

US EPA ARCHIVE DOCUMENT

1/20/96 A ber. chd. pdf

June 19, 1996
MEMORANDUM

TO: Eileen McGovern
FROM: Dee Stewart
SUBJ: Response to Senator Bond's request for information regarding
Project XL Achievements

I have provided the following tables and charts of Berry's environmental commitments and expected environmental benefits as well as a narrative describing the final project agreement and expected cost savings. These environmental results and cost savings will begin to accumulate and will be monitored after the final project agreement (FPA) is signed. The FPA is expected to be signed by all parties, Florida Department of Environmental Protection, EPA R4, South Florida Water Management District, and Jack M. Berry, Inc., during the week of July 8, 1996. The public notice period for the FPA runs from May 31, 1996 to June 30, 1996.

If you need any further information, please contact me at 404/347-3012 ext. 2928.

LISA-

This is the information
which I provided to
Eileen.

Dee

007157
1

Jack M. Berry, Inc. (Berry)
Project XL

The final project agreement (FPA) for the Berry XL Project will describe the process by which Berry, in partnership with the Florida Department of Environmental Protection, South Florida Water Management District, and EPA will prepare a Comprehensive Operating Permit (COP). The COP will provide an operating and regulatory permit for the entire facility which will maintain all environmental standards, consolidate federal, state, and local facility permits, and commit Berry to superior environmental performance. It will be written in user-friendly language to raise the level of employee comprehension and compliance. This project encourages stakeholder participation, and will be evaluated with appropriate public notices every five years.

Berry expects to realize cost savings and paperwork reduction through the COP by eliminating the requirements and associated costs of preparing permit applications approximately every five years. The burden on the Agencies to review permit applications and issue permits will be reduced, allowing the Agencies to concentrate on compliance with environmental laws versus permit application review or renewal processes. It is anticipated that this savings could yield a cost reduction for Berry of several million dollars.

The innovation sought by Berry would allow the company to avail itself of an accelerated permit application process, resulting in prompt renewal of the consolidated operating permits at one time. The current short term duration of permits does not take into account the continuous nature of business operations. The reapplication process introduces an element of uncertainty, particularly when businesses seek to secure long term loans. Lender concerns regarding issuance date of the next permit, its content, and its affect on operations are factored into the cost of the loan as an element of risk. Berry posits that this cost of doing business can be reduced by simplifying the renewal process, abbreviating renewal time, and consolidating the permits so that they are simultaneously renewed. The attendant cost savings can then be directed toward environmental improvements. Berry firmly believes that a healthy business and a healthy environment are mutually compatible.

Through the final project agreement, Berry commits to the achievement of superior environmental performance. The anticipated superior environmental benefits of this project include:

- ◆ water conservation through reduction in consumptive use
- ◆ reduction in air emissions of volatile organic compounds
- ◆ reduction in air emissions of sulfur dioxide and nitrous oxide
- ◆ reduction in solid waste generation through increased recycling of metal, paper, glass, and plastic
- ◆ cleaner drinking water than legally required through voluntary commitment to higher standards
- ◆ elimination of potential ground water contamination through closure of surge pond for process wastewater
- ◆ elimination of spray site as an industrial wastewater disposal area and reuse of treated wastewater as irrigation water

Berry also commits to instituting the ISO 9000 management program and the ISO 14000 environmental management program. The superior environmental performance measures, benefits, baselines, and monitoring requirements are described in the accompanying tables and charts.

Jack M. Berry, Inc. (Berry)
Project XL

option
2

The final project agreement (FPA) for the Berry XL Project will describe the process by which Berry, in partnership with FDEP, South Florida Water Management District (SFWMD), and EPA will prepare a Comprehensive Operating Permit (COP). The COP will provide an operating and regulatory permit for the entire facility. The COP will maintain all environmental standards, include operating procedures, consolidate all federal, state, and local facility permits, and commit Berry to superior environmental performance. The COP will be written in user-friendly language to raise the level of employee compliance. It encourages stakeholder participation, and will be evaluated with appropriate public notices every five years.

Berry expects to realize cost savings and paperwork reduction through the COP by eliminating the requirements and associated costs of preparing permit applications approximately every five years. The burden on the Agencies to review permit applications and issue permits will be reduced, allowing the Agencies to concentrate on compliance with environmental laws versus permit application review or renewal processes. It is anticipated that this savings could yield a cost reduction for Berry of several million dollars. Additionally, the paperwork associated with the submittal and processing of the current permits for Berry will be eliminated.

The cost of uncertainty in the permitting process can present a tremendous burden on business. Currently permits are issued for short term durations with a mandatory re-application process. The "expiration" of permits does not reflect the continuous operations of business. In order to secure long term loans to maintain a profitable business all environmental issues must be resolved. The uncertainty of: when will the next permit be issued, what will it contain, and how will this affect the operations of the business, are all factored into the cost of the loan as an element of risk. Berry believes that this unnecessary cost to doing business can be reduced with the development of the COP and the redirection of funds toward improvement of the environment. Berry firmly believes that a healthy business and a healthy environment are mutually compatible.

Berry through the final project agreement as part of EPA's "Project XL" program, commits to superior environmental performance. Berry commits to environmental performance that exceeds that which would be achieved through compliance with current and reasonably anticipated future regulation, in the areas of; water consumption and conservation, air emissions, industrial wastewater treatment and woodland conservation, solid waste, and potable water and surface water management. Berry also commits to instituting the ISO 9000 management program and the ISO 14000 environmental management program. The superior environmental performance measures, benefits, baselines, and monitoring requirements are described in the following tables and charts.

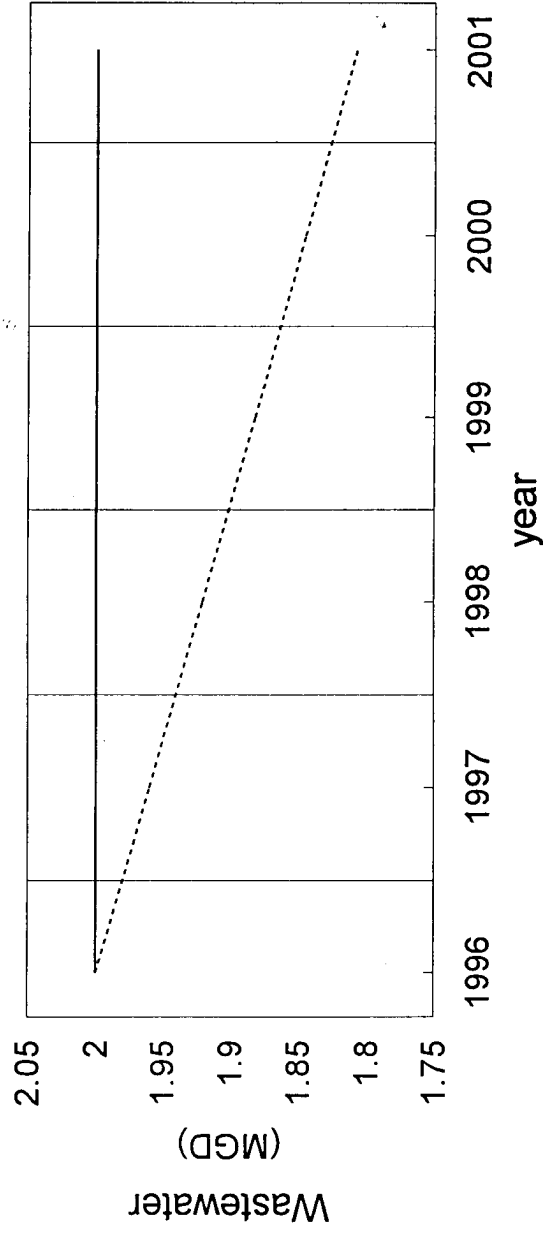
**Berry XL Project
Environmental Commitments and Expected Environmental Benefits
Water Consumption and Conservation**

Berry Environmental Commitment	Superior Environmental Benefit	Environmental Baseline	Environmental Performance Monitoring
Re-use treated industrial wastewater.	Reduce the consumptive use of water.	* 2.0 MGD	Measure amount of ground water and surface water withdrawn. This will be reported monthly to SFWMD and copied to FDEP.
Water Conservation	Reduce the consumptive use of water.	* 2.0 MGD	Describe water conservation measures and submit one year from COP effective date and yearly thereafter. Measure amount of water used in Facility operations monthly and submit one year from COP effective date and yearly thereafter.

* Represents process water for the facility and irrigation water for a 1,400 acre section.

Process water for the facility & irrigation for 1,400 acre section

Baseline: 2.0 MGD (5/1/95 - 5/1/96)



..... Projected
— Baseline

Production = 7,975,000 boxes of fruit processed

**Berry XL Project
Environmental Commitments and Expected Environmental Benefits
Air Emissions**

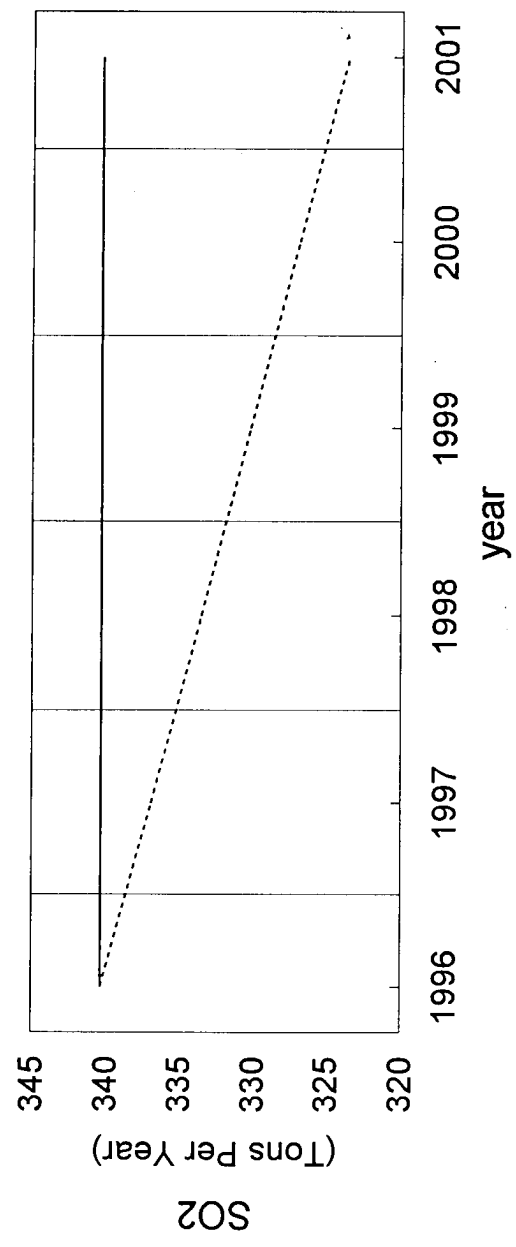
Berry Environmental Commitment	Superior Environmental Benefit	Environmental Baseline	Environmental Performance Monitoring
Berry commits to the replacement of the existing peel dryer with a more efficient peel dryer or improved process modification.	Reduction in VOC emissions to the air.	*VOC (fuel only) emissions = 1.0 ton per year (TPY) VOC (peel dryer) = unknown industry-wide	Berry commits to performing a stack test following installation of a new peel dryer or completion of an improved process modification.
Berry commits to preparing and implementing a strategy for reduction of SO ₂ , NO _x , and VOC emissions.	Reduction in SO ₂ , NO _x , and VOC emissions to the air.	*SO ₂ = 340.3 TPY *NO = 141.8 TPY *VOC (fuel only) = 1.0 TPY	The strategy will be submitted one year from COP effective date. All signing parties will review and provide comments. The agreed on strategy will be implemented.

* Air emissions are based on a December 1994 - November 1995 annual average

Note - Reductions in SO₂ may be accomplished through fuel restrictions, cleaner fuels, and/or the installation of an SO₂ scrubber. VOC reductions may occur through process improvements (i.e., d-limonene recovery), installation of a more efficient peel dryer, and/or installation of an VOC control device.

Sulfur Dioxide Emissions

Baseline: 340.3 TPY (12/94 - 11/95)

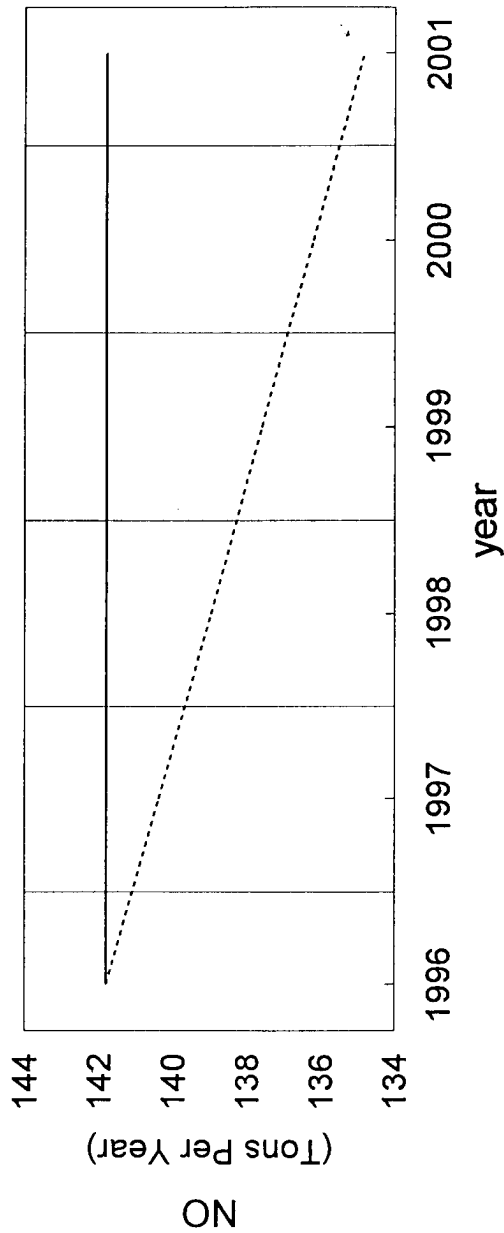


..... Projected
— Baseline

Production = 7,850,000 boxes of fruit processed

Nitrous Oxide Emissions

Baseline: 141.8 TPY (12/94 - 11/95)

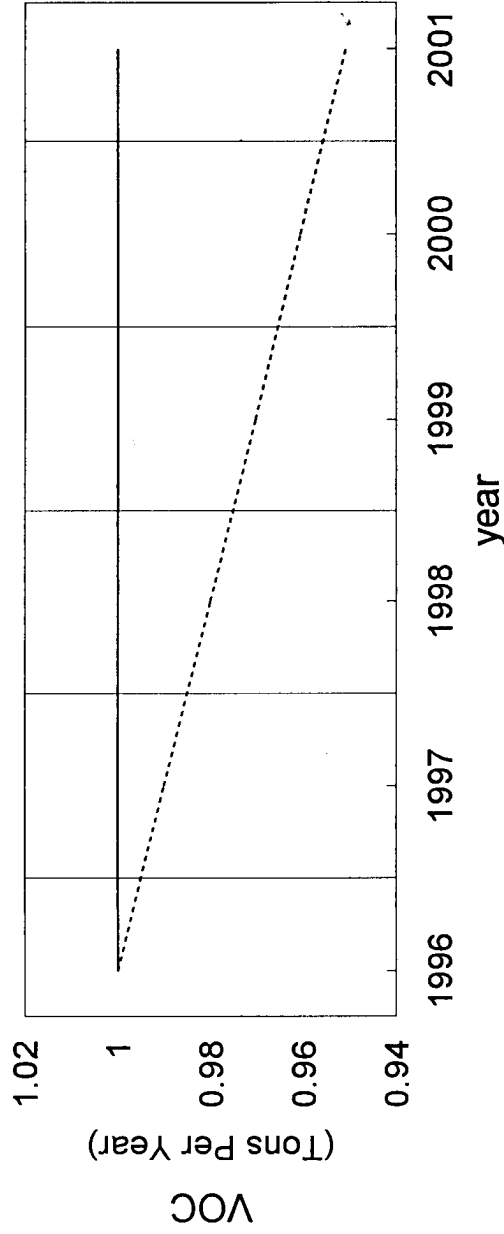


..... Projected
— Baseline

Production = 7,850,000 boxes of fruit processed

Volatile Organic Compound Emissions

Baseline: 1.0 TPY (12/94 - 11/95, fuel only)



..... Projected
— Baseline

Production = 7,850,000 boxes of fruit processed

**Berry XL Project
Environmental Commitments and Expected Environmental Benefits
Industrial Wastewater Treatment and Wetland Conservation**

Berry Environmental Commitment	Superior Environmental Benefit	Environmental Baseline	Environmental Performance Monitoring
Permanent abandonment of spray site as an industrial wastewater disposal area and re-use of treated industrial wastewater as irrigation water.	Elimination of land application and upgrading the land use from a wastewater disposal area to citrus groves.	1995 use of spray field.	Certification of abandonment of spray field one year from COP effective date and yearly thereafter.
Maintain the present wetland treatment area.	Perpetuate the existence of the wetland ecosystem.	Wetland system in full use in 1996.	Certification of use of wetland treatment system one year from the COP effective date and yearly thereafter.
Maintain wetland treatment ponds at or near the present location.	Minimizes off-site odor complaints by the public.	Wetland system in full use in 1996.	Certification of location of wetland treatment system one year from the COP effective date and yearly thereafter.
Close or modify surge pond to eliminate potential ground water contamination from industrial wastewater.	Eliminates potential groundwater contamination and serves to control odor.	1995 use of surge pond for industrial wastewater	Submit a plan for surge pond closure or modification one year from COP effective date. Surge pond will be modified or closed for industrial wastewater 3 years from the effective date of the COP.

**Berry XL Project
Environmental Commitments and Expected Environmental Benefit
Solid Waste**

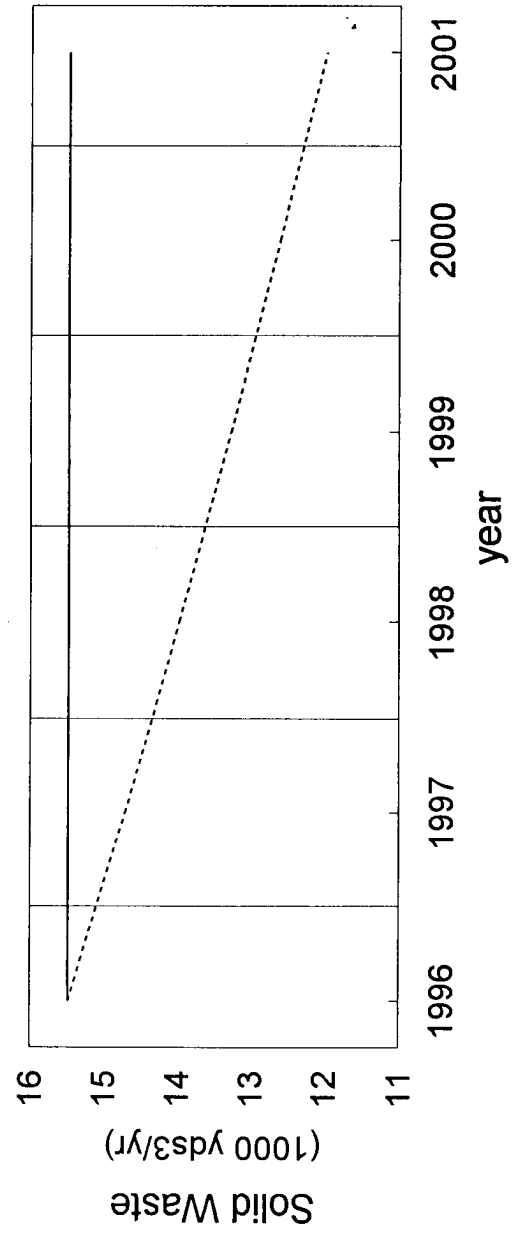
Berry Environmental Commitment	Superior Environmental Benefit	Environmental Baseline	Environmental Performance Monitoring
Reduction of the number and types of solvents and lubricants used on-site and replace with a set number of environmentally friendly materials centrally distributed.	Reduction in the amount of air emissions, possible reduction in operating costs, and reduced health issues for facility workers.	List of spray can solvents and lubricants used on the site on the FPA signing date.	Report the amount of solid waste disposal in tons/year one year from COP effective date and yearly thereafter. Submit a list of existing spray can solvents and lubricants used on site on the FPA signing date and the list of substituted environmentally friendly solvents and lubricants, i.e., no metals paint, low VOC products, water-based solvents, one year from COP effective date and certify or modify list yearly thereafter.
Recycle scrap metal.	Increased metal recovery and decreased the amount of metal entering the solid waste stream	* 64,500 lb/yr of scrap metal recycled.	Report the amount of scrap metal recycled one year from COP effective date and yearly thereafter.
Recycle, to the best extent possible, paper, metal, glass, and plastic.	Reduction in the amount of paper, glass, metal, and plastic entering the solid waste stream.	** 15,480 yd ³ /year	Report the amount of scrap metal recycled one year from COP effective date and yearly thereafter.

* Scrap metal recycled is based on a June 1995 to June 1996 annual average

** Solid waste produced is based on a January 1994 - December 1994 annual average

Solid Waste

Baseline: 15,480 yds3/yr (1/94 - 12/94)

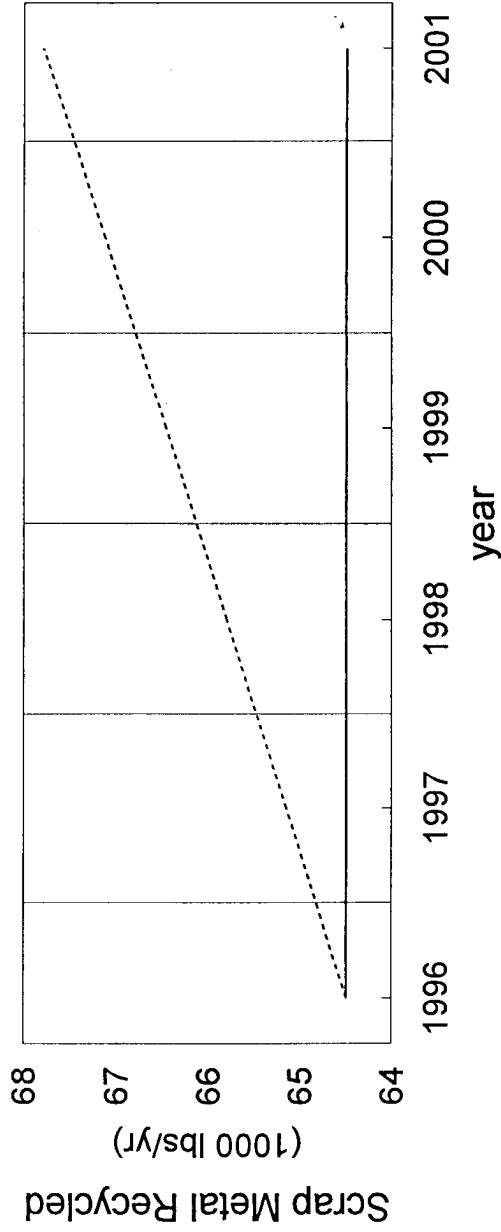


..... Projected
— Baseline

Production = 7,220,000 boxes of fruit processed

Scrap Metal

Baseline: 64,500 lb/yr (6/1/95 - 6/1/96)



..... Projected
— Baseline

Production = 7,975,000 boxes of fruit processed

**Berry XL Project
Environmental Commitments and Expected Environmental Benefit
Potable Water**

Berry Environmental Commitment	Superior Environmental Benefit	Environmental Baseline	Environmental Performance Monitoring
Voluntarily meet drinking water standards that are equal to one half of the maximum contaminant (MCL) levels as specified in Chapter 62-550, FAC.	Drinking water will be safer than required by law.	Chapter 62-550, FAC (RO water used for domestic purposes is approximately 3,480 gallons/day)	Report MCL in accordance with Chapter 62-550, FAC.

*Note - Exceedance of a new voluntary standard would trigger voluntary corrective action, but would not result in enforcement unless the MCL as specified in Chapter 62-550, FAC was also exceeded.