Florida Department of Environmental Protection

South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

March 20, 2012

Sent by Electronic Mail – Return Receipt Requested

Mr. Rock Finkbeiner
President – CEO
GGS Fort Myers, LLC
7904 Interstate Court
North Fort Myers, Florida 33917

Re: Project No. 0710282-001-AC
GGS Fort Myers, LLC
Minor Air Construction Permit
Biodiesel Manufacturing Facility

Dear Mr. Finkbeiner:

On March 13, 2012, you submitted an application requesting an Air Construction Permit for a Biodiesel Manufacturing Facility to produce up to a maximum of 2.85 million gallons of ASTM D-6751 certified biodiesel fuel annually. This facility is located in Lee County at 7904 Interstate Ct., in North Fort Myers, Florida. Enclosed are the following documents: the Technical Evaluation and Preliminary Determination; the Draft Permit and Appendices; the Written Notice of Intent to Issue Air Permit; and the Public Notice of Intent to Issue Air Permit. The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Carter B. Endsley, P.E., at (239) 344-5637.

Sincerely,

Jon M. Iglehart
Director of
District Management

JMI/CBE/jw
Enclosures

In the Matter of an
Application for Air Permit by:

GGS Fort Myers, LLC
7904 Interstate Ct.
North Fort Myers, Florida 33917

Project No. 0710282-001-AC
Minor Air Construction Permit
Lee County, Florida

GGS Fort Myers
Biodiesel Production

Authorized Representative:
Rick Finkbeiner

Facility Location: GGS Fort Myers, LLC proposes to construct a new Biodiesel Production Facility to be located in Lee County at 7904 Interstate Ct., in North Fort Myers, Florida.

Project: The applicant proposes to construct a Biodiesel Production Facility to manufacture (produce) up to a maximum of 2.85 million gallons of ASTM D-6751 certified diesel fuel annually.

Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Air Resource Section in the South District Office. The Permitting Authority's physical address is: 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902. The Permitting Authority's mailing address is: P.O. Box 2549, Fort Myers, Florida 33902-2549. The Permitting Authority's telephone number is 239-344-6400.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Executed in Fort Myers, Florida.

Jon M. Iglehart
Director of
District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit) was sent 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 March 20, 2012 to the persons listed below.

Rick Finkbeiner, GGS Fort Myers, LLC (rickf@greengallonsolutions.com)
Jerry Dunn, GGS Fort Myers, LLC (JerryD@greengallonsolutions.com)
Barry McClernon (BarryM@Greengallonsolutions.com)
James C. Hart, P.E. (jhart.uhi@sbcglobal.net)

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) March 20, 2012 (Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Air Resource Section, South District Office
Draft Minor Source Air Construction Permit
Project No. 0710282-001-AC-AC
GGS Fort Myers, LLC
Lee County, Florida

Applicant: The applicant for this project is GGS Fort Myers, LLC. The applicant's authorized representative and mailing address is: Rick Finkbeiner, President – CEO, of GGS Fort Myers, LLC, 7904 Interstate Ct., North Fort Myers, Florida 33917.

Facility Location: GGS Fort Myers, LLC proposes to construct a new Biodiesel Production Plant to be located in Lee County at 7904 Interstate Ct., North Fort Myers, Florida.

Project: The facility is a Batch type, Biodiesel production plant that can produce up to a maximum of 2.85 million gallons of ASTM D-6751 certified biodiesel annually. The facility includes one (1) 7,000 gallon Reaction vessel, one (1) 10,000 gallon Glycerol storage tank, one (1) 10,000 gallon Methanol storage tank, one (1) 3, 700 gallon Glycerol/Biodiesel separation tank, four (4) 9,500 gallon Biodiesel storage tanks, one 2.52 Btu/hr boiler and miscellaneous, pumps, filters and associated process equipment. Equipment will be electric powered or use propane fuel. Pollutant emissions are minimal, with total Volatile Organic Compounds (VOC) at 0.982 tons/year, Hazardous Air Pollutants (HAPS) at 0.435 tons/year, and CO and N0x at less than 5.0 ton/year. Regulations include NSPS 40 CFR 60, Subpart A – "New Source Performance Standards", 40 CFR 60, Subpart VV-a, Standards of Performance for Equipment Leaks.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Air Resource Section in the South District Office. The Permitting Authority's physical address is: 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902. The Permitting Authority's mailing address is: P.O. Box 2549, Fort Myers, Florida 33902-2549. The Permitting Authority's telephone number is 239-344-6400.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: http://www.dep.state.fl.us/air/emission/apds/default.asp.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of this Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written

comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed 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 with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S. must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the 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 Permitting Authority's final action may be different from the position taken by it in this Public Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.

(Public Notice to be Published in the Newspaper)

Florida Department of Environmental Protection
South District Office
Post Office Box 2549
Fort Myers, Florida 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

*** DRAFT PERMIT ***

Sent by Electronic Mail – Received Receipt Requested

PERMITTEE

GGS Fort Myers, LLC
7904 Interstate Ct.
North Fort Myers, Florida 33917

Authorized Representative:
Rick Finkbeiner
President – CEO

Air Permit No. 0710282-001-AC
Permit Expires: DRAFT

GGS Fort Myers
Minor Source Air Construction Permit
2.85 MM gal/yr Biodiesel Production Facility

This is the final air construction permit, which authorizes GGS Fort Myers, LLC (green GALLON solutions) to construct a Batch type, Biodiesel production plant that can produce up to a maximum of 2.85 million gallons of ASTM D-6751 certified biodiesel annually. The facility includes one (1) 7,000 gallon Reaction vessel, one (1) 10,000 gallon Glycerol storage tank, one (1) 10,000 gallon Methanol storage tank, one (1) 3, 700 gallon Glycerol/Biodiesel separation tank, four (4) 9,500 gallon Biodiesel storage tanks, one 2.52 Btu/hr boiler and miscellaneous, pumps, filters and associated process equipment. The proposed work will be conducted at the GGS Fort Myers facility, which is a Biodiesel Production Plant (Standard Industrial Classification No. 454319). The facility is located in Lee County at 7904 Interstate Ct., North Fort Myers, Florida. The UTM coordinates are Zone 17, Latitude 2643/21.9, and Longitude 81/49/47.94. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.
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 construction 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 conduct the proposed work 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.

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Fort Myers, Florida

(DRAFT)

_____ _____

Jon M. Iglehart (Date)
Director of
District Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit) was sent 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 _____ to the persons listed below.

Rick Finkbeiner, GGS Fort Myers, LLC (rickf@greengallonsolutions.com)
Jerry Dunn, GGS Fort Myers, LLC (JerryD@greengallonsolutions.com)
Barry McClernon (BarryM@Greengallonsolutions.com)
James C. Hart, P.E. (jhart.uhi@sbcglobal.net)

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) (Date)

FACILITY AND PROJECT DESCRIPTION

Proposed Project

Construct a Batch type, Biodiesel production plant that can produce up to a maximum of 2.85 million gallons of ASTM D-6751 certified biodiesel annually.

This project will add the following emissions units.

Facility ID No. 0710282	
ID No.	**Emission Unit Description**
001	One (1) Esterification, R-201, 7,000 gallon Reaction Vessel One (1) TK705, Glycerol, 10,000 gallon Storage Tank One (1) TK801, Methanol, 10,000 gallon Storage Tank One (1) TK301, Glycerol/Biodiesel, 3,700 gallon Separation Tank Four (1) Biodiesel, 9,500 gallon Storage Tanks One (1) lot Miscellaneous Pumps, Filters, Mix Tanks, Piping and Process equipment

The project also includes one (1) EXEMPT emission unit – Boiler, 2.85 mmBtu/hr (Propane fueled)

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.
- The facility is subject to NSPS 40 CFR 60, Subpart A – "New Source Performance Standards"
- The facility is subject to 40 CFR 60, Subpart VVa – "Standards of Performance for Equipment Leaks of VOC.
- *Note: 40 CFR 63, Subparts F, G, and H are <u>not</u> applicable to this project because all of the requirements of 40 CFR 63.100(b) are not met and therefore the facility is not subject to Subpart F,G and H. Biodiesel is produced as the primary product and is not one of the listed chemicals subject to the requirement. Glycol is produced and it is one of the listed chemicals, however, this is only a bi-product of the process.*
- *40 CFR 60, Subpart RRR and Subpart NNN are <u>not</u> applicable to the biodiesel reactors because the process reactors are "Batch" reactors.*
- *40 CFR 63, Subpart FFFF is <u>not</u> applicable to this facility because it emits less than 10 Ton/year of HAP.*
- *40 CFR 60, Subpart Kb is not applicable to this facility because each storage vessel used to store volatile organic liquids (VOL) is less than < 75 cubic meters capacity.*

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

1. Permitting Authority: The permitting authority for this project is the South District Office, Division of Air Resource Management, Florida Department of Environmental Protection (Department). The Bureau of Air Regulation'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, (239) 344-5600. Appendices: The following Appendices are attached as part of this permit:

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 Testing Requirements;

   d. NSPS 40 CFR 60, Subpart A – "New Source Performance Standards"

   e. 40 CFR 60, Subpart VVa – "Standards of Performance for Equipment Leaks of VOC.

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: The permittee shall notify the Compliance Authority upon commencement of construction. 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:

   (a) 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 virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, 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.

   (b) 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.

   [Rule 62-212.400(12), F.A.C.]

8. **<u>Operating Permit.</u> To obtain a permit to operate, the owner or operator must submit a complete application for an operating permit {"Application for Air Permit –non-Title V Source" [DEP Form 62-210. 900(3)]}, to the Department prior to the expiration date of the construction permit or no later than 180 days after the unit(s) are placed into operation or modifications completed, whichever occurs first. Upon completion of construction, the application shall be submitted to include the appropriate application fee and required testing results that demonstrate compliance with all permitted emission limits. All applications shall be certified by a professional engineer registered in the State of Florida.** [Rules 62-210.300(2), F.A.C.; 62-4.220, F.A.C.; 62-297.310(7)(a)1., F.A.C.; 62-4.050(3), F.A.C.; and 62-4.070(3), F.A.C.]

9. <u>Facility –Wide Requirements</u>:
Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

   a. <u>Plant Operation - Problems</u>: 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.]

   b. <u>Circumvention</u>: 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.]

   c. <u>Excess Emissions Allowed</u>: 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.]

   d. <u>Excess Emissions Prohibited</u>: 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.]

   e. <u>Excess Emissions - Notification</u>: 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.]

   f. <u>VOC or OS Emissions</u>: 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.]

   g. <u>Objectionable Odor Prohibited</u>: 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) 210.200(Definitions), F.A.C.]

h. 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.]

i. 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.]

A. EU Group Description

This section of the permit addresses the following emissions units.

EXEMPT EMISSION UNIT

1. One (1) - Boiler (2.85 mm BTU/Hr Output).
   a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.
   b. The rated heat input capacity of the unit is less than 10 million Btu per hour and collectively, the total rated heat input capacity of all units claiming this exemption at the same facility is less than 10 million Btu per hour.
   c. The unit shall not burn used oil or any fuels other than natural gas or propane.

The Boiler is an exempt emission unit, as it meets all of the criteria shown above. This is based on 62-210.300(3).

PERMITTED EMISSION UNITS

2. This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
001	One (1) Esterification, R-201, 7,000 gallon Reaction Vessel One (1) TK705, Glycerol, 10,000 gallon Storage Tank One (1) TK801, Methanol, 10,000 gallon Storage Tank One (1) TK301, Glycerol/Biodiesel, 3,700 gallon Separation Tank Four (1) Biodiesel, 9,500 gallon Storage Tanks One (1) lot Miscellaneous Pumps, Filters, Mix Tanks, Piping and Process equipment

EQUIPMENT

3. The permittee is authorized to install the Equipment (EU-001) that is listed: [Application No. 0710282-001-AC]

   a. One (1) Esterification, R-201, 7,000 gallon Reaction Vessel. 15.17 ft. high, 9.67ft. dia. alum. Vertical Tank with fixed (dome) roof. Operates at Std. Atmospheric Pressure. (14.76 psia).

   b. One (1) TK705, Glycerol, 10,000 gallon Storage Tank. 11.5 ft. shell height, 12.0 ft. dia., with fixed (dome) roof. Operates at Std. Atmospheric Pressure. (14.76 psia).

   c. One (1) TK801, Methanol, 10,000 gallon Storage Tank. Horizontal, 26.59 ft. shell length, 8.0 ft. dia., with sealed fixed roof and vacuum relief valve setting at -0.03 psig. (This tank is located outside of the building, is protected by cement bollards and enclosed inside an 8 ft. high chain-linked fence).

   d. One (1) TK301, Glycerol/Biodiesel, 3,700 gallon Separation Tank. 10.25 ft. shell height, 7.83 ft. dia., alum. Vertical Tank with fixed roof. Operates at Std. Atmospheric Pressure. (14.76 psia).

   e. Four (4) Biodiesel, 9,500 gallon Storage Tanks. Vertical tanks with fixed roof.

   f. One (1) lot of Miscellaneous Process Equipment. Transfer and Metering Pumps, Filters, Separators, Meters, Reactors, Coalescers, Exchangers, Propane Tanks, Evaporators, Valves, Piping, etc.

   g. One (1) Boiler, 2.85 mmBtu/hr (Propane fueled) (This is EXEMPT as the rated heat input capacity of the unit is less than 10 million Btu per hour). This is an exempt emission unit, as it meets all of the criteria that is based on 62-210.300(3).

A. EU Group Description

PERFORMANCE RESTRICTIONS

4. Permitted Capacity: Normal production of 2.85 million gallons per year (not to exceed 2.99 million gallons per year). [Rule 62-210.200(PTE), F.A.C.]

5. Authorized Fuel: Natural Gas or Propane [Application No. 0710282-001-AC and Rule 62-210.200(PTE), F.A.C.]

6. Restricted Operation:

   a. The hours of operation of are not limited (8760 hours per year). [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]
   b. Biodiesel production must be "Batch" type and not to exceed 2.99 million gallons per year.

POTENTIAL FACILITY EMISSIONS

7. There are four (4) types of emissions from this facility: Hazardous Air Pollutants (HAP) in the form of Methanol vapor, Volatile Organic Compounds (VOC), Carbon Monoxide (CO) and Nitrogen Dioxide (NO_x).

Tank Emissions Summary

Equip. No.	Tank Name	Capacity Gallons	Tank year Throughput	Pollutant	Vented Lb/year	Vented Tons/ year
R-201	Esterification	7,000	3,186.237	VOC	1,063.24	0.531
TK-705	Glycerol	10,000	361,434	VOC	140.78	0.070
TK-801	Methanol	10,000	340,970	HAP	870.12	0.435
TK-301	Glycerol/ Biodiesel	3,700	3,353,934	VOC	763.36	0.381
----	Biodiesel Storage	9,500	2,850,000	VOC	Sealed V/P Relief	Sealed V/P Relief
Boiler 2.52 mmBtu/hr. (EXEMPT)	N/A	N/A	N/A	CO and NO_x	N/A	Less than 5.0

   a. Volatile Organic Compounds (VOC) at 0.982 tons/year,
   b. Hazardous Air Pollutants (HAPS) at 0.435 tons/year,
   c. Carbon Monoxide (CO) at less than < 5.0 ton/year. (Boiler)
   d. Nitrogen Diozide (N0x) at less than < 5.0 ton/year. (Boiler)

TESTING REQUIREMENTS

8. Initial Compliance Tests: There is no initial compliance test required for airborne pollutants. However the permittee shall develop a plan and list of equipment to be leak tested and submit the plan within 90 days of startup to the Air Compliance Section of the Department's South District Office for approval, and demonstrate compliance test within 180 days of initial start-up. (40 CFR 60, Subpart VVa).

9. Annual Compliance Tests: Is not required.

10. Test Required by Federal Regulations and Notification: 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 following applicable requirements:

    40 CFR 60, Subpart A - Standards of Performance for Stationary Sources.
    40 CFR 60, Subpart VVa – Standards of Performance for Equipment Leaks of VOC in Synthetic Organic Chemicals Manufacturing Industry.

A. EU Group Description

11. Special Inspection Requirement: All aluminum components (unless anodized) that may come in contact with methane liquid and/or vapors are to be inspected annually for corrosion, degradation, leakage and seal leakages.
(62-4.070)

12. 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, (Only when needed if facility appears to produce emissions in excess of 20% opacity).
21	Determination of Volatile Organic Compound Leaks (40 CFR 60 Appendix A).
-	Visual Inspection for corrosion, degradation and seal leakages where aluminum components may come in contact with methane liquid and/or vapors. (62 - 4.070)

The above method is 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]

13. Operation During Testing: Unless otherwise specified in the applicable NSPS subparts, the testing of the biodiesel emission unit(s) shall be conducted as follows:

Compliance tests for the purpose of demonstrating compliance with Federal Standards, emissions limits, leak testing or performance standards shall be conducted while operating within 90-100% of the maximum permitted biodiesel production rate of 2.85 Million gallons per year.

b. Compliance tests submitted for rates less than 90% of maximum permitted rate may be considered invalid unless production rates at or above 90% are not feasible. If tests at production rates above 90% are not feasible, then a brief statement explaining why they are not feasible shall be included with the test results.

c. The actual production rates for the test period shall be included in the test report for each test. Failure to submit the actual production rates for the test period and a copy of the daily log for the test day, in the test report, may invalidate the test and fail to provide reasonable assurance of compliance.

STARTUP NOTIFICATION

14. The permittee shall notify the Air Compliance Section of the Department's South District Office, of the actual date that the facility begins production of Methyl Ester (Biodiesel).
[40 CFR 60.7 (a) (3).]

RECORDS AND REPORTS

15. Semiannual Reports: The owner or operator (permittee) subject to the provisions of 40 CFR 60.487a, of Subpart VVa shall submit semiannual reports to the Department beginning six (6) months after initial startup date. [Rule 624.070(3), F.A.C.]

16. Monthly Production Recordkeeping: To determine compliance with the operational limits of the permit, the permittee shall produce and maintain the following records:

a. Facility Number (0710282), Emission/ Process unit description and date.

b. The total quantity of Methyl Ester (i.e. biodiesel) produced, in gallons for the month.

c. The total quantity of Glycerin produced, in pounds, produced in pounds, for the month.

d. The total quantity of Glycerin produced, in pounds, for most recent consecutive 12-month period.

e. Records of amount and the method of Glycerin disposal, including offsite removal by a third party licensed contractor.

f. *40 CFR 60 Subpart VVa Recordkeeping* –The following list summarizes some of the records that must be maintained in accordance with this subpart:

f.1. Leak Detection Recordkeeping [40 CFR 60.486a(b) & (c)]. (Also see specific condition 8 & 15).).
f.2. Closed Vent System and Control Devices Recordkeeping [40 CFR 60.486a(d)].
f.3. Equipment Identification and Recordkeeping [40 CFR 60.486a(g)].
f.4. Unsafe-to-Monitor Valves and Pumps/Difficult-to-Monitor Valves Identification Recordkeeping [40 CFR 60.486a(f)].
f.5. Valves Complying with Alternative Standards Recordkeeping. [(40 CFR 60.486a(g)].
f.6. Seal System and Barrier Fluid Failure Design Criteria Recordkeeping for Pumps and Compressors. [40 CFR 60.486a]
f.7. Subpart Exemption Recordkeeping [40 CFR 60.486a(i)]
f.8. Equipment not in VOC Service Recordkeeping [40 CFR 60.486a(i)]
[Rule 62-4.070(3), F.A.C. and 40 CFR 60.8(c)]

17. Test Reports: The permittee shall prepare and submit reports for all required tests, for each test run, in accordance with the requirements specified in the following Federal Regulations:

a. NSPS 40 CFR 60, Subpart A

b. 40 CFR 60 Subpart VVa:

[Rule 62-4.070(3), F.A.C.]

Contents

The following documents are attached:

c. Appendix A. Citation Formats and Glossary of Common Terms;

d. Appendix B. General Conditions;

c. Appendix C. Common Testing Requirements

d. NSPS 40 CFR 60, Subpart A – "New Source Performance Standards"

e. 40 CFR 60, Subpart VVa – "Standards of Performance for Equipment Leaks of VOC.

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

Citation Formats and Glossary of Common Terms

bhp: brake horsepower

Btu: British thermal units

CAM: compliance assurance monitoring

CEMS: continuous emissions monitoring system

cfm: cubic feet per minute

CFR: Code of Federal Regulations

CAA: Clean Air Act

CMS: continuous monitoring system

CO: carbon monoxide

CO_2: carbon dioxide

COMS: continuous opacity monitoring system

DARM: Division of Air Resource Management

DEP: Department of Environmental Protection

Department: Department of Environmental Protection

dscf: dry standard cubic feet

dscfm: dry standard cubic feet per minute

EPA: Environmental Protection Agency

ESP: electrostatic precipitator (control system for reducing particulate matter)

EU: emissions unit

F.A.C.: Florida Administrative Code

F.A.W.: Florida Administrative Weekly

F.D.: forced draft

F.S.: Florida Statutes

FGD: flue gas desulfurization

FGR: flue gas recirculation

Fl: fluoride

ft^2: square feet

ft^3: cubic feet

gpm: gallons per minute

gr: grains

HAP: hazardous air pollutant

Hg: mercury

I.D.: induced draft

ID: identification

kPa: kilopascals

lb: pound

MACT: maximum achievable technology

MMBtu: million British thermal units

MSDS: material safety data sheets

MW: megawatt

NESHAP: National Emissions Standards for Hazardous Air Pollutants

NO_X: nitrogen oxides

NSPS: New Source Performance Standards

O&M: operation and maintenance

O_2: oxygen

Pb: lead

PM: particulate matter

PM_{10}: particulate matter with a mean aerodynamic diameter of 10 microns or less

ppm: parts per million

ppmv: parts per million by volume

ppmvd: parts per million by volume, dry basis

QA: quality assurance

QC: quality control

PSD: prevention of significant deterioration

psi: pounds per square inch

PTE: potential to emit

RACT: reasonably available control technology

RATA: relative accuracy test audit

RBLC: EPA's RACT/BACT/LAER Clearinghouse

SAM: sulfuric acid mist

scf: standard cubic feet

scfm: standard cubic feet per minute

SIC: standard industrial classification code

SIP: State Implementation Plan

SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)

SO_2: sulfur dioxide

TPD: tons/day

TPH: tons per hour

TPY: tons per year

TRS: total reduced sulfur

UTM: Universal Transverse Mercator coordinate system

VE: visible emissions

VOC: volatile organic compounds

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.

General Conditions

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.

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 (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.

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

   (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 are 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.]