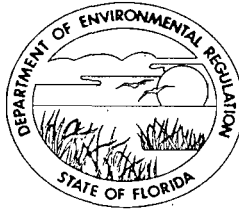


STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400



BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
NOTICE OF PERMIT

Mr. Rudy J. Cabina, Vice President
Gardinier, Inc.
P.O. Box 3269
Tampa, Florida 33601

November 3, 1987

Enclosed is permit No. AC 29-136776 for Gardinier, Inc. to construct a dock conveying system at their Tampa phosphate facility. The plant is located at U.S. 41 South and Riverview Drive, South of Tampa, Hillsborough County, Florida. This permit is issued pursuant to Section 403, Florida Statutes.

Any Party to this permit has the right to seek judicial review of the permit pursuant to Section 120.68, Florida Statutes, 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 Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; 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 days from the date this permit is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

C. H. Fancy, P.E.
Deputy Chief
Bureau of Air Quality Management

Copy furnished to:

W. Thomas, SW Dist.
D. Buff, KBN
W. Aronson
M. Flores
J. Campbell, EPCHC
E. Morris, Gardinier, Inc.

Final Determination

Gardinier, Inc.
Tampa, Florida
Hillsborough County

Dock Conveying System
Permit No. AC 29-136776

Florida Department of Environmental Regulation
Central Air Permitting
Bureau of Air Quality Management

October 22, 1987

Final Determination

The Bureau of Air Quality Management completed its review of Gardinier's application for a permit to construct a dock conveying system at their Tampa phosphate facility. On September 18, 1987, public notice of the Department's intent to issue the permit was published in the Tampa Tribune. Copies of the Technical Evaluation and Preliminary Determination were available for public inspection at the Environmental Protection Commission of Hillsborough County (EPCHC) office in Tampa and the Department's offices in Tampa and Tallahassee.

Comments were submitted by the EPCHC, the Environmental Protection Agency (EPA), and Gardinier. The issues and the Department's responses are as follows:

Issue No. 1: An Extension of the Permit Expiration Date From March 31, 1988, to September 31, 1988, was Requested by Gardinier

The expiration date has been changed to September 30, 1988, rather than September 31.

Issue No. 2: Whether the Dock Loading System is the Same Source as the Phosphate Chemical Complex or a Separate Source

The EPA commented that the dock loading system is the same source as the phosphate complex, inferring that the dock loading system is a major source of particulate emissions. EPA's comment is incorrect according to FAC Rule 17-2.100. If a source is to be classified as major it must emit or have the potential to emit 100 tons per year or more of any regulated air pollutant other than lead or lead compounds. Otherwise it is a minor source. The emission rate of the dock loading system, excluding offsets, is only 13.4 tons per year, therefore, it is a minor source within a major facility as defined by the Florida air pollution rule. It is obvious that the confusion was caused by differences in definitions of "source" versus "facility." EPA's definition of "facility" is "any apparatus within a stationary source to which a standard is applicable." FAC Rule 17-2.100 defines "facility" as "all of the stationary sources which are located on one or more contiguous or adjacent properties and which are under the control of the same person (or persons under common control)." A "source" is "an identifiable piece of equipment (or the smallest integral combination of pieces of equipment...) used as a complete unit to accomplish a specific purpose...."

Issue No. 3: Whether it is Necessary to Include a Detailed Source Description in the Permit

The EPCHC prepared a detailed source description as an attachment which they claim will prevent them from having to read the permit application in order to enforce the permit. Since the application is part of the permit, the Department believes that this would be redundant and possibly lead to errors in in transposing the data. For enforcement, it is always best to review the original data.

Issue No. 4: Whether it is Necessary to List the Flow Rate for Each Baghouse in Specific Condition No. 2

The EPCHC expressed concern about what they feel is a requirement for baghouse flow rates to be specified for enforcement purposes. As long as mass emission limits are specified in the permit, it is not necessary, to specify volumetric flow rates. In the event that a Method 5 particulate test becomes necessary in accordance with Specific Condition No. 3, the volumetric flow rate must be determined in the process of calculating the mass emission rate. It would be necessary to specify flow rates if only the concentration standard (.02 gr/dscf) is enforced. Of course, to comply with the permit conditions, both the concentration and mass limitations must be met. If the EPCHC is concerned that the applicant may operate the baghouses at flow rates less than required, it is obvious that visible emissions would be detected under such conditions. The Department concludes that it is not necessary to specify flow rates for the baghouses.

Issue No. 5: Whether it is Required that the Storage Buildings Comply with an Opacity Standard

The EPCHC wants to require a 5 percent opacity standard for the storage buildings. The application states that the conveyors inside the buildings will be provided with concrete enclosures. Specific Condition No. 4 of the proposed permit states that fugitive emissions from the conveying and other equipment shall be controlled by sealing and/or venting all particulate to the pollution abatement equipment. The Department believes that these measures are sufficient without requiring an opacity standard for the storage buildings. This situation is not analogous to a prill tower where particulate-laden air is continuously exhausted to perform a cooling function. As a result of the enclosed conveyors and decreased frontend loader travel, the particulate concentration inside the storage buildings will be reduced considerably.

Issue No. 6: Whether Additional Precautions Should be Included in Specific Condition No. 5 to Prevent Fugitive Emissions

The EPCHC reportedly entered into an agreement with the applicant for the installation of belt cleaners on conveyors Nos. 7, 8, and 9 and for the use of dust suppressants on material transported from Building No. 4 to other buildings. For this reason, Specific Condition No. 5 will be modified to reflect those additional precautions.

Issue No. 7: Whether the Proposed Permit Should Contain an Additional Condition as Stated in EPCHC's Suggested Condition No. 6

The EPCHC recommends including a condition stating that if there is reason to believe that the PM standard is not being met, the Department may require a particulate test. This is already included in Specific Condition No. 3 which states: "If VE exceeds 5% opacity, EPA Method 5, Determination of Particulate Emission from Stationary Sources, shall be requested by the Department."

Issue No. 8: Whether Specific Condition No. 8 Should Require that the Compliance Test be Conducted Within 30 Days of Startup and that Six Operating Permit Applications will be Required

The EPCHC requested the above modifications to Specific Condition No. 8. Rule 17-2.700(2)(a)1 places no such restriction on when the compliance test will be conducted. The only requirement is that it be done prior to obtaining an operating permit. In regard to the request that six permit applications be submitted, the Department considers the dock conveyor system as one source with six emission points since the objective is to accomplish one purpose, i.e., transport material from one place to another. The only reason that there are six emission points in the covered conveyor system is that the site constraints make it impractical to install a single conveyor in a straight line.

Conclusion

After full consideration of the comments received, the Department finds that the proposed permit needs no substantive modification. The expiration date has been changed as requested and the conditions agreed to by the applicant and the EPCHC have been reflected in the final permit.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400



BOB MARTINEZ
GOVERNOR

DALE TWACHTMANN
SECRETARY

PERMITTEE:
Gardinier, Inc.
P. O. Box 3269
Tampa, Florida 33601

Permit Number: AC 29-136776
Expiration Date: September 30, 1988
County: Hillsborough
Latitude/Longitude: 27° 51' 28" N
82° 23' 15" W
Project: Dock Conveying System

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule(s) 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 construction of a dock conveying system located at the permittee's phosphate fertilizer complex near the intersection of U.S. Highway 41 and Riverview Drive in Hillsborough County, Florida. The latitude and longitude and the UTM coordinates are 27°51'28"N by 82°23'15"W and 362.9 km E and 3082.5 km N, respectively.

Construction shall be in accordance with the attached permit application except as otherwise noted under the Specific Conditions set forth in this permit.

Attachments are as follows:

1. Application to Construct Air Pollution Sources, DER form 17-1.202(1), received on July 13, 1987.
2. Environmental Protection Commission of Hillsborough County (EPCHC) letter to DER dated August 25, 1987.
3. EPCHC letter to DER dated September 15, 1987.
4. Gardinier letter to DER dated September 22, 1987.
5. United States Environmental Protection Agency (USEPA) letter to DER dated September 30, 1987.

PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable pursuant to the authority of Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants or representatives.

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. Nor 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 does not constitute 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, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, 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:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

GENERAL CONDITIONS:

6. The permittee shall at all times 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, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

- a. Having access to and copying any records that must be kept under the conditions of the permit;
- b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and
- c. Sampling or monitoring 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 notify and provide the Department with the following information:

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

PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

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 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 arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, Florida Statutes.

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 17-4.12 and 17-30.30, 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 is required to be kept at the work site of the permitted activity during the entire period of construction or operation.

13. This permit also constitutes:

- () Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Compliance with New Source Performance Standards.

14. The permittee shall comply with the following monitoring and record keeping requirements:

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action.

PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
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GENERAL CONDITIONS:

- b. The permittee shall retain 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), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be 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 date(s) analyses were performed;
 - the person responsible for performing the analyses;
 - the analytical techniques or methods used; and
 - the results of such analyses.

15. 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 submitted or corrected promptly.

SPECIFIC CONDITIONS:

1. Maximum permitted conveying rate for the dock conveyor system shall be 750 tons of product per hour. If the conveying rate exceeds the maximum permitted rate by 10% at any time, a compliance test shall be conducted after notifying the Department. The test results along with other information listed in Specific Condition No. 6 shall be submitted to the Department and the Environmental Protection Commission of Hillsborough County (EPCHC) within 30 working days. Any emissions in excess of those listed in Specific Condition No. 2 shall constitute a violation of this permit. The dock conveyor system may operate up to 4,000 hours per year if permitted emission limits are not exceeded.

PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

SPECIFIC CONDITIONS:

2. Emissions of particulate matter from these sources shall not exceed the following limits:

- *a. Baghouse #1 Conveyor Transfer Point: .02 gr/dscf and .62 lbs/hr and 1.24 TPY.
- *b. Baghouse #2 Conveyor Transfer Point: .02 gr/dscf and .62 lbs/hr and 1.24 TPY.
- *c. Baghouse #3 Conveyor Transfer Point: .02 gr/dscf and .62 lbs/hr and 1.24 TPY.
- d. Baghouse #4 Conveyor Transfer Point: .02 gr/dscf and .62 lbs/hr and 1.24 TPY.
- e. Baghouse #5^s Conveyor Transfer/Screen Transfer Tower: .02 gr/dscf and 1.19 lbs/hr and 2.38 TPY.
- f. West Bag Filter: .02 gr/dscf and 4.29 lbs/hr and 8.58 TPY.

*only a, b, or c shall be placed in operation at any one time.

3. Visible emissions (VE) for each source above shall not exceed 5% opacity during any 6 minute period. Compliance with this standard shall be determined by EPA Method 9, Visual Determination of the Opacity of Emissions from Stationary Sources as described in Appendix A of 40 CFR 60. If VE exceeds 5% opacity, EPA Method 5, Determination of Particulate Emissions from Stationary Sources, shall be requested by the Department. Also, EPA Method 2 shall be required for the West Bag Filter. The SW District office and EPCHC shall be notified 15 days prior to testing.

4. Fugitive emissions from the conveying and other equipment shall be controlled by sealing and/or venting all particulate to the pollution abatement equipment.

5. All reasonable precautions to prevent fugitive particulate emissions, such as but not limited to coating or spraying roads and construction sites used by contractors, installation of conveyor belt cleaners, and use of dust suppressants, shall be taken by the permittee.

6. Before the construction permit expires, each source listed in Specific Condition No. 2 will be tested for visible emissions of

PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

SPECIFIC CONDITIONS:

particulate matter. Test procedures shall be in accordance with EPA Methods 9, or 2 and 5 if required, as published in 40 CFR 60, Appendix A, dated July 1, 1986. The DER's SW District and EPCHC shall be notified at least 15 days prior to the compliance test. The test shall be conducted at permitted capacity or no less than 90% of the highest demonstrated operating capacity.

7. The construction shall reasonably conform to the plans and schedule submitted in the application. If the permittee is unable to complete construction on schedule, he must notify the Department and EPCHC in writing 60 days prior to the expiration of the construction permit and submit a new schedule and request for an extension of the construction permit (FAC Rule 17-4.09).

8. To obtain a permit to operate, the permittee must demonstrate compliance with the conditions of the construction permit and submit a complete application for an operating permit, including the application fee, along with test results and Certificate of Completion, to the Department's Southwest District office and EPCHC 90 days prior to the expiration date of the construction permit. An operating and maintenance plan consistent with the requirements of FAC Rule 17-2.650(2)(d) and (g) shall be submitted along with the operating permit application. The permittee may continue to operate in compliance with all terms of the construction permit until its expiration date. Operation beyond the construction permit expiration date requires a valid permit to operate (FAC Rules 17-4.22 and 17-4.23).

9. If the construction permit expires prior to the permittee requesting an extension or obtaining a permit to operate, then all activities at the project must cease and the permittee must apply for a new permit to construct (FAC Rule 17-4.210).

10. Upon obtaining an operating permit, the permittee shall be required to submit an annual report documenting that the actual operation and emissions of the conveyor system complied with these conditions. Visible emissions (VE) tests shall be performed annually.

11. The No. 3 and No. 4 Triple Superphosphate Reactor Belts and Dryers, and the ROP/TSP Sizing Unit sources shall permanently cease operation prior to the issuance of the operation permit for the dock conveyor system.

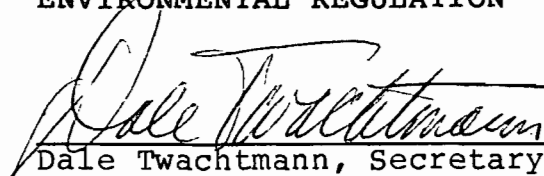
PERMITTEE:
Gardinier, Inc.

Permit Number: AC 29-136776
Expiration Date: September 30, 1988

SPECIFIC CONDITIONS:

Issued this 2 day of Nov, 1987

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL REGULATION


Dale Twachtman, Secretary



Interoffice Memorandum

For Routing To Other Than The Addressee	
To: <i>Clair</i>	Location: _____
To: _____	Location: _____
To: _____	Location: _____
From: _____	Date: _____

TO: Dale Twachtmann
THRU: Howard Rhodes *de*
FROM: Clair Fancy *CF*
DATE: October 23, 1987
SUBJ: Approval of Construction Permit No. AC 29-136776
Gardinier, Inc.

Attached for your approval and signature is a construction permit to install a dock conveying system at the Gardinier phosphate fertilizer complex located in Tampa. Comments were received during the public notice period.

Day 90 after which this permit will be issued by default is November 13, 1987.

The Bureau recommends approval and signature.

CHF/MH/s

attachment

RECEIVED
OCT 28 1987

Office of the Secretary