FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NORTHEAST DISTRICT
8800 BAYMEADOWS WAY WEST, SUITE 100
JACKSONVILLE, FLORIDA 32256

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Sent by Electronic Mail – Received Receipt Requested

PERMITTEE

RockTenn CP, LLC
North 8th Street
Fernandina Beach, Florida 32034

Authorized Representative:
Thomas Sweetser, General Manager

Air Permit No. 0890003-047-AC
Permit Expires: 12/31/2016

Fernandina Beach Mill
Air Construction Permit
No. 4 Smelt Dissolving Tank

This is the final air construction permit, which authorizes the in-kind replacement of EU013, a smelt dissolving tank (SDT), with an identical unit. The proposed work will be conducted at the Fernandina Beach Mill, which is a Pulp and Paper Plant (Standard Industrial Classification Nos. 2631 and 2653). The facility is located in Nassau County at North 8th Street in Fernandina Beach, Florida. The UTM coordinates are Zone 17, 456.20 km East, and 3394.2 km North.

This final permit is organized by the following sections.
Section 1. General Information
Section 2. Administrative Requirements
Section 3. Emissions Unit Specific Conditions
Section 4. Appendices

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

This air pollution 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 Jacksonville, Florida

(DRAFT)

_____

Richard S. Rachal III, P.G.
Acting Program Administrator
Waste & Air Resource 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 DRAFT to the persons listed below.

Thomas Sweetser, General Manager- RockTenn CP, LLC (tsweetser@rocktenn.com)
David A. Buff, P.E., Golder Associates Inc. (dbuff@golder.com)
Michele Rundlett, Environmental Manager, RockTenn CP, LLC (mrundlet@rocktenn.com)

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.

DRAFT

_____ _____
(Clerk) (Date)

FACILITY AND PROJECT DESCRIPTION

Existing Facility

This facility is a fully integrated Kraft linerboard mill that consists of major activities areas such as: wood yard, pulp mill, recycle plant, chemical recovery, power house and paper mill. Also, it has a corrugated containers plant.

EU No.	Brief Description
Regulated Emissions Units	
006	#5 Power Boiler
007	#4 Recovery Boiler
011	#5 Recovery Boiler
013	#4 Smelt Dissolving Tank
014	#5 Smelt Dissolving Tank
015	#7 Power Boiler
020	Tall Oil Plant
021	#4 Lime Kiln
024	C-Line Brownstock Washer System
033	Pulping System MACT I
035	Wide-web Flexographic Printers
038	John Deere 210 BHP Diesel Engine- Model JU6H-UF50
039	Caterpillar 292 BHP Diesel Engine– Model 3406c
040	Caterpillar 292 BHP Diesel Engine – Model 3406c
041	Coal Handling System
042	John Deere, Diesel Engine (125 BHP) – Model 6466DF-00
043	Wisconsin, Gas Engine (65 BHP) – Model V465D
Unregulated Emissions Units and Activities	
025	Wood yard
026	Brownstock Washing
028	Chemical Recovery Area
029	Converting Area/Warehouse
030	Facility-Wide miscellaneous
031	Secondary Fiber Pulp
032	Papermaking

Proposed Project

This project is for the in-kind replacement of EU013, a smelt dissolving tank (SDT), with an identical unit. This project will affect the following **emissions unit**:

Facility ID No. 0890003	
ID No.	**Emission Unit Description**
013	#4 Smelt Dissolving Tank

The applicant is proposing to replace the existing No. 4 Smelt Dissolving Tank with an identical unit. This includes the tank, agitator and shatter jet system. EU ID 013 includes the No. 4 Smelt Dissolving Tank (SDT) and a Venturi scrubber to control particulate matter emissions. Air emissions from the No. 4 SDT will not increase as a result of the in-kind replacement. The capabilities of the SDT will not change. No other equipment associated with the SDT will change.

FACILITY REGULATORY CLASSIFICATION

- The facility **is** 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** a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility **is** a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

1. Permitting Authority & Compliance: The permitting authority for this project is the Northeast District Office, Florida Department of Environmental Protection (Department). The mailing address is 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256. All documents related to applications for permits to operate an emissions unit shall be submitted to the District.

2. Appendices: The following Appendices are attached as part of this permit:

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

   b. Appendix B. General Conditions;

   c. Appendix C. Common Conditions; and

   d. Appendix D. Common Testing Requirements.

   e. Appendix NESHAP Subpart A General Provisions

   f. Appendix NESHAP Subpart MM

   g. Appendix NSPS Subpart A General Provisions

   h. Appendix NSPS Subpart BBa

3. 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.

4. 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.]

5. 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.]

6. 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.]

7. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, and Chapter 62-213, F.A.C.]

This section of the permit addresses the following emissions unit.

EU No.	Brief Description
-013	#4 Smelt Dissolving Tank (SDT) with a Venturi scrubber to control particulate matter emissions.

{Permitting note(s): This emissions unit is regulated by Rule 62-296.404, F.A.C. – Kraft Pulp Mills; 40 CFR 63, Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills, adopted and incorporated by reference in Rule 62-204.800, F.A.C.; 40 CFR 60, Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013}

1. Relation to Other Permits. The conditions of this permit supplements all other previously issued air construction and operation permits for these emissions units. These conditions are in addition to all other applicable permit conditions and regulatory requirements. The Permittee shall continue to comply with the conditions of those permits, which include restrictions and standards regarding capacities, production, operation, fuels, emissions, monitoring, recordkeeping, reporting, and the like.

[Rules 62-4.210, 62-4.030, and 62-210.300(1)(b), F.A.C.]

Proposed construction work

2. The permittee is authorized to replace the #4 Smelt Dissolving Tank, including the tank, the agitator, and the shatter jet system.

[Air Construction Permit Application No. 0890003-047-AC]

Essential Potential to Emit (PTE) Parameters

3. Permitted Capacity. This permit does not authorize any changes to the existing permitted capacity. The operation rate shall not exceed 137,500 lbs (BLS)/hr (based on a 24-hour average)[1].

[1]Based on the maximum Black Liquor Solids fired in the #4 Recovery Boiler and equivalent to 56,513 lbs/hr green liquor solids

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; Construction Permit No. AC45-184171, Construction Permit No. AC45-141875; Construction Permit No. 0890003-010-AC.; Application No. 0890003-047-AC]

4. Hours of Operation. The hours of operation for this emissions unit shall not exceed 8760 hours/year.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; Construction Permit No. AC45-141875; Construction Permit No. 0890003-010-AC]

5. Emissions Unit Operating Rate Limitation After Testing. See the related testing provisions in Appendix D, Common Testing Requirements.

[Rule 62-297.310(2), F.A.C.]

Emission Limitations and Standards

*{Permitting Note: Unless otherwise specified, the averaging times for **Conditions 6 – 8** are based on the specified averaging time of the applicable test method.}*

6. Particulate Matter**.** This permit does not modify or add any new emission standards. The owner or operator shall ensure that the concentration of particulate matter in the exhaust gases discharged to the atmosphere is less than or equal to 0.10 kilogram per megagram (kg/Mg) (0.20 pound per ton (lb/ton)) of black liquor solids fired.

[40 CFR 60.282a(a)(3); 40 CFR 63.862(a)(1)(i)(B); Rule 62-296.320(4)(a)2., F.A.C.; Construction Permit No. 0890003-010-AC]

7. Total Reduced Sulfur (TRS). TRS emissions shall not exceed 0.048 lb TRS/3000 lb BLS, 2.2 lbs/hr and 9.64 TPY.

[40 CFR 60.283a(a)(4); Rule 62-296.404(3)(d)1., F.A.C.; Construction Permit No. AC45-141875; Construction Permit No. 0890003-010-AC]

8. Visible Emissions. Visible emissions from this emissions unit shall not be equal to or greater than 20% Opacity.

[Rule 62-296.320(4)(b)1., F.A.C., Construction Permit No. AC45-141875; Construction Permit No. 0890003-010-AC]

Federal Excess Emissions

9. Periods of excess emissions are:

(i) All 12-hour block average scrubbing liquid flow rate measurements below the minimum site-specific limit established during performance testing required by **Condition 11** during times when BLS or lime mud is fired (as applicable), and

(ii) All 12-hour block average scrubber pressure drop measurements below the minimum site-specific limit established during performance testing during times when BLS or lime mud is fired (as applicable), except during startup and shutdown.

[40 CFR 60.284a(d)(4)]

10. The Department will not consider periods of excess emissions reported under **Condition 29** to be indicative of a violation of the standards provided the Department determines that the affected facility, including air pollution control equipment, is maintained and operated in a manner which is consistent with good air pollution control practice for minimizing emissions during periods of excess emissions.

[40 CFR 60.284a(e)(2)]

Continuous Monitoring Requirements

11. Continuous Parameter Monitoring System (CPMS)- PM. The owner or operator shall calibrate, maintain, and operate a CPMS that can be used to determine and record the pressure drop across the scrubber and the scrubbing liquid flow rate at least once every successive 15-minute period using the procedures in 40 CFR 63.8(c), as well as the procedures in paragraphs (i) and (ii) of this condition:

(i) The monitoring device used for the continuous measurement of the pressure drop of the gas stream across the scrubber must be certified by the manufacturer to be accurate to within a gage pressure of +/- 500 pascals (+/-2 inches of water gage pressure); and

(ii) The monitoring device used for continuous measurement of the scrubbing liquid flow rate must be certified by the manufacturer to be accurate within +/-5 percent of the design scrubbing liquid flow rate.

12-hour block averages shall be calculated from the recorded measurements of wet scrubber pressure drop and liquid flow rate. 3-hour rolling averages shall also be calculated from the recorded measurements of wet scrubber pressure drop and liquid flow rate to determine compliance with **Conditions 13 and 14**.

[40 CFR 60.284a(b)(2), (c)(3)(i); 40 CFR 63.864(e)(10)]

12. CPMS – Meter Reading Establishment. During the initial performance tests required in **Condition 16**, the owner or operator must establish site-specific operating limits for the pressure drop across the scrubber and the scrubbing liquid flow rate by continuously monitoring the parameters and determining the arithmetic average value of each parameter during the performance test. The arithmetic average of the measured values for the three test runs establishes the minimum site-specific operating limit for the wet scrubber. Multiple performance tests may be conducted to establish a range of parameter values. The owner or operator may establish replacement operating limits for the monitoring parameters during subsequent performance tests using the test methods in **Conditions 17 and 21**.

[40 CFR 60.284a(c)(4)]

13. PM Emissions – Corrective Action. The owner or operator shall implement corrective action, as specified in the startup, shutdown, and malfunction plan, if the following monitoring exceedance occurs:

- when any 3-hour average parameter value is outside the range of values established in **Conditions 11 and 12**

[63.864(k)(1)(ii)]

14. PM Emissions – Violations**.** It shall be considered a violation of the standards of **Condition 6** if the following monitoring exceedance occurs:

- when six or more 3-hour average parameter values within any 6-month reporting period are outside the range of values established in **Conditions 11 and 12**

For purposes of determining the number of nonopacity monitoring exceedances, no more than one exceedance will be attributed in any given 24-hour period.

[63.864(k)(2)(iii) and (k)(3)]

15. The owner or operator must operate the continuous monitoring system to collect data at all required intervals at all times the affected facility is operating except for periods of monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, and required monitoring system quality assurance or quality control activities including, as applicable, calibration checks and required zero and span adjustments.

The owner or operator may not use data recorded during monitoring system malfunctions or out-of-control periods, repairs associated with monitoring system malfunctions or out-of-control periods, or required monitoring system quality assurance or control activities in calculations used to report emissions or operating limits. The owner or operator must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

Except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required quality monitoring system quality assurance or quality control activities (including, as applicable, system accuracy audits and required zero and span adjustments), failure to collect required data is a deviation of the monitoring requirements.

[40 CFR 60.284a(c)(5),(6),(7)]

Test Methods and Procedures

16. Compliance Tests. After the SDT is replaced; and the unit is operational, the emissions unit shall be tested to demonstrate initial compliance with the emissions standards in **Conditions 6 through 8**. The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after initial operation of the unit. However, if this date is close to the next scheduled compliance testing date(s) the facility can demonstrate initial compliance at that time.

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

17. Particulate Matter. The owner or operator must determine compliance with the filterable particular matter standards in **Condition 6** as follows:

(1) The emission rate (E) of filterable particulate matter must be computed for each run using the following equation:

$$E = c_s Q_{sd}/BLS$$

Where:

E = emission rate of filterable particulate matter, g/kg (lb/ton) of BLS.

c_s = Concentration of filterable particulate matter, g/dscm (lb/dscf).

Q_{sd} = volumetric flow rate of effluent gas, dry standard cubic meter per hour (dscm/hr) (dry standard cubic feet per hour (dscf/hr)).

BLS = black liquor solids (dry weight) feed rate, kg/hr (ton/hr).

(2) Method 5 of Appendix A-3 of 40 CFR 60 must be used to determine the filterable particulate matter concentration (c_s) and the volumetric flow rate (Q_{sd}) of the effluent gas. The sampling time and sample volume must be at least 60 minutes and 0.90 dscm (31.8 dscf). Water must be used instead of acetone in the sample recovery. Alternatively, in place of Method 5, Method 17 of Appendix A-6 of 40 CFR 60 may be used if a constant value of 0.009 g/dscm (0.004 gr/dscf) is added to the results of Method 17 and the stack temperature is no greater than 204 °C (400 °F).

(3) Process data must be used to determine the black liquor solids (BLS) feed rate on a dry weight basis.

(4) When the initial and repeat performance tests are conducted for filterable particulate matter, the owner or operator must also measure condensable particulate matter using Method 202 of Appendix M of 40 CFR part 51.

[40 CFR 60.285a(c),(f)(1); Rule 62-296.404(4)(c)1., F.A.C.; Construction Permit No. AC45-141875; 40 CFR 63.865(b)(1)]

18. The Permittee shall comply with the following:

(i) For purposes of selecting sampling port location and number of traverse points, Method 1 or 1A in Appendix A of 40 CFR 60 shall be used;

(ii) For purposes of determining stack gas velocity and volumetric flow rate, Method 2, 2A, 2C, 2D, 2F, or 2G in appendix A of 40 CFR 60 shall be used;

(iii) For purposes of conducting gas analysis, Method 3, 3A, or 3B in Appendix A of 40 CFR 60 shall be used. The voluntary consensus standard ANSI/ASME PTC 19.10-1981--Part 10 (incorporated by reference--see 40 CFR 63.14) may be used as an alternative to using Method 3B;

(iv) For purposes of determining moisture content of stack gas, Method 4 in Appendix A of 40 CFR 60 shall be used; and.

(v) Process data measured during the performance test must be used to determine the black liquor solids firing rate on a dry basis.

[40 CFR 63.865(b)(5) and (6)]

19. Visible Emissions. The test method for Visible Emissions shall be EPA Method 9. A compliance test shall be conducted annually, once each federal fiscal year and as established in **Condition 20** below.

[Rule 62-296.404(2)(b), F.A.C., Construction Permit No. AC45-141875]

20. Visible Emissions-Testing Frequency. Visible emissions limits for Kraft pulp mill emissions units equipped with wet scrubbers shall be effective only if the visible emission measurement can be made without being substantially affected by moisture condensation. If the Department determines that visible emissions exceed 20 percent opacity, a special compliance test may be required in accordance with Rule 62-297.310(7)(b), F.A.C.

[Rule 62-296.404(2)(b), F.A.C.; Construction Permit No. AC45-141875]

21. TRS Emissions. The owner or operator must determine compliance with the TRS standards in **Condition 7** as follows:

(1) The emission rate (E) of TRS must be computed for each run using the following equation:

$$E=C_{TRS}\ F\ Q_{sd}/P$$

Where:

E = emission rate of TRS, g/kg (lb/ton) of BLS or ADP.

CTRS = average combined concentration of TRS, ppm.

F = conversion factor, 0.001417 g H_2S/cubic meter (m^3)-ppm (8.846×10^{-8} lb H_2S/cubic foot (ft^3)-ppm).

Q_{sd} = volumetric flow rate of stack gas, dscm/hr (dscf/hr).

P = black liquor solids feed or pulp production rate, kg/hr (ton/hr).

(2) Method 16 of Appendix A-6 of 40 CFR 60 must be used to determine the TRS concentration (C_{TRS}). Alternatively, in place of Method 16, Method 16A, 16B, or 16C of Appendix A-6 of 40 CFR 60 may be used.

(3) Method 2 of Appendix A-1 of 40 CFR 60 must be used to determine the volumetric flow rate (Q_{sd}) of the effluent gas.

(4) Process data must be used to determine the black liquor feed rate or the pulp production rate (P).

[40 CFR 60.285a(e),(f)(2); Rules 62-296.404(4)(c)3., 62-297.310(7)(a)3., 62-297.310(7)(a)4.b., F.A.C., Rules 62-297.401(16) and (16)(a), F.A.C.; FDEP Letter dated May 15, 2012; Rule 62-204.800(8)(e)6.,F.A.C.; Construction Permit No. AC45-141875, Amendment dated May 26, 1988, Construction Permit No. 0890003-010-AC; Operation Permit No. AO45-184171]

22. Testing results shall be reported to the Compliance Authority within 45 days of completion of testing.

[Rule 62-297.310(8), F.A.C., 40 CFR 63.9(b)(5)(ii), Rule 62-204.800, F.A.C.]

23. A notification of the actual date of startup of the modified No. 4 Smelt Dissolving Tank, delivered or postmarked within 15 calendar days after that date shall be sent to the Compliance Authority.

[40 CFR 63.9(b)(5)(ii), Rule 62-204.800, F.A.C.]

24. Common Testing Requirements. Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix D, Common Testing Requirements, of this permit.

[Rule 62-297.310, F.A.C.]

Recordkeeping and Reporting Requirements

25. TRS Surrogate Parameters- Files. The owner or operator shall maintain a complete file of any measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; any continuous emissions monitoring system performance evaluations; any continuous emissions monitoring system or monitoring device calibration checks; any adjustments and maintenance performed on these systems or devices; and any other information required, recorded in a permanent legible form available for inspection. The file shall be retained for at least three years following the date of such measurements, maintenance, reports and records.

[Rule 62-296.404(6)(b), F.A.C.; 40 CFR 60.287a(a)]

26. Additional Records. In addition to the general records required by 40 CFR 63.10(b)(2), the owner or operator shall maintain records of the following information:

(1) Records of black liquor solids firing rates in units of Mg/d or ton/d for all recovery furnaces

(2) Records of excess emissions as defined in **Condition 9**

(3) Records of parameter monitoring data required under **Condition 11**, including any period when the operating parameter levels were inconsistent with the levels established during the initial performance test, with a brief explanation of the cause of the deviation, the time the deviation occurred, the time corrective action was initiated and completed, and the corrective action taken;

(4) Records and documentation of supporting calculations for compliance determinations made under **Conditions 13 and 14**;

(5) Records of monitoring parameter ranges established for each affected source or process unit;

(6) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.

(7) Records of actions taken during periods of malfunction to minimize emissions in accordance with §60.11(d), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

[40 CFR 63.866(c); 40 CFR 60.287a(b),(c)]

27. In response to an action to enforce the standards set forth in **Conditions 6 and 7**, you may assert an affirmative defense to a claim for civil penalties for violations of such standards that are caused by malfunction, as defined at §60.2. Appropriate penalties may be assessed if you fail to meet your burden of proving all of the requirements in the affirmative defense. The affirmative defense must not be available for claims for injunctive relief.

Assertion of affirmative defense. To establish the affirmative defense in any action to enforce such a standard, you must timely meet the reporting requirements in **Condition 28**, and must prove by a preponderance of evidence that:

(1) The violation:

(i) Was caused by a sudden, infrequent, and unavoidable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner; and

(ii) Could not have been prevented through careful planning, proper design or better operation and maintenance practices; and

(iii) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(iv) Was not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(2) Repairs were made as expeditiously as possible when a violation occurred; and

(3) The frequency, amount, and duration of the violation (including any bypass) were minimized to the maximum extent practicable; and

(4) If the violation resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and

(5) All possible steps were taken to minimize the impact of the violation on ambient air quality, the environment, and human health; and

(6) All emission monitoring and control systems were kept in operation if at all possible, consistent with safety and good air pollution control practices; and

(7) All of the actions in response to the violation were documented by properly signed, contemporaneous operating logs; and

(8) At all times, the affected source was operated in a manner consistent with good practices for minimizing emissions; and

(9) A written root cause analysis has been prepared, the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the violation resulting from the malfunction event at issue. The analysis must also specify, using best monitoring methods and engineering judgment, the amount of any emissions that were the result of the malfunction.

[40 CFR 60.286a(a)]

28. The owner or operator seeking to assert an affirmative defense must submit a written report to the Administrator with all necessary supporting documentation that explains how it has met the requirements set forth in **Condition 27**. This affirmative defense report must be included in the first periodic compliance, deviation report or excess emission report otherwise required after the initial occurrence of the violation of the relevant standard (which may be the end of any applicable averaging period). If such compliance, deviation report or excess emission report is due less than 45 days after the initial occurrence of the violation, the affirmative defense report may be included in the second compliance, deviation report or excess emission report due after the initial occurrence of the violation of the relevant standard.

[40 CFR 60.286a(b)]

29. For the purpose of reports required under §60.7(c), the owner or operator must report semiannually periods of excess emissions defined in **Condition 9.**

[40 CFR 60.288a(a)]

30. Within 60 days after the date of completing each performance test (defined in §60.8) you must submit the results of the performance tests, including any associated fuel analyses, to the EPA as follows. You must use the latest version of the EPA's Electronic Reporting Tool (ERT) (see *http://www.epa.gov/ttn/chief/ert/index.html*) existing at the time of the performance test to generate a submission package file, which documents performance test data. You must then submit the file generated by the ERT through the EPA's Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed by logging in to the EPA's Central Data Exchange (CDX) (*https://cdx.epa.gov/*). Only data collected using test methods supported by the ERT as listed on the ERT Web site are subject to the requirement to submit the performance test data electronically. Owners or operators who claim that some of the information being submitted for performance tests is confidential business information (CBI) must submit a complete ERT file including information claimed to be CBI on a compact disk, flash drive, or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to U.S. EPA/OAPQS/CORE CBI Office, Attention: WebFIRE Administrator, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same ERT file with the CBI omitted must be submitted to the EPA via CDX as described earlier in this paragraph. At the discretion of the delegated authority, you must also submit these reports, including the CBI, to the delegated authority in the format specified by the delegated authority. For any performance test conducted using test methods that are not listed on the ERT Web site, the owner or operator must submit the results of the performance test to the Administrator at the appropriate address listed in §60.4.

[40 CFR 60.288a(b)]

31. If a malfunction occurred during the reporting period, you must submit a report that contains the following:

(1) The number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded.

(2) A description of actions taken by an owner or operator during a malfunction of an affected facility to minimize emissions in accordance with §60.11(d), including actions taken to correct a malfunction.

[40 CFR 60.288a(d)]

Other Applicable Requirements

32. Federal Rule Requirements. In addition to the specific conditions listed above, this emissions unit is also subject to the applicable requirements contained in:

40 CFR Part 60, Subpart A – General Provisions

40 CFR Part 60, Subpart BBa - Standards of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013

40 CFR Part 63, Subpart A – General Provisions

40 CFR Part 63, Subpart MM - National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills

[Rule 62-213.440, F.A.C.]

33. Commencement of Construction. Upon commencement of construction of the SDT, the permittee shall submit to the Air Compliance Authority of this Office written notification of the date of commencement of construction of EU013. This notification shall be submitted or postmarked within as many days prior to the date of construction commencement as practical, but no later than thirty (30) business day following commencement of construction.

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