

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PERMIT

In the matter of an
Application for Permit by:

Mr. John A. Brafford
IMC Fertilizer, Inc.
P. O. Box 1035
Mulberry, Florida 33860


DER File No. AC53-228026
PSD-FL-201
Polk County

Enclosed is Permit Number AC53-228026 (PSD-FL-201) to increase production of the No. 3 Phosphoric Acid Plant at the New Wales Operations facility, issued pursuant to Section(s) 403, Florida Statutes.

Any party to this Order (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 Notice is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL REGULATION

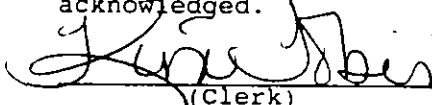

C. H. Fancy, P.E., Chief
Bureau of Air Regulation
2600 Blair Stone Road
Tallahassee, FL 32399-2400
904-488-1344

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed before the close of business on 8-4-93 to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to
§120.52(11), Florida Statutes,
with the designated Department
Clerk, receipt of which is hereby
acknowledged.


(Clerk)

8-4-93
(Date)

Copies furnished to:

W. Thomas, SWD
J. Koogler, P.E.
J. Harper, EPA
J. Bunyak, NPS

L. Nowak, Polk Co.

P 230 524 379



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

| | |
|---|------------------|
| Sender | John A. Bradford |
| Special Agent No. | IMC Tert. W |
| Post Office Name and 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, and Addressee's Address | |
| TOTAL Postage & Fees | \$ |
| Postmark or Date | 8-4-93 |
| AC 53-228026 P50-F1-201 | |

PS Form 3800, June 1991

Reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 received.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

Is your RETURN ADDRESS correct?

Article Addressed to:
John A. Bradford
IMC Tertuliza One
PO BOX 1035
Mulberry, FL
33860

4a. Article Number
P230 524 379

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
8/6/93

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
M.J. Hans

Thank you for using Return Receipt Service.

Final Determination

IMC Fertilizer, Inc.
Mulberry, Polk County, Florida

Production Increase/Phosphoric Acid Plant No. 3
Permit No. AC53-228026
(PSD-FL-201)

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

July 23, 1993

Final Determination

The Technical Evaluation and Preliminary Determination for the permit to increase production of the No. 3 Phosphoric Acid Plant at the New Wales Operations facility in Mulberry, Polk County, Florida, was distributed on May 27, 1993. The Notice of Intent to Issue was published in The Ledger newspaper on June 15, 1993. Copies of the evaluation were available for public inspection at the Department's offices in Tampa and Tallahassee.

No adverse comments were submitted on the Department's Intent to Issue the permit. The expiration date was extended at the permittee's request to allow time for debugging of the plant at the higher rate prior to testing.

The final action of the Department will be to issue construction permit AC53-228026 (PSD-FL-201) as proposed in the Technical Evaluation and Preliminary Determination.



Lawton Chiles
Governor

Florida Department of Environmental Protection

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

Virginia B. Wetherell
Secretary

PERMITTEE:

IMC Fertilizer, Inc.
P. O. Box 1035
Mulberry, Florida 33860

Permit Number: AC53-228026
PSD-FL-201
Expiration Date: Jan. 1, 1995
County: Polk
Project: Production Increase
Phosphoric Acid
Plant No. 3

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 17-212 and 17-4. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

For the increase in production from 2,200 to 2,500 tons/day P₂O₅ for the No. 3 Phosphoric Acid Plant with no additional equipment installed. This facility is located in Mulberry, Polk County, Florida. The UTM coordinates are Zone 17, 396.6 km E. and 3079.4 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, DEP Form 17-202(1), received on March 16, 1993.
2. Letter from EPA dated April 28, 1993.
3. Letter from Koogler & Associates dated June 4, 1993.
4. Letter from USDOJ dated June 28, 1993.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC53-228026
Expiration Date: January 1, 1995

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 acknowledgment 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.
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.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC53-228026
Expiration Date: January 1, 1995

GENERAL CONDITIONS:

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.

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.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC53-228026
Expiration Date: January 1, 1995

GENERAL CONDITIONS:

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 17-730.300, 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. This permit also constitutes:

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

14. 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 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.

PERMITTEE:
IMC Fertilizer, Inc.

Permit Number: AC53-228026
Expiration Date: January 1, 1995

GENERAL CONDITIONS:

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 corrected promptly.

SPECIFIC CONDITIONS:

1. The operating capacity of the No. 3 Phosphoric Acid Plant and Clarifier and the associated air pollution control equipment shall be in accordance with the capacities and specifications stated in the application.
2. The production rate of the No. 3 Phosphoric Acid Plant shall not exceed 2,500 tons P₂O₅ per day.
3. The No. 3 Phosphoric Acid Plant may operate up to 8760 hours per year.
4. Visible emissions from the No. 3 Phosphoric Acid Plant stack shall not exceed 10 percent opacity.
5. Fluoride emissions from the No. 3 Phosphoric Acid Plant shall not exceed 43 pounds per day (includes 2 pounds per day allocated to the clarifier).
6. Within 60 days after the production increase is effected, the No. 3 Phosphoric Acid Plant shall be tested for fluoride emissions and visible emissions. Compliance tests shall be in accordance with DEP Method 9 and the test methods and procedures specified in 40 CFR 60.204. The Department's Southwest District office shall be notified in writing at least 15 days prior to the compliance tests. The tests shall be conducted at permitted production capacity or no less than 90 percent thereof. Results of the compliance tests 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).

PERMITTEE:
IMC Fertilizer, Inc.
SPECIFIC CONDITIONS:

Permit Number: AC53-228026
Expiration Date: January 1, 1995

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. 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. Rules 17-4.055 and 17-4.220).

Issued this 2 day
of August, 1993

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Virginia B. Wetherell
Virginia B. Wetherell, Secretary
Department of Environmental
Protection

Best Available Control Technology (BACT) Determination
IMC Fertilizer, Inc.
AC53-228026 (PSD-FL-201)
Polk County

The applicant proposes to increase production of wet-process phosphoric acid from 2,200 to 2,500 TPD P_2O_5 at their No. 3 Phosphoric Acid Facility located near Mulberry in Polk County, Florida. The production increase will be accomplished without any equipment modification or installation.

A BACT determination is required for all regulated air pollutants emitted in amounts equal to or greater than the significant emission rates listed in Table 500-2 of Florida Administrative Code (F.A.C.) Rule 17-212.400. Fluoride is the only regulated air pollutant associated with this production increase.

Date of Receipt of a Complete Application: March 16, 1993

BACT Determination Requested by the Applicant

Control Technology: Crossflow scrubber using pond water

Fluoride Emission Limit: 0.02 lb/ton P_2O_5 input = 53.8 lbs/day
(includes clarifier emissions allocated at 2 lbs/day)

BACT Determined by the Department

Control Technology: Crossflow scrubber using pond water

Fluoride Emission Limit: Same as current allowable; $41+2= 43$ lbs/day

Visible Emission Limit: 10% opacity

NOTE: This determination is not to be used for establishing BACT limits for other facilities since this determination is only for the purpose of allowing a production increase.

BACT Determination Procedure

In accordance with Florida Administrative Code, Chapter 17-212 (Best Available Control Technology Determination Stationary Source-Preconstruction Review) this BACT determination is based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable through application of production processes and available control methods, systems and techniques. In addition, the regulations require that in making the BACT determination the Department shall give consideration to:

- (a) Any Environmental Protection Agency determination of Best Available Control Technology pursuant to Section 169, and any emission limitation contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants).
- (b) All scientific, engineering and technical material and other information available to the Department.
- (c) The emission limiting standards or BACT determinations of any other State.
- (d) The social and economic impact of the application of such technology.

The EPA currently stresses that BACT should be determined using the "top-down" approach. The first step in this approach is to determine for the emission source in question the most stringent control available for a similar or identical source or source category. If it is shown that this level of control is technically or economically infeasible for the source in question, then the next most stringent level of control is determined and similarly evaluated. This process continues until the BACT level under consideration cannot be eliminated by any substantial or unique technical, environmental, or economic objections.

BACT Determination Rationale

This is the first time that EPA's "top-down" BACT approach has been applied to wet process phosphoric acid plants in Florida. Application of the "top-down" approach requires the most stringent justifiable limit after considering technical and economic factors. Compliance test data indicate that the existing crossflow scrubber using pond water will achieve an emission level well below the current allowable fluoride limit, even at the requested production rate. Therefore, the Department will allow the production increase as proposed but with no increase in allowable fluoride emissions. As stated above, this determination is specific to the subject facility and is not to be used for establishing a BACT limit for any other similar source or facility.

Details of the Analysis May be Obtained by Contacting:

Doug Outlaw, P.E., BACT Coordinator
Department of Environmental Protection
Bureau of Air Regulation
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

BACT-IMC Fertilizer, Inc.
AC53-228026 (PSD-FL-201)
PAGE THREE

Recommended by:

Approved by:

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

July 27 1993
Date

Virginia B. Wetherell
Virginia B. Wetherell, Secretary
Dept. of Environmental Protection

Aug 2 1993
Date

Florida Department of
Environmental Protection

Memorandum

TO: Virginia B. Wetherell
FROM: Howard L. Rhodes *HLR*
DATE: July 30, 1993.
SUBJ: Approval of Construction Permit AC53-228026 (PSD-FL-201)
IMC Fertilizer, Inc.

Attached for your approval and signature is a permit prepared by the Bureau of Air Regulation for the above mentioned company to increase production of the No. 3 Phosphoric Acid Plant at the New Wales Operations Facility.

This source was previously issued a Prevention of Significant Deterioration (PSD) permit with a Best Available Control Technology Determination (BACT) based upon 0.2 lbs fluoride emissions/ton P₂O₅ input, and 2200 tons of P₂O₅ per day with an emissions limit of 43 lbs/day of Fluoride. Test data suggested that the actual emissions of fluoride are considerably less than the 43 lbs/day currently allowed. This permit is being issued on the basis of a production increase up to 2500 tons per day. The BACT states that the air pollution limit should not be raised to 53.8 tons per day as requested by the applicant, but rather should remain at 43 lbs/day. The applicant has accepted this approach. There were no adverse comments from third parties.

I recommend your approval and signature.

HLR/JR/bjb

Attachments