia J. Jackson
Notary Public, State of Florida

DONE and ORDERED this 19th day of June, 2000.

For the Environmental Protection
Commission of Hillsborough County

Roger P. Stewart
Roger P. Stewart, Executive Director
1900 Ninth Avenue
Tampa, Florida 33605
(813) 272-5960

CF Industries CO
06/01/00