

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

March 13, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

RE: DEP File No.: 1050059-033-AC
Test Authorization
New Wales Plant
Emissions Units 036, 074, 075, 076
Permit Nos: 1050059-024-AC/PSD-FL-244 and 1050059-014-AV

033

244A

Dear Mr. Daigle:

On February 5, 2001, the Department received your permit application for various authorizations from the Department's New Source Review Air Permitting Section. This Notice of Authorization applies to the operation of one kiln at a time as a dryer for mixed feed for the purpose of performance testing. IMC indicated that the dried material from that kiln would feed the other two kilns. The performance testing will be for three periods of three weeks each under this authorization. During all remaining periods, the kilns will operate normally or be down.

The present permit allows A or B Kilns to process mixed feed at a maximum rate of 15 tons/hr, C Kiln to process mixed feed at a maximum rate of 25 tons/hr and each kiln at a maximum heat input of 56 MMBTU/hr. This authorization allows any one kiln at a time to process 40 tons/hr of mixed feed, at a maximum heat input of 20 MMBTU/hr. IMC has indicated that operating temperatures are approximately 2800°F when operating as a kiln and approximately 200°F when operating as a dryer.

Based on the information provided by IMC, the Department hereby grants your request to operate one kiln at a time as a dryer with the following stipulations. Note that this authorization is only applicable to this plant and project. This authorization does not allow the permittee to use this process to debottleneck the process or exceed any applicable permit limits. Also, this authorization does not allow the permittee to circumvent any air pollution control device, or allow the emissions of air pollutants without the applicable air pollution control device operating properly [Rule 62-210.650, F.A.C.].

Screening to determine whether future operation of a kiln as a dryer constitutes a modification subject to a review for Prevention of Significant Deterioration (PSD) shall be performed in accordance with Chapter 403, F.S., Chapters 62-210 through 62-297 and 62-4, F.A.C., and Title 40, Code of Federal Regulations (CFR). The performance test results along with any modification application to allow permanent operation of any kiln as a dryer shall be reviewed by the Department's Bureau of Air Regulation (BAR) and interested agencies (i.e., DEP Southwest District Office, U.S. EPA, U.S. Fish and Wildlife Service, National Park Service, etc.)

The tests shall be subject to the following conditions:

1. Unless otherwise specified in this authorization, all conditions of permits 1050059-024-AC (PSD-FL-244) and 1050059-014-AV shall remain in effect.
2. This authorization allows any one of the kilns at a time, A, B or C, to operate as a dryer and the other two as kilns. The record log for the unit shall include the method of operation as well as the date and time the operation method began and ended.
3. When operating as a dryer, the maximum fuel-firing rate for the kiln shall not exceed 20 MMBTU/hr, on a daily average basis, calculated as heat input divided by hours fired.
4. 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. IMC shall record and maintain records of the fuel-firing rate when operating in either the kiln or dryer mode.
5. IMC shall comply with all emissions limitations for A, B, and C Kilns as well as all associated equipment.
6. IMC shall not exceed the permitted hourly throughput rate (tons/hour) for A, B, and C Kilns, total annual production rate of A and B Kilns, nor the annual input rate to C Kiln when used as a kiln. The kiln used as a dryer shall not exceed an input rate of 40 tons/hr.
7. Initial baseline testing shall be performed with the three kilns operating under normal conditions. The A and B kilns shall be operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. C Kiln shall be operated at the maximum possible permitted rate. Two tests under baseline conditions shall be performed. A and B kilns shall be tested for particulate matter (PM), fluorides (F) and visible emissions (VE). C kiln shall be tested for PM, F, VE and sulfur dioxide (SO₂).
8. This authorization permits the performance testing of using one kiln (A or B or C) as a dryer for mixed feed to the A and/or B kilns operating at permitted capacity as kilns or to C kiln operating at the same rate as tested under baseline conditions. The performance test shall be no longer than three weeks in duration. Three such performance tests are permitted.
9. IMC shall conduct testing for PM, F and VE for A and B kilns and PM, F, VE and SO₂ for C kiln after the kilns have reached stable operating conditions when operating as a dryer during the performance testing. Accordingly, the normal sampling locations, at the stacks, shall be used for the testing.
10. The methodology described in 40 CFR 60, Appendix C shall be used to determine whether a physical or operational change to an existing facility resulted in an increase in the emission rate to the atmosphere under the two different operating conditions (performance vs. baseline). The comparison will form the basis of a PSD applicability determination pursuant to 40 CFR 52.21.
11. IMC shall notify the Department, prior to the date that the baseline test and the performance test will begin, of the date, time, and place of each test and test contact person who will be responsible for coordinating the tests.
12. IMC shall conduct the performance test in accordance with the test methods indicated in permit Nos. 1050059-024-AC/PSD-FL-244 and 1050059-014-AV at normal sampling locations.
13. IMC shall file a report with the Department on the results of the baseline and performance tests.
 - a. The required test report shall be filed with the Department as soon as practical but no later than 45 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.

14. Failure to submit the rates and actual operating conditions as well as identify the method of operation of each kiln in the test report may invalidate the performance test and fail to provide reasonable assurance of compliance. [Rules 62-297.31.0(8) and 62-4.070(3), F.A.C.]
15. This authorization shall expire on September 30, 2001.

A copy of this letter shall be filed with the referenced permit and shall become part of the permit.

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 fourteen 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;
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
- (e) 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.

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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.

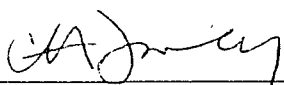
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will 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 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.

Executed in Tallahassee, Florida.


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

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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 3/16/01 to the listed persons, unless otherwise noted.

M. A. Daigle, IMC*
Bill Thomas, DEP SWD
John Koogler, P.E., Koogler & Associates

Clerk Stamp

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

Charlotte J. Hayes
(Clerk)

3/16/01
(Date)

