



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

NOTICE OF AUTHORIZATION

VIA CERTIFIED MAIL

Mr. M.A. Daigle
General Manager
New Wales Plant
IMC Phosphates Company
P.O. Box 2000
Mulberry, FL 33860-1100

RECEIVED

OCT 18 2000

BUREAU OF AIR REGULATION

Re: Request for Test Authorization Dated October 2, 2000
New Wales Plant
Emissions Units 036, 074, 075, 076
Permits: 1050059-024-AC/PSD-FL-244 and 1050059-014-AV

Dear Mr. Daigle:

On October 3, 2000, the Department received your request for an authorization to perform a test project involving A, B, and C Kilns. Specifically, you requested to be able to operate either A or B Kiln as a dryer. The dried material from either A or B Kiln (dryer) would be fed to both C Kiln and A or B Kiln (not being used as the dryer). IMC indicated that the purpose of this test project was to improve and stabilize the operation of C Kiln.

IMC described that this test project will require that A or B Kiln (dryer) process 30-40 TPH as a dryer rather than the maximum permitted throughput rate of 15 TPH. IMC also indicated that the A or B Kiln (dryer) will be operated at a lower temperature of 190°F. C Kiln and A or B Kiln (not being used as the dryer) will operate within the permitted rates of 25 TPH and 15 TPH, respectively. Therefore, resulting in a net emissions decrease for all three kilns.

Based upon the information provided by IMC, the Department hereby grants your request for a test authorization with the following stipulations. Note that this authorization is only applicable to this plant and test project. Also, this authorization does not allow the permittee to circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly [Rule 62-210.650, F.A.C.].

"More Protection, Less Process"

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1. The length of this test project shall be no longer than 60 days after the receipt of this authorization. IMC shall notify the Department in writing of the start date of this test project.
2. IMC shall maintain records of material throughput for A, B, and C Kilns, mixed feed preparation section, and product handling operations. IMC shall record and maintain records of the operating temperature of A, B, and C Kilns.
3. IMC shall not exceed the permitted total annual production rate of A and B Kilns nor the annual input rate to C Kiln.
4. IMC shall perform compliance testing of A, B, and C Kilns for the following pollutants after the Kiln has reached stable operating conditions, but no later than 21 days after first operation in this mode.
 - a. A and B Kilns: Particulate Matter (PM), Fluorides, Visible Emissions (VE);
 - b. C Kiln: Particulate Matter (PM), Fluorides, Sulfur Dioxide (SO₂), Visible Emissions (VE).
5. IMC shall notify the Department, prior to the date that the compliance test will begin, of the date, time, and place of each compliance test and test contact person who will be responsible for coordinating the compliance test.
6. IMC shall perform this compliance test in accordance with the test methods indicated in permits 1050059-024-AC/PSD-FL-244 and 1050059-014-AV.
7. IMC shall file a report with the Department on the results of such test.
 - a. The required test report shall be filed with the Department as soon as practical but no later than 10 calendar days after the last sampling run of each test is completed.
 - b. The report shall provide sufficient detail on the emissions unit tested (at a minimum, the "Project", "Facility ID" and "Emissions Unit ID"), the test procedures used to allow the Department to determine if the test report was properly conducted and the test results properly computed. Testing procedures shall be consistent with the requirements of Rule 62-297.310(7), F.A.C.
8. Failure to submit the rates and actual operating conditions in the test report may invalidate the test and fail to provide reasonable assurance of compliance. [Rules 62-297.310(8) and 62-4.070(3), F.A.C.]
9. IMC may not operate this facility under the conditions of this test project beyond the 60 days indicated in item 1. If IMC decides to operate under such conditions, IMC must apply for a permit modification to all applicable permits including 1050059-024-AC/PSD-FL-244 and 1050059-014-AV.

A person whose substantial interests are affected by this authorization may petition for an administrative proceeding (hearing) under 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 at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below

must be filed within 21 days of receipt of this notice. A petitioner shall 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 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 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's action; and
- (f) A statement of specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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 authorization. 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.

Mediation is not available in this proceeding.

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.

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 EPA and by the person under the Clean Air Act unless and until Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

This "Authorization" is final and effective on the date filed with the Clerk of the Department unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. or unless a request for an extension of time in which to file a petition is filed within the time specified for filing a petition. Upon timely filing of a petition or a request for an

IMC Phosphates Company
New Wales Plant
A, B, and C Kilns

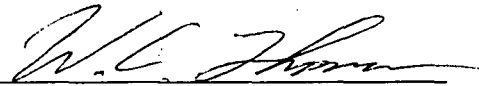
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extension of time to file the petition, this authorization will not be effective until further Order of the Department.

Any party to the Order (Authorization) has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal under Rule 9.110 of the Florida rules of Appellate Procedure, with the clerk of the Department of Environmental Protection in the Office of General Counsel, Douglas Building, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; 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 after this Order is filed with the Clerk of the Department.

If you have any questions, please call Ann Quillian, P.E. of my staff at (813)744-6100 x 117.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W.C. Thomas, P.E.
District Air Program Administrator
Southwest District

IMC Phosphates Company
New Wales Plant
A, B, and C Kilns

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CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF AUTHORIZATION was sent to the addressee by certified mail and all copies were sent by regular mail before the close of business on OCT 13 2000 to the listed persons, unless otherwise noted.

Clerk Stamp

FILING AND ACKNOWLEDGEMENT FILED,
on this date, pursuant to Section 120.52(7), Florida
Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledge.


(Clerk)

OCT 13 2000
(Date)

cc: Al Linero, FDEP, NSR

John Reynolds, USE