September 26, 2014
Electronic Correspondence
nmurrow@headwaters.com

NOTICE OF AIR POLLUTION OPERATION PERMIT RENEWAL/MODIFICATION

Headwaters Resources, Inc.
5100 Alafaya Trail
Orlando, Florida 32831

ARMS No.	0990612
Air Permit No.	0990612-004-AO
Issued:	**09/26/2014**
Expires:	**09/25/2019**

Authorized Representative:
Jonathon Murrow, Florida Operations Manager

Project: Air Permit Renewal, Modification to add storage of Cement.

Dear Mr. Mahoney:

Enclosed is Air Permit No. 0990612-004-AO for the operation of a source of air pollution located in Palm Beach County. This air permit renewal/modification is issued pursuant to Chapter 403.087 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code.

The Florida Department of Environmental Protection (DEP) has permitting jurisdiction for this project pursuant to Section 403.087 of the Florida Statutes (F.S.). However, in accordance with Section 403.182, F.S., the DEP recognizes the Florida Department of Health Palm Beach County (Health Department) as the approved local air pollution control program in Palm Beach County. As such, the DEP and the Health Department have entered into a Specific Operating Agreement that authorizes the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County. Accordingly, the Health Department issues this permit under the provisions of Chapter 403, F.S. and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.).

A person whose substantial interests are affected by the Department's permitting decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Palm Beach County Health Department Legal Office, located at 800 Clematis Street in West Palm Beach, Florida, 33401 (Telephone: (561) 671-4000, Fax (561) 837-5195). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this final permit. A petitioner must 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) 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

(c) the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(d) A statement of how and when each petitioner received notice of the agency action or proposed action;
(e) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
(g) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
(h) 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 permitting authority'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 final permit. 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 for this action.

Any party to this Order (Permit) has the right to seek judicial review 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 Health Department at the address listed below 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 this Order (Permit) is filed with the Clerk of the Health Department.

Executed in West Palm Beach, Florida
FLORIDA DEPARTMENT OF HEALTH - PALM BEACH COUNTY

James E. Stormer, Q.E.P., Environmental Administrator
Air & Waste Section
Division of Environmental Public Health

If you have any questions, contact:
Laxmana Tallam, PE,
Permitting Supervisor
Air & Waste Section
Department of Health Palm Beach County
P.O. Box 29 (800 Clematis St.)
West Palm Beach, Florida, 33402-0029

CERTIFICATE OF SERVICE

The undersigned duly designated agency clerk hereby certifies that the Notice of Permit and the Final Permit were sent by electronic mail (with received receipt) before the close of business on 9/26/14 to the permittee.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that *copies* of these documents were sent by electronic mail (with received receipt) on the same date to the following persons:

Diane Pupa
FL DEP/Southeast District
400 North Congress Avenue, 3rd Floor
West Palm Beach, Florida 33401
Diane.Pupa@dep.state.fl.us

Jonathan Murrow
Headwater Resources, Inc.
5100 S. Alafaya Tr.
Orlando, Florida 32831
nmurrow@headwaters.com

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

Paul Kalamaras
(Clerk)

9/26/14
(Date)

AIR POLLUTION OPERATION PERMIT RENEWAL/MODIFICATION

ISSUED TO:

Headwaters Resources, Inc.
5100 Alafaya Trail
Orlando, Florida 32831

ARMS No.	0990612
Air Permit No.	0990612-004-AO
Issued:	**September 26, 2014**
Expires:	**September 25, 2019**

Authorized Representative:
Jonathon Murrow, Florida Operations Manager

LOCATED AT:

Headwaters Resources, Inc.
100 Avenue South (South of intersection of Dr. Martin Luther King Jr. Blvd. and Avenue S)
Riviera Beach, FL 33407

Project Description: Air Permit Renewal, Modification to add storage of Cement
UTM: Zone 17; 591.45 km E; 2960.613 km N; Latitude 26°45' 55" N; Longitude: 80°04'50" W
SIC No: 5032, Brick, Stone, and Related Construction Materials
Facility Description: Fly ash and Cement silo with a baghouse

STATEMENT OF BASIS:

The Florida Department of Health Palm Beach County (Health Department) issues this permit under the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4 through 62-297 the Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under Chapter 403.087, F.S. However, in accordance with Section 403.182, F.S., the DEP recognizes the Health Department as the approved local air pollution control program in Palm Beach County. As such, the DEP and the Health Department have entered into a Specific Operating Agreement that authorizes the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County. The above named permittee is authorized to operate the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Health Department.

ISSUED BY:

Executed in West Palm Beach, Florida
FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY

James E. Stormer, Q.E.P., Environmental Administrator
Air and Waste Section
Division of Environmental Public Health

SECTION II. FACILITY WIDE SPECIFIC CONDITIONS

PERMIT HISTORY

08-29-14: Received application for permit renewal/modification.

RULE APPLICABILITY

This facility is located in Palm Beach County, an area designated as "maintenance" for the pollutant ozone and attainment for all other criteria pollutants in accordance with Rule 62-204.340, F.A.C. The facility is not subject to review under Rule 62-212.400 F.A.C., Prevention of Significant Deterioration (PSD), because this new source is considered "minor" for the purpose of PSD regulations (having a potential to emit less than 250 tons per year of pollutant). The facility is subject to the following air pollution control provisions:

- F.A.C. Chapter 62-4 - Permitting Requirements.
- F.A.C. Chapter 62-204 - Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference.
- F.A.C. Chapter 62-210 - Required Permits, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms.
- F.A.C. Chapter 62-212 - General Preconstruction Review Requirements, PSD Requirements.
- FF.A.C. Rule 62-296 - General Pollutant Emission Limiting Standards.
- F.A.C. Rule 62-297 - Test Methods.
- F.A.C. Chapter 62-256 - Open Burning and Frost Protection Fires.

PERMIT CONTENT

- Section I: Summary Information.
- Section II: Facility-Wide Specific Conditions.
- Section III: Emissions Unit Specific Conditions.
- Section IV: Appendices.
  - *Appendix A*: General Permit Conditions.
  - *Appendix B*: Citation Format.
  - *Appendix C*: General Testing Requirements (Chapter 62-297, F.A.C.)

The facility operates a 5000-ton silo to serve as a distribution center of fly ash (pozzolan). This permit allows the storage of cement or fly ash. The fly ash or cement is delivered to this site by rail and unloaded using a screw conveyor and a load in bucket elevator. A similar system is used to unload the fly ash or cement from the silo to waiting trucks. The load out is equipped with a retractable truck loading spout and a dust blower that is vented to the silo. All screw conveyors, air slide and load out chute are totally enclosed and under baghouse control.

EMISSIONS UNIT LIST

ID NO. AND BRIEF DESCRIPTIONS

EU ID NO.	EMISSIONS UNIT DESCRIPTION
001	**5000-ton silo** equipped with a C.P. Environmental Filters Model 84-TBFD-049-C Reverse Jet Baghouse with a 2200 ACFM blower. 49 Bags and 529 Sq. Ft. of 16 oz. polyester felt with an efficiency of 99.9%. - Storage of fly ash or Cement.

SECTION II. FACILITY WIDE SPECIFIC CONDITIONS

1.0 ADMINISTRATIVE REQUIREMENTS

1.1 Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Air and Waste Section of the Florida Department of Health Palm Beach County (Health Department) at P.O. Box 29 (800 Clematis Street), West Palm Beach, Florida, 33402-0029, and phone number (561) 837-5900. (Specific Operating Agreement – SOA)

1.2 General Permit Conditions: The owner and operators shall be aware of, and operate under, the attached General Permit Conditions listed in ***Appendix A*** of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. **[Rule 62-4.160, F.A.C.]**

1.3 Citation Format: The format for citing applicable regulations is provided in ***Appendix B*** of this permit.

1.4 Application for Operation Permit: The permittee shall apply for a renewal permit at least 60 days prior to the expiration of this operation permit. The application shall include: the Application Form ***[DEP Form No. 62-210.900(4)]***; the correct application processing fee; all required test reports; and a summary of any changes or substitutions to the original equipment, processes, fuels, controls, etc. When the renewal application is timely and sufficient, the existing permit shall remain in effect until final action is taken by the Health Department. **[Rules 62-4.090 and 62-210.900, F.A.C.]**

1.5 Applicable Regulations: This facility is subject to the following regulations: Chapters 62-4, 62-210, 62-212, 62-296, and 62-297, F.A.C. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting requirements or regulations. **[Rule 62-210.300, F.A.C. and the SOA]**

2.0 EMISSION LIMITING AND PERFORMANCE STANDARDS

2.1 General VOC Standards: The owner or operator shall not store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents without applying known and existing vapor emission control devices or systems. This includes: **[Rule 62-296.320(1), F.A.C.]**

- Regular inspection and maintenance of piping, valves, flanges, tanks, and containers used for storage and transfer of organic liquids in order to minimize fugitive VOC emissions.
- When not in use, directing solvent-containing materials to containers that prevent evaporation.

2.2 Objectionable Odors: No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. **[Rule 62-296.320(2), F.A.C.]**

Note: An objectionable odor is defined as 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. [Rule 62-210.200(200), F.A.C.]

2.3 General Visible Emissions Standard: Unless otherwise specified by permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere any air pollutants from new, or existing emissions units, the opacity of which is equal to or greater than 20 percent. **[Rule 62-296.320(4)(b), F.A.C.]**

2.4 Unconfined Emissions of Particulate Matter: No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include the following: **[Rule 62-296.320(4)(c), F.A.C.]**

- Paving and maintenance of roads, parking areas and yards.
- Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.

- Application of asphalt, water, 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 reentrainment, 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.

Note: Facilities that cause frequent, valid complaints will be required by the Health Department to take these or other reasonable precautions. In determining what constitutes reasonable precautions for a particular facility, the Health Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

3.0 Operation and Maintenance Requirements

3.1 Circumvention: The owner or operator shall not circumvent air pollution control equipment/methods or allow the emission of air pollutants without the equipment/methods operating properly. **[Rule 62-210.650, F.A.C.]**

3.2 Excess Emissions Requirements **[Rule 62-210.700, F.A.C.]**

(a) Excess emissions resulting from start-up, shutdown or malfunction of these emissions units 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 two hours in any 24 hour period unless specifically authorized by the Health Department for longer duration. **[Rule 62-210.700(1), F.A.C.]**

(b) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction are prohibited. **[Rule 62-210.700(4), F.A.C.]**

(c) In case of excess emissions resulting from malfunctions, the owner or operator shall notify the Air Pollution Control Section of the Palm Beach County Health Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the problem; and the corrective actions being taken to prevent recurrence. **[Rule 62-210.700(6), F.A.C.]**

4.0 Compliance Monitoring Requirements

4.1 Duration: Unless otherwise specified, all records and reports required by this permit shall be kept for at least 3 years from the date the information was recorded. **[Rule 62-4.160(14)(b), F.A.C.]**

4.2 Test Procedures shall meet all applicable requirements of the Chapter 62-297, F.A.C. See ***Appendix C*** of this permit for a summary of these requirements. **[Rule 62-297.100, F.A.C.]**

4.3 Operational Rate During Testing: Unless otherwise stated in the applicable emission-limiting standard for a rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load 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. **[Rule 62-297.310(2), F.A.C.]**

4.4 Test Notification: The owner or operator shall notify the Health Department, in writing, at least 15 days prior to the date on which each formal compliance test is to begin, of the test date, the expected test time, the location of the test, the facility contact person responsible for coordinating the test, and the person or company conducting test. The 15 day notification requirement may be waived at the discretion of the Health Department. Likewise, if circumstances prevent testing during the test window specified for the emissions unit, the owner or operator may request an alternate test date before the expiration of this window. **[Rule 62-297.310(7)(a)9., F.A.C.]**

4.5 Special Compliance Tests**:** When the Health 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 DEP rule or permit 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 Health Department. **[Rule 62-297.310(7)(b), F.A.C.]**

5.0 Reports Required

5.1 Excess Emissions Report: If excess emissions occur, the owner or operator shall notify the Air Compliance Section of the Health Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Health Department may request a written summary report of the incident. **[Rules 62-4.130 and 62-210.700(6), F.A.C.]**

5.2 Emission Compliance Test Reports: For each required emissions compliance test, a report indicating the results of the test shall be filed with the Health Department as soon as practical, but no later than 45 days after the last sampling run is completed. The report shall provide sufficient detail on the tested emissions unit and the procedures used to allow the Health Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in **Rule 62-297.310(8)(c), F.A.C.** and summarized in ***Appendix C*** of this permit**.** Additional report information may be specified for a given group of emissions units in this permit. **[Rule 62-297.310(8), F.A.C.]**

6.0 Waste Requirements

6.1 Waste Disposal: The owner or operator shall treat, store, and dispose of all liquid, solid, and hazardous wastes in accordance with all applicable Federal, State, and Local regulations. This air pollution permit does not preclude the permittee from securing any other types of required permits, licenses, or certifications.

SECTION III. EMISSIONS SPECIFIC UNIT CONDITIONS

EU ID No.	EMISSIONS UNIT DESCRIPTION
001	**5000-ton silo** equipped with a C.P. Environmental Filters Model 84-TBFD-049-C Reverse Jet Baghouse with a 2200 ACFM blower. 49 Bags and 529 Sq. Ft. of 16 oz. polyester felt with an efficiency of 99.9%. - Storage of Fly Ash or Cement.

1.0 AIR POLLUTION CONTROL EQUIPMENT AND METHODS

1.1 Control Equipment: The baghouse and its associated equipment shall be installed, maintained and operated according to manufacturer's recommendations. **[Air Permit No. 0990612-001-AC]**

2.0 EMISSION LIMITING AND PERFORMANCE STANDARDS

2.1 Visible Emission Tests: The visible emissions from any air pollution control device used to control emissions from silo(s), hopper(s), storage equipment, or conveying equipment shall not exceed 5% opacity. **[Air Permit 0990612-001-AC]**

[PERMITTING NOTE: On applicants request this VE test is being proposed in lieu of the stack-testing requirement for particulate matter to ensure compliance with air quality standards.]

3.0 COMPLIANCE MONITORING REQUIREMENTS

3.1 Visible Emission Tests: The testing method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. The tests shall be conducted in accordance with the following procedures and frequencies: **[Air Permit No. 0990612-001-AC]**

PERMITTING NOTE: On applicants request this test is being proposed in lieu of the stack-testing requirement to ensure compliance with air quality standards.

(a) Each dust collector exhaust point shall be tested during each federal fiscal year **(October 1 – September 30)** to demonstrate compliance with the visible emissions standard, specified in condition 2.1 of this Section **[62-297.310(7)(a), F.A.C.]**

(b) The test for each emission unit shall be conducted for at least (30) minutes or, if the operation is normally completed within less than (30) minutes and does not recur within that time, the test shall last for the length of the fly ash/cement loading operation or equal to the duration of the batch cycle. **[Air Permit No. 0990612-001-AC]**

4.0 REPORTS REQUIRED

4.1 Visible Emission Test Reports: Results of the visible emission test shall be filed with the Health Department as soon as practical, but no later than (45) days after the date tested. The test report shall include **[Air Permit No. 0990612-001-AC]**

- Visible Emissions Observation Form.
- Observer Certification.
- Note the highest (6) minute average opacity.
- Note each (6) minute average opacity greater than 5%.
- General condition of the equipment and date of last thorough maintenance inspection.

LIST OF APPENDICES

APPENDIX	DESCRIPTION
A	General Permit Conditions [F.A.C. 62-4.160]
B	Citation Format
C	Summary of General Testing Requirements (Chapter 62-297, F.A.C.)

G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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.

G.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 or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and 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 or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does 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.

G.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.

G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or 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.

G.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 a reasonable time, access to the premises, where the permitted activity is located or conducted to:

(a) Have access to and copy and records that must be kept under the conditions of the permit.
(b) Inspect the facility, equipment, practices, or operations regulated or required under this permit.
(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.

G.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 non-compliance.
(b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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.

G.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 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extend it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

G.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.

G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code 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.

G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.

G.13 This permit also constitutes:

(a) Determination of Best Available Control Technology. *(Not Applicable)*
(b) Determination of Prevention of Significant Deterioration. *(Not Applicable)*
(c) Compliance with New Source Performance Standards. *(Not Applicable)*

G.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 or 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:

1. The date, exact place, and time of sampling or measurements.
2. The person responsible for performing the sampling or measurements.
3. The dates analyses were performed.
4. The person responsible for performing the analyses.
5. The analytical techniques or methods used.
6. The results of such analyses.

G.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 that 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.

CITATION FORMAT

The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, ID numbers, and permit numbers.

Guidance Memorandums from the Bureau of Air Regulation, Florida Department of Environmental Protection:

Example: **[DARM-PER/GEN-12]** *(Refers to a specific, numbered guidance memorandum.)*

Florida Administrative Code (F.A.C.) Regulations:

Example: **[F.A.C. 62-4.070]**

Where:

62	-	Title 62
62-4	-	Chapter 62-4
62-4.070	-	Rule 62-4.070

Code of Federal Regulations:

Example: **[40 CFR 60.334]**

Where:

40	-	Title 40
CFR	-	Code of Federal Regulations
60	-	Part 60
60.334	-	Rule 60.334

New Permit Numbers:

Example: 099-0333-002-AC, or
099-0333-001-AO

Where:

AC	-	Air Construction Permit
AO	-	Air Operation Permit
099	-	Number code identifying the facility is located in Palm Beach County
0333	-	4-digit facility identification number assigned by permit tracking database
001 or 002	-	3-digit sequential file number assigned by permit tracking database

Old Air Permit Numbers:

Example: AC50-123456

Where:

AC	-	Air Construction Permit
AO	-	Air Operation Permit
123456	-	6-digit sequential file number assigned by permit tracking database.

GENERAL COMPLIANCE TEST REQUIREMENTS (RULE 62-297.310, F.A.C.)

The focal point of a compliance test is the stack or duct, which vents process and/or combustion gases and air pollutants from an emissions unit into the ambient air.

(1) Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20% below the allowable emission limiting standard.

(2) Operating Rate During Testing. Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity as defined below. If it is impracticable 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.

(a) Combustion Turbines. (Reserved)

(b) All Other Sources. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit.

(3) Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

(4) Applicable Test Procedures.

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. 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.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.
(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

TABLE 297.310-1
CALIBRATION SCHEDULE

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001"men of at least three readings
	Max. deviation between readings	0.004"	
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

(5) 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.

(6) 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. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.

3. 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

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,

4. 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:

a. Visible emissions, if there is an applicable standard;

b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

c. Each NESHAP pollutant, if there is an applicable emission standard.

5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

6. For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.

7. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to paragraph 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.

8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.

9. 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.

10. An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to subsection 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to subparagraph 62-213.300(2)(a)1., F.A.C., or paragraph 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in paragraph 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.

(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.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7)(b), F.A.C., shall apply.

(7) Test Reports.

(a) 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.

(b) 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.

(c) 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, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. 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.
5. 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.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. 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.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall

provide the certification with respect to the test procedures used. 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.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–Formerly 17-2.700(1)(b), 17-297.310, Amended 11-23-94, 3-13-96, 10-28-97, 3-2-99.

62-297.620 EXCEPTIONS AND APPROVAL OF ALTERNATE PROCEDURES AND REQUIREMENTS.

(1) The owner or operator of any emissions unit subject to the provisions of this chapter may request in writing a determination by the Secretary or his/her designee that any requirement of this chapter (except for any continuous monitoring requirements) relating to emissions test procedures, methodology, equipment, or test facilities shall not apply to such emissions unit and shall request approval of an alternate procedures or requirements.

(2) The request shall set forth the following information, at a minimum:

(a) Specific emissions unit and permit number, if any, for which exception is requested.

(b) The specific provision(s) of this chapter from which an exception is sought.

(c) The basis for the exception, including but not limited to any hardship which would result from compliance with the provisions of this chapter.

(d) The alternate procedure(s) or requirement(s) for which approval is sought and a demonstration that such alternate procedure(s) or requirement(s) shall be adequate to demonstrate compliance with applicable emission limiting standards contained in the rules of the Department or any permit issued pursuant to those rules.

(3) The Secretary or his/her designee shall specify by order each alternate procedure or requirement approved for an individual emissions unit source in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be final agency action, reviewable in accordance with Section 120.57, Florida Statutes.

(4) In the case of an emissions unit which has the potential to emit less than 100 tons per year of particulate matter and is equipped with a baghouse, the Secretary or the appropriate Director of District Management may waive any particulate matter compliance test requirements for such emissions unit specified in any otherwise applicable rule, and specify an alternative standard of 5% opacity. The waiver of compliance test requirements for a particulate emissions unit equipped with a baghouse, and the substitution of the visible emissions standard, shall be specified in the permit issued to the emissions unit.

If the Department has reason to believe that the particulate weight emission standard applicable to such an emissions unit is not being met, it shall require that compliance be demonstrated by the test method specified in the applicable rule.

Specific Authority: 403.061, FS.

Law Implemented: 403.021, 403.031, 403.061, 403.087, FS.

HISTORY: FORMERLY 17-2.700 (3); AMENDED 6-29-93; FORMERLY 17-297.620; AMENDED 11-23-94.