



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549
SouthDistrict@dep.state.fl.us

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

NOTICE OF PERMIT ISSUANCE

*Electronic Mail
Received Receipt Requested*

Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

Authorized Representative:
Richard H. Stechmann
Florida Area Superintendent

Air Permit No. 0210090-014-AF
Permit Expires: December 28, 2019

North Bear Island Tank Battery
Federally Enforceable Operation Permit
Renewal of Operating Permit No.
0210090-011-AF

Dear Mr. Stechmann:

This is the final Federally Enforceable State Operating Permit (FESOP) Number 0210090-014, which renews Operating Permit No. 0210090-011-AF and incorporates changes and/or additions of construction permit No. 0210090-013-AC. This permit authorizes the operation of the North Bear Island Tank Battery, which is a Petroleum Storage/Transfer facility (Standard Industrial Classification No. 1311). The facility is located East of State Road 29, south of Immokalee near Sunniland, Florida in Collier County. The UTM coordinates are Zone 17, 470.0 km East, and 2904.2 km North.

This final permit is organized by the following sections:

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Unit Specific Conditions
- Section 4. Appendices

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit.

This air pollution operation permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to operate the facility in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

A person whose substantial interests are affected by the Department's permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee,

Florida 32399-3000. Under Rule 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication. The 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 or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (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 determination;
- (c) A statement of when and how the petitioner received notice of the Department's decision;
- (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 Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's proposed action.

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 notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This permit action is final and effective on the date filed with the Clerk of the Department unless a petition (or request for an extension of time) is filed in accordance with the above. Upon the timely filing of a petition (or request for an extension of time), this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, 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 when this permit action is filed with the Clerk of the Department.

Executed in Fort Myers, Florida.

Jon M. Iglehart
Director of
District Management

December 29, 2014
Date

JMI/CBE/se

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Permit Issuance package (including the Permit) was sent by certified mail (*) and by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on December 29, 2014, to the persons listed below.

Richard H. Stechmann (rstechmann@breitburn.com)
Andrew D. Bass, P.E. (abass@ectinc.com)
Carter B. Endsley, P.E. (carter.endsley@dep.state.fl.us)
Kathleen Forney, EPA Region 4 (forney.kathleen@epamail.epa.gov)
Ana Oquendo, EPA Region 4 (oquendo.ana@epamail.epa.gov)

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk)

December 29, 2014
(Date)

SECTION 2. ADMINISTRATIVE REQUIREMENTS

FACILITY AND PROJECT DESCRIPTION

Existing Facility

The facility consists of five (5) “unfired” treaters, one (1) sulfa treat vessel, two (2) free water knockout vessels, four (4) 1,000 bbl crude oil storage tanks, and one (1) 5,000 bbl crude oil storage tank, (added on construction permit No. 0210090-008-AC, Feb. 23, 2011), The facility also includes one (1) bottom loading crude oil truck loading station that includes four (4) 400 bbl crude oil storage tanks, and one (1) smokeless flare. Vapors from the “unfired” treaters, free water knockout vessels, crude oil storage tanks and truck loading station are vented to the smokeless flare. Throughput of product rate for this facility is limited to 1,020 bbl/day and annual throughput is limited to 372,300 bbl/year to remain below a Title V threshold.

The existing facility consists of the following emissions units.

Facility ID No. 0210090	
ID No.	Emission Unit Description
001	One (1) Tank battery smokeless flare to oxidize VOC from five (5) “unfired” treaters, one (1) sulfa treat vessel and two (2) free water knockout vessels.
002	Four (4) 1,000 bbl and one (1) 5,000 bbl crude oil storage tanks.
005	Crude oil truck loading station with area that includes four (4) 400 bbl crude oil storage tanks and One (1) bottom loading crude oil truck loading station. This area can contain fugitive VOC emissions due to equipment leaks.

Facility Regulatory Classification

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The permitting authority for this project is the Air Resource Management, South District, Florida Department of Environmental Protection (Department). The Air Resource Management, South District's mailing address is P.O. Box 2549, Fort Myers, Florida 33902-2549. All documents related to applications for permits to operate an emissions unit shall be submitted to the South District Office.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the South District Office. The mailing address and phone number of the South District Office is: P.O. Box 2549, Fort Myers, Florida 33902-2549, Telephone 239/344-5600.
3. Appendices: The following Appendices are attached as part of this permit:
 - a. Appendix A. Citation Formats and Glossary of Common Terms;
 - b. Appendix B. General Conditions;
 - c. Appendix C. Common Conditions; and
 - d. Appendix D. Common Testing Requirements.
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Source Obligation: At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.
8. [Rule 62-212.400(12), F.A.C.]
9. Renewal. Prior to sixty (60) days before the expiration date of this permit, the permittee shall apply for a renewal of the permit. A renewal application shall be timely and sufficient. If the application is submitted prior to sixty (60) days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department. [Rule 62-4.090, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. North Bear Island Tank Battery

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	One (1) Tank battery smokeless flare to oxidize VOC from five (5) “unfired” treaters, one (1) sulfa treat vessel and two (2) free water knockout vessels.
002	Four (4) 1,000 bbl and one (1) 5,000 bbl crude oil storage tanks.
005	Crude oil truck loading station with area that includes four (4) 400 bbl crude oil storage tanks and One (1) bottom loading crude oil truck loading station. This area can contain fugitive VOC emissions due to equipment leaks.

PERFORMANCE RESTRICTIONS

1. Permitted Capacity: [Rule 62-210.200(PTE), F.A.C.]
The throughput rate of this facility is limited to 1,020 bbl/day crude oil and the annual throughput is 372,300 BBL. (**Permittee requests limitation to remain below Title V major threshold**).
2. Restricted Operation: The hours of operation are 8,760 hours per year. [Rules 62-4.070(3) and 210.200(PTE), F.A.C.]
3. Operating Procedures. Operation procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures established by the equipment manufactures. All operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment. Any time this unit is found to be performing inadequately because of overloading, neglect, or other reasons, the permittee shall discontinue its use until measures are provided to correct the cause of such performance.
[Rule 62-4.070(3), F.A.C.]
4. Title V Threshold Exceedence: In any month (consecutive twelve-month rolling average) that the permittee exceeds the Title V facility thresholds of 10 tons per year for a single HAP or 25 tons per year of any combination of HAPs, or 100 tons or more a year of any regulated pollutant, the permittee shall apply for a Title V permit incorporating 40 CFR 63 Subpart VV within 90 days of exceeding the threshold. The permittee shall notify the Department in writing, within 30 days of exceeding the limit, that they will be submitting an application for a Title V permit.
[Rules 62-4.070(3), 62-213.420(1)(a)2., and 62-4.160(2) F.A.C.]

EMISSIONS STANDARDS

5. Emissions Standards: [Rule 62-210.200(203), F.A.C.]
 - a) Waste gas to the flare system is estimate to be 35,551 cubic feet/day. [Applicant request dated July 10, 2000]
 - b) Fugitive emissions of VOC are estimated to be 2.4 tons/year. [Applicant request dated July 10, 2000]
 - c) Total emissions in tons per year, (based upon annual limited throughput of 372,300 BBL crude oil from the facility) are estimated to be: (TPY)

<u>NOx</u>	<u>CO</u>	<u>VOC</u>	<u>SO2</u>	<u>PM/PM10</u>
2.8	15.1	59.3	12.6	0.65

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. North Bear Island Tank Battery

- d) Visible emissions for the flare (EU001) shall not exceed 20 percent opacity. The test method for visible emissions shall be DEP Method 9 and shall be conducted annually.
[Rule 62-296.320(4)(b), F.A.C.]

- e) Fugitive Particulate Matter. Reasonable precautions shall be taken to prevent fugitive particulate matter emissions. Reasonable precautions include Paving and maintenance of roads, parking areas, and yards. Application of water or chemicals to control emissions from such activities as demolitions of buildings, grading roads, construction, and land clearing Application of asphalt, water, oil chemicals, or other dust suppressants to unpaved roads, yards, open stock piles, and similar activities. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent re-entainment, and from buildings or work areas to prevent particulate from becoming airborne. Landscaping or planting of vegetation. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter. Confining abrasive blasting where possible. Enclosure or covering of conveyor systems.
[Rule 62-296.320(4)(c), F.A.C., 62-210.30093)(c)2.e., F.A.C.]

- f) Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.
[Rule 62-296.320(1)(a), F.A.C.]

TESTING REQUIREMENTS

- 6. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), the flare (EU001) shall be tested to demonstrate compliance with the emissions standards for 20% Opacity.
[Rule 62-297.310(7) (a) 4, F.A.C.]

- 7. Compliance Tests Prior to Renewal. The flare (EU001) shall be tested for visible emissions (VE).
[Rule 62-297.310(7) (a) 3. F.A.C.]

- 8. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(7) (a) 9, F.A.C.]

- 9. Test Methods: Required tests shall be performed in accordance with the following reference methods:

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above methods are described in Appendix A of 40 CFR 60 and are adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.
[Rules 62-204.800 and 62-297.100, F.A.C.; and Appendix A of 40 CFR 60]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. North Bear Island Tank Battery

RECORDS AND REPORTS

10. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit.
[Rule 62-297.310(8), F.A.C.]

11. Operational Data: Compliance with Specific Condition No. 2 shall be demonstrated through monthly record keeping (not a monthly report). These records shall be available to the Department for inspection upon adequate prior notice. The records for each tank and the facility shall include:
 - a) Month, year
 - b) Products stored
 - c) Throughput of the product
[Rule 62-4.070(3), F.A.C.]

12. The owner or operator shall keep all records for the facility for at least 5 years.
[Rule 62-213.440(1)(b)2.b., F.A.C.]

13. Annual Operating Report: An annual operation report (DEP form 62-210.900(5)) shall be submitted by April 1st each year to the Department.
[Rule 62-210.370(3), F.A.C.]

SECTION 4. APPENDICES

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SECTION 4. APPENDIX A

Citation Formats and Glossary of Common Terms

CITATION FORMATS

The following illustrate the formats used in the permit to identify applicable requirements from permits and regulations.

Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit
“AO” identifies the permit as an Air Operation Permit
“123456” identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located
“2222” represents the specific facility ID number for that county
“001” identifies the specific permit project number
“AC” identifies the permit as an air construction permit
“AF” identifies the permit as a minor source federally enforceable state operation permit
“AO” identifies the permit as a minor source air operation permit
“AV” identifies the permit as a major Title V air operation permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
“FL” means that the permit was issued by the State of Florida
“317” identifies the specific permit project number

Florida Administrative Code (F.A.C.)

Example: [Rule 62-213.205, F.A.C.]

Means: Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit

AAQS: Ambient Air Quality Standard

acf: actual cubic feet

acfm: actual cubic feet per minute

ARMS: Air Resource Management System (DEP database)

BACT: best available control technology

bhp: brake horsepower

Btu: British thermal units

CAM: compliance assurance monitoring

CEMS: continuous emissions monitoring system

cfm: cubic feet per minute

SECTION 4. APPENDIX A

Citation Formats and Glossary of Common Terms

CFR: Code of Federal Regulations	NESHAP: National Emissions Standards for Hazardous Air Pollutants
CAA: Clean Air Act	NO_x: nitrogen oxides
CMS: continuous monitoring system	NSPS: New Source Performance Standards
CO: carbon monoxide	O&M: operation and maintenance
CO₂: carbon dioxide	O₂: oxygen
COMS: continuous opacity monitoring system	Pb: lead
DARM: Division of Air Resource Management	PM: particulate matter
DEP: Department of Environmental Protection	PM₁₀: particulate matter with a mean aerodynamic diameter of 10 microns or less
Department: Department of Environmental Protection	ppm: parts per million
dscf: dry standard cubic feet	ppmv: parts per million by volume
dscfm: dry standard cubic feet per minute	ppmvd: parts per million by volume, dry basis
EPA: Environmental Protection Agency	QA: quality assurance
ESP: electrostatic precipitator (control system for reducing particulate matter)	QC: quality control
EU: emissions unit	PSD: prevention of significant deterioration
F.A.C.: Florida Administrative Code	psi: pounds per square inch
F.A.W.: Florida Administrative Weekly	PTE: potential to emit
F.D.: forced draft	RACT: reasonably available control technology
F.S.: Florida Statutes	RATA: relative accuracy test audit
FGD: flue gas desulfurization	RBLC: EPA's RACT/BACT/LAER Clearinghouse
FGR: flue gas recirculation	SAM: sulfuric acid mist
Fl: fluoride	scf: standard cubic feet
ft²: square feet	scfm: standard cubic feet per minute
ft³: cubic feet	SIC: standard industrial classification code
gpm: gallons per minute	SIP: State Implementation Plan
gr: grains	SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)
HAP: hazardous air pollutant	SO₂: sulfur dioxide
Hg: mercury	TPD: tons/day
I.D.: induced draft	TPH: tons per hour
ID: identification	TPY: tons per year
kPa: kilopascals	TRS: total reduced sulfur
lb: pound	UTM: Universal Transverse Mercator coordinate system
MACT: maximum achievable technology	VE: visible emissions
MMBtu: million British thermal units	VOC: volatile organic compounds
MSDS: material safety data sheets	
MW: megawatt	

SECTION 4. APPENDIX B

General Conditions

The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. 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 403.987(6) and 403.722(5), F.S., 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 this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and 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 and 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.
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 reasonable times, 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 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 noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. 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 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
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. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

SECTION 4. APPENDIX B

General Conditions

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, 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:
 - a. Determination of Best Available Control Technology (not applicable);
 - b. Determination of Prevention of Significant Deterioration (not applicable); and
 - c. Compliance with New Source Performance Standards (not applicable).
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:
 - (a) The date, exact place, and time of sampling or measurements;
 - (b) The person responsible for performing the sampling or measurements;
 - (c) The dates analyses were performed;
 - (d) The person responsible for performing the analyses;
 - (e) The analytical techniques or methods used;
 - (f) The results of such analyses.
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 the 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.

SECTION 4. APPENDIX C

Common Conditions

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

EMISSIONS AND CONTROLS

1. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. **Circumvention:** The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. **Excess Emissions Allowed:** Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210-700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]
4. **Excess Emissions Prohibited:** Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. **Excess Emissions - Notification:** In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. **VOC or OS Emissions:** No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. **General Visible Emissions:** No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. **Unconfined Particulate Emissions:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

RECORDS AND REPORTS

10. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1) (b) 2, F.A.C.]
 - a. *Annual Operating Report for Air Pollutant Emitting Facility*
 - (1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5) shall be completed each year for the following facilities:
 - a. All Title V sources.
 - b. All synthetic non-Title V sources.

SECTION 4. APPENDIX C

Common Conditions

- c. All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.
 - d. All facilities for which an annual operating report is required by rule or permit.
- (2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.
 - (3) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by April 1 of the following year, except that the annual operating report for year 2008 shall be submitted by May 1, 2009. If the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a copy to any DEP or local air program office.
 - (4) Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C., for purposes of the annual operating report.
 - (5) Facility Relocation. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable facility must submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to the relocation. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated.

[Rule 62-210.370(3), F.A.C.]

SECTION 4. APPENDIX D
Common Testing Requirements

Unless otherwise specified in the permit, the following testing requirements apply to all emissions units at the facility.

COMPLIANCE TESTING REQUIREMENTS

1. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
2. Applicable Test Procedures - Opacity Compliance Tests: When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
 - a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
 - b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
 - c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
[Rule 62-297.310(4), F.A.C.]
3. Determination of Process Variables:
 - a. *Required Equipment*. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
 - b. *Accuracy of Equipment*. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
[Rule 62-297.310(5), F.A.C.]
4. Frequency of Compliance Tests: The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
 - a. *General Compliance Testing*.
 1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
 2. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
 - (a) Did not operate; or

SECTION 4. APPENDIX D
Common Testing Requirements

- (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,
- 3. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for visible emissions, if there is an applicable standard.
- 4. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

[Rule 62-297.310(7), F.A.C.]

RECORDS AND REPORTS

- 5. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. 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. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report shall provide the following information.
 - a. The type, location, and designation of the emissions unit tested.
 - b. The facility at which the emissions unit is located.
 - c. The owner or operator of the emissions unit.
 - d. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
 - e. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
 - f. The date, starting time and end time of the observation.
 - g. The test procedures used.
 - h. The names of individuals who furnished the process variable data, conducted the test, and prepared the report.
 - i. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
 - j. A certification that, to the knowledge of the owner or his authorized agent, all data submitted is true and correct. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rule 62-297.310(8), F.A.C.]