

# Appendix ASP

CHKBILL PERI.

ID:

JUL 24 '98

13:50 NO.002 P.03

## Memorandum

## Florida Department of Environmental Protection

TO: Howard L. Rhodes  
THROUGH: Dotty Diltz *W. Kietz*  
FROM: Mike Harley *St*  
DATE: September 3, 1996  
SUBJECT: Approval of Alternate Standards or Procedures for Florida Phosphate Industry;  
Order No. ASP 95-H-01.

---

Attached for your approval and signature is an Order prepared by the Bureau of Air Monitoring and Mobile Sources that will authorize the Florida phosphate industry to use an alternative analytical procedure (Method 13B without fusion and distillation) in lieu of EPA Method 13B for the analysis of fluoride samples. The Region 4 and Research Triangle Park offices of the U.S. EPA concur with the proposal.

The request for approval of an alternate sampling procedure is based on the results of analyses for all groups of samples using the proposed method (Method 13B without fusion and distillation) and EPA Method 13B. The results of the statistical tests demonstrate that the variance of the alternative analytical procedure is only 3.6 percent greater than the variance for EPA Method 13B. The statistical tests also demonstrate that the alternative analytical procedure, in general, results in higher reported fluoride levels than does EPA Method 13B.

The recommended Order preserves the Department's right to require the use of the original EPA method, if there is reason to believe that the method is necessary to assess the compliance status of the phosphate fertilizer facilities.

I recommend your approval and signature.

MH/ym

Attachments

# Appendix ASP

5. Petitioner further stated, "The potential disadvantages of the fusion and distillation steps, when not necessary, are a decrease in the precision of the analytical method and the potential for fluoride loss during the distillation step. Another disadvantage associated with the distillation step of the reference method is the potential danger associated with distilling from sulfuric acid at a temperature of 175 °F. If this potential danger can be eliminated without compromising the precision and accuracy of the analytical method, a major benefit would be realized." [Exhibit 3]

6. Petitioner further stated, "As fluorides present in samples collected from phosphate plants are soluble, the elimination of the distillation step will eliminate the possibility of low fluoride recovery and will provide for a more accurate determination of the fluoride emission rate from affected facilities. The proposed method will also improve the safety of the method by eliminating the sulfuric acid distillation step." [Exhibit 3]

7. The analysis of precision for all groups of samples summarized in Table 1 demonstrates that the variance of the proposed method (Method 13B without fusion and distillation) is only 3.6 percent greater than the variance to the reference method (Method 13B with fusion and distillation). The analysis of bias for all groups of samples summarized in Table 2 demonstrates that the test for all samples results in a mean for the proposed method which exceeds the mean of the reference method by 0.089 mg/l (total fluorides). [Exhibit 3]

## CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider Petitioner's request pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.
2. Pursuant to Rule 62-297.310(7), F.A.C., the Department may require Petitioner to conduct compliance tests that identify the nature and quantity of pollutant emission, if, after investigation, it is believed that any applicable emission standard or condition of the permits is being violated.
3. Petitioner has provided reasonable justification that the use of an alternative analytical procedure for EPA Method 13B to analyze fluoride samples will be adequate to verify compliance with the applicable standard.

## ORDER

Having considered Petitioner's written request and supporting documentation, it is hereby ordered that:

1. Petitioner's request to use an alternative analytical procedure for EPA Method 13B (without fusion and distillation) to analyze fluoride samples for the purpose of determining the compliance status of the phosphate fertilizer facilities is granted;

# Appendix ASP

CHRGILL PERI.

10.

JUL 24 98

15:54 NO.002 P.05

with regard to the applicant have the right to petition to become a party to the proceeding. The petition must conform with the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

4. This Order constitutes final agency action unless a petition is filed in accordance with the above paragraphs. Upon timely filing of a petition, this Order will not be effective until further Order of the Department.

## RIGHT TO APPEAL

Any party to this Order 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 pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 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 from the date the Notice of Agency Action is filed with the Clerk of the Department.

DONE AND ORDERED this 8 day of Sept 1996 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES

Director

Division of Air Resources Management

Twin Towers Office Building

2600 Blair Stone Road

Tallahassee, Florida 32399-2400

(904) 488-0114