**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**
Central District
3319 Maguire Blvd., Ste. 232
Orlando, FL 32803

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

*Electronically Sent- Received Receipt Requested*
**pcairney@maxwestenergy.com**

Mr. Paul Cairney, Chief Operating Officer
MaxWest Environmental Systems, Inc.
114 W 1st Street, Suite 220
Sanford, FL 32771

Re: Project No. 1170409-004-AC
MaxWest – Sanford, LLC
Major Source Air Construction Permit
Project: MaxWest Modification

Dear Mr. Snyder:

Enclosed is the replacement draft permit package to remove the emission limitation requirements of 40 CFR Part 60, Subpart MMMM from the current construction permit. Additionally, it allows the installation of cooling equipment at the facility, which includes a cooling tower and associated plumbing, to control the dryer temperature more effectively and use water more efficiently. This draft permit is a revised version as of July 10, 2013. This action withdraws and replaces the draft Intent to Issue from July 1, 2013. This facility is located in Seminole County at 3540 Cameron Avenue in Sanford, 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, Mr. Jeff Rustin, at 407/897-2930.

Sincerely,

F Thomas Lubozynski July 11, 2013
F. Thomas Lubozynski, P.E. Date
Waste & Air Resource Programs Administrator

Enclosures
FTL/jr

# WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an*
*Application for Air Permit by:*

MaxWest Environmental Systems, Inc.
114 W 1st Street, Suite 220
Sanford, FL 32771

*Authorized Representative:*
Mr. Paul Cairney, Chief Operating Officer

Project No. 1170409-004-AC
Major Source Air Construction Permit
Seminole County, Florida

MaxWest – Sanford, LLC
Project: MaxWest Modification

**Facility Location**: MaxWest Environmental Systems, Inc. operates the existing MaxWest-Sanford, LLC, which is located in Seminole County at 3540 Cameron Avenue in Sanford, Florida.

**Project**: This project is a minor construction permit modification, which removes emission limitation requirements of 40 CFR Part 60, Subpart MMMM – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Additionally, it authorizes the installation of cooling equipment at the facility, which includes a cooling tower and associated plumbing, to control the dryer temperature more effectively and use water more efficiently.

**Permitting Authority**: Applications for air construction and operation 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 Department of Environmental Protection Central District's Waste & Air Resource Programs is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Permitting Authority's mailing address is: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Permitting Authority's telephone number is 407/897-2930. E-mails may be sent to DEP_CD@dep.state.fl.us.

**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. Interested persons may view the draft permit by visiting the following website: http://www.dep.state.fl.us/air/emission/apds/default.asp and entering the permit number 1170409-004-AC. Interested persons may contact the Permitting Authority's project review engineer, Mr. Jeff Rustin, 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. This Notice of Intent withdraws and replaces the Notice of Intent that was previously issued for this project on July 1, 2013, in order to accommodate two chnages requested by the applicant and the consultant. 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 Orange County, Florida.

F. Thomas Lubozynski July 11, 2013

F. Thomas Lubozynski, P.E. Date
Waste & Air Resource Programs Administrator

## 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 July 11, 2013, to the persons listed below.

Paul Cairney, Chief Operating Officer: (**pcairney@maxwestenergy.com**)
James T. Show, P.E., **(j_sshow@bellsouth.net)**
Bruno Ferraro, President, Grove Scientific & Engineering Company, **(bruno@grovescientific.com)**
Sara Greivell, Project Manager, Grove Scientific & Engineering Company, **(sara@grovescientific.com)**

**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.

Dawn M. Festa
Clerk

July 11, 2013
Date

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## CITATION FORMATS

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

**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

**Florida Administrative Code (F.A.C.)**

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

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

**Code of Federal Regulations (CFR)**

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

## GLOSSARY OF COMMON TERMS

**° F**: degrees Fahrenheit

**AAQS**: Ambient Air Quality Standard

**acf**: actual cubic feet

**acfm**: actual cubic feet per minute

**ARMS**: Air Resource Management System (DEP database)

**BACT**: best available control technology

**bhp**: brake horsepower

**Btu**: British thermal units

**CAM**: compliance assurance monitoring

**CEMS**: continuous emissions monitoring system

**cfm**: cubic feet per minute

**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.

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 (not applicable).
14. The permittee shall comply with the following:
    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
    c. Records of monitoring information shall include:
        (a) The date, exact place, and time of sampling or measurements;
        (b) The person responsible for performing the sampling or measurements;
        (c) The dates analyses were performed;
        (d) The person responsible for performing the analyses;
        (e) The analytical techniques or methods used;
        (f) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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

**EMISSIONS AND CONTROLS**

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]

2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]

3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210-700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]

4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]

7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]

8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]

9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

**RECORDS AND REPORTS**

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]

11. Emissions Computation and Reporting:

    a. *Applicability*. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit. [Rule 62-210.370(1), F.A.C.]

    b. *Computation of Emissions*. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or

operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

(1) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.

(a) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.

(b) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C, but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(c) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(2) Continuous Emissions Monitoring System (CEMS).

(a) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:

1) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or

2) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.

(b) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:

1) A calibrated flow meter that records data on a continuous basis, if available; or

2) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

(c) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

(3) Mass Balance Calculations.

(a) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:

1) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and

2) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

(b) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the

range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.

(c) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

(4) Emission Factors.

a. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.

1) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

2) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.

3) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.

b. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.

(5) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

(6) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.

(7) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.

(8) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose. [Rule 62-210.370(2), F.A.C.]

***Annual Operating Report for Air Pollutant Emitting Facility***

(1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:

a. All Title V sources.

b. All synthetic non-Title V sources.

c. All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.

d. All facilities for which an annual operating report is required by rule or permit.

(2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.

(3) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by April 1 of the following year, except that the annual operating report for year 2008 shall be submitted by May 1, 2009. If the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a copy to any DEP or local air program office.

(4) Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C., for purposes of the annual operating report.

(5) Facility Relocation. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable facility must submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to the relocation. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated.

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

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.

A certification that, to the knowledge of the owner or his authorized agent, all data submitted is true and correct. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge. [Rule 62-297.310(8), F.A.C.]

**Federal Regulations Adopted by Reference**

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

*Standardized Conditions Revision Date: May 6, 2004*

**40 CFR Part 61, Subpart A - General Provisions**

**Prohibited Activities.**
(a) After the effective date of any standard, no owner or operator shall construct or modify any stationary source subject to that standard without first obtaining written approval from the Administrator in accordance with this subpart, except under an exemption granted by the President under section 112(c)(2) of the Act. Sources, the construction or modification of which commenced after the publication date of the standards proposed to be applicable to the sources, are subject to this prohibition.

(b) After the effective date of any standard, no owner or operator shall operate a new stationary source subject to that standard in violation of the standard, except under an exemption granted by the President under section 112(c)(2) of the Act.

(c) Ninety days after the effective date of any standard, no owner or operator shall operate any existing source subject to that standard in violation of the standard, except under a waiver granted by the Administrator under this part or under an exemption granted by the President under section 112(c)(2) of the Act.

(d) No owner or operator subject to the provisions of this part shall fail to report, revise reports, or report source test results as required under this part.
[40 CFR 61.05]

**Notification of Startup.**
(a) The owner or operator of each stationary source which has an initial startup after the effective date of a standard shall furnish the Administrator with written notification as follows:
(1) A notification of the anticipated date of initial startup of the source not more than 60 days nor less than 30 days before that date.
(2) A notification of the actual date of initial startup of the source within 15 days after that date.

(b) If any State or local agency requires a notice which contains all the information required in the notification in 40 CFR 61.09(a), sending the Administrator a copy of that notification will satisfy 40 CFR 61.09(a).
[40 CFR 61.09]

**Compliance with Standards and Maintenance Requirements.**
(a) Compliance with numerical emission limits shall be determined by emission tests established in 40 CFR 61.13 unless otherwise specified in an individual subpart.

(b) Compliance with design, equipment, work practice or operational standards shall be determined as specified in an individual subpart.

(c) The owner or operator of each stationary source shall maintain and operate the source, including associated equipment for air pollution control, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operating and maintenance procedures, and inspection
of the source.

(d) (1) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions of a pollutant from a source at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice or operational standard, the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of
compliance with the standard. The notice will restrict the permission to the source(s) or category(ies) of sources on which the alternative means will achieve equivalent emission reductions. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(2) Any notice under 40 CFR 61.12(d)(1) shall be published only after notice and an opportunity for a hearing.

(3) Any person seeking permission under this subsection shall, unless otherwise specified in the applicable subpart, submit a proposed test plan or the results of testing and monitoring, a description of the procedures followed in testing or monitoring,
and a description of pertinent conditions during testing or monitoring.

(e) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed.
[40 CFR 61.12]

**Emission Tests and Waiver of Emission Tests.**
(a) If required to do emission testing by an applicable subpart and unless a waiver of emission testing is obtained under this section, the owner or operator shall test emissions from the source-

(1) Within 90 days after the effective date, for an existing source or a new source which has an initial startup date before the effective date; or

(2) Within 90 days after initial startup, for a new source which has an initial startup date after the effective date.

(b) The Administrator may require an owner or operator to test emissions from the source at any other time when the action is authorized by section 114 of the Act.

(c) The owner or operator shall notify the Administrator of the emission test at least 30 days before the emission test to allow the Administrator the opportunity to have an observer present during the test.

(d) If required to do emission testing, the owner or operator of each new source and, at the request of the Administrator, the owner or operator of each existing source shall provide emission testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to each source.
(2) Safe sampling platform(s).
(3) Safe access to sampling platform(s).
(4) Utilities for sampling and testing equipment.
(5) Any other facilities that the Administrator needs to safely and properly test a source.

(e) Each emission test shall be conducted under such conditions as the Administrator shall specify based on design and operational characteristics of the source.

(f) Unless otherwise specified in an applicable subpart, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Administrator by a registered letter sent before the close of business on the 31st day following the completion of the emission test.

(g) The owner or operator shall retain at the source and make available, upon request, for inspection by the Administrator, for a minimum of 2 years, records of emission test results and other data needed to determine emissions.

(h) (1) Emission tests shall be conducted as set forth in this section, the applicable subpart and appendix B unless the Administrator-

(i) Specifies or approves the use of a reference method with minor changes in methodology; or

(ii) Approves the use of an alternative method; or

(iii) Waives the requirement for emission testing because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is in compliance with the standard.

(2) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative method, he may require the use of a reference method. If the results of the reference and alternative methods do not agree, the results obtained by the reference method prevail.

(3) The owner or operator may request approval for the use of an alternative method at any time, except-

(i) For an existing source or a new source that had an initial startup before the effective date, any request for use of an alternative method during the initial emission test shall be submitted to the Administrator within 30 days after the effective date, or with the request for a waiver of compliance if one is submitted under 40 CFR 60.10(b); or

(ii) For a new source that has an initial startup after the effective date, any request for use of an alternative method during the initial emission test shall be submitted to the Administrator no later than with the notification of anticipated startup required under 40 CFR 60.09.

(i) (1) Emission tests may be waived upon written application to the Administrator if, in the Administrator's judgment, the source is meeting the standard, or the source is being operated under a waiver or compliance, or the owner or operator has requested
a waiver of compliance and the Administrator is still considering that request.

(2) If application for waiver of the emission test is made, the application shall accompany the information required by 40 CFR 61.10 or the notification of startup required by 40 CFR 61.09, whichever is applicable. A possible format is contained in appendix A to this part.

(3) Approval of any waiver granted under this section shall not abrogate the Administrator's authority under the Act or in any way prohibit the Administrator from later cancelling the waiver. The cancellation will be made only after notice is given to the owner or operator of the source.
[40 CFR 61.13]

**Monitoring Requirements.**
(a) Unless otherwise specified, this section applies to each monitoring system required under each subpart which requires monitoring.

(b) Each owner or operator shall maintain and operate each monitoring system as specified in the applicable subpart and in a manner consistent with good air pollution control practice for minimizing emissions. Any unavoidable breakdown or malfunction of the monitoring system should be repaired or adjusted as soon as practicable after its occurrence. The Administrator's determination of whether acceptable operating and maintenance procedures are being used will be based on information which may include, but not be limited to, review of operating and maintenance procedures, manufacturer recommendations and specifications, and inspection of the monitoring system.

(c) When required by the applicable subpart, and at any other time the Administrator may require, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the Administrator with a copy of a written report of the results within 60 days of the evaluation. Such a performance evaluation shall be conducted according to the applicable specifications and procedures described in the applicable subpart. The owner or operator of the source shall furnish the Administrator with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

(d) When the effluents from a single source, or from two or more sources subject to the same emission standards, are combined before being released to the atmosphere, the owner or operator shall install a monitoring system on each effluent or on the combined effluent. If two or more sources are not subject to the same emission standards, the owner or operator shall install a separate monitoring system on each effluent, unless otherwise specified. If the applicable standard is a mass emission standard and the effluent from one source is released to the atmosphere through more than one point, the owner or operator shall install a monitoring system at each emission point unless the installation of fewer systems is approved by the Administrator.

(e) The owner or operator of each monitoring system shall reduce the monitoring data as specified in each applicable subpart. Monitoring data recorded during periods of unavoidable monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in any data average.

(f) The owner or operator shall maintain records of monitoring data, monitoring system calibration checks, and the occurrence and duration of any period during which the monitoring system is malfunctioning or inoperative. These records shall be maintained at the source for a minimum of 2 years and made available, upon request, for inspection by the Administrator.

(g) (1) Monitoring shall be conducted as set forth in this section and the applicable subpart unless the Administrator-
(i) Specifies or approves the use of the specified monitoring requirements and procedures with minor changes in methodology; or
(ii) Approves the use of alternatives to any monitoring requirements or procedures.
(2) If the Administrator finds reasonable grounds to dispute the results obtained by an alternative monitoring method, the Administrator may require the monitoring Requirements and procedures specified in this part.
[40 CFR 61.14]

**Availability of Information.**
The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter.
[40 CFR 61.16]

**State Authority.**

(a) This part shall not be construed to preclude any State or political subdivision thereof from --

(1) Adopting and enforcing any emission limiting regulation applicable to a stationary source, provided that such emission limiting regulation is not less stringent than the standards prescribed under this part; or

(2) Requiring the owner or operator of a stationary source to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of the source.
[40 CFR 61.17]

**Circumvention.**
No owner or operator shall build, erect, install, or use any article machine, equipment, process, or method, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous dilutants to achieve compliance with a visible emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.
[40 CFR 61.19

**Federal Regulations Adopted by Reference**

In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.

*Standardized Conditions Revision Date: March 20, 2003*

**Emission Standard for Mercury.**
(b) Emissions to the atmosphere from sludge incineration plants that process wastewater treatment plant sludges shall not exceed 3.2 kg (7.1 lb) of mercury per 24-hour period.
[40 CFR 61.52]

**Stack Sampling.**
(d) Sludge incineration and drying plants.

(1)Unless a waiver of emission testing is obtained under 40 CFR 61.13, each owner or operator of a source subject to the standard in 61.52(b) shall test emissions from that source. Such tests shall be conducted in accordance with the procedures set forth either in 51.53(d) or in 61.54.

(2) Method 101A in appendix B to this part shall be used to test emissions as follows:

(i) The test shall be performed within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date.

(ii) The test shall be performed within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(3)The Administrator/Department shall be notified in writing at least 30 days prior to an emission test, so that he may at his option observe the test.

(4)Samples shall be taken over such a period or periods as are necessary to determine accurately the maximum emissions which will occur in a 24-hour period. No changes shall be made in the operation which would potentially increase emissions above the level determined by the most recent stack test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(5)All samples shall be analyzed and mercury emissions shall be determined within 30 days after the stack test. Each determination shall be reported to the Administrator by a registered letter dispatched within 15 calendar days following the date such determination
is completed.

(6)Records of emission test results and other data needed to determine total emissions shall be retained at the source and shall be made available, for inspection by the Administrator, for a minimum of 2 years.
[40 CFR 61.53]

**Sludge Sampling.**
(a)As an alternative means for demonstrating compliance with 40 CFR 61.52(b), an owner or operator may use Method 105 of 40 CFR 61 Appendix B and the procedures specified in this section.

(1)A sludge test shall be conducted within 90 days of the effective date of these regulations in the case of an existing source or a new source which has an initial startup date preceding the effective date, or;

(2)A sludge test shall be conducted within 90 days of startup in the case of a new source which did not have an initial startup date preceding the effective date.

(b)The Administrator shall be notified at least 30 days prior to a sludge sampling test, so that he may at his option observe the test.

(c) Sludge shall be sampled according to paragraph (c)(1), sludge charging rate for the plant shall be determined according to paragraph (c)(2), and the sludge analysis shall be performed according to paragraph (c)(3) of this section.

(1) The sludge shall be sampled according to Method 105-Determination of Mercury in Wastewater Treatment Plant Sewage Sludges. A total of three composite samples shall be obtained within an operating period of 24 hours. When the 24-hour operating period is not continuous, the total sampling period shall not exceed 72 hours after the first grab sample is obtained. Samples shall not be exposed to any condition that may result in mercury contamination or loss.

(2)The maximum 24-hour period sludge incineration or drying rate shall be determined by use of a flow rate measurement device that can measure the mass rate of sludge charged to the incinerator or dryer with an accuracy of ±5

percent over its operating range. Other methods of measuring sludge mass charging rates may be used if they have received prior approval by the Administrator.

(3) The sampling, handling, preparation, and analysis of sludge samples shall be accomplished according to Method 105 in 40 CFR 61 Appendix B of this part.

(d) The mercury emissions shall be determined by use of the following equation:

$$EHg = MQ\ Fsm(avg)/1000$$

where:
EHg=Mercury emissions, g/day.
M=Mercury concentration of sludge on a dry solids basis, μg/g.
Q=Sludge changing rate, kg/day.
Fsm=Weight fraction of solids in the collected sludge after mixing.
1000=Conversion factor, kg μg/g$^2$.

(e) No changes in the operation of a plant shall be made after a sludge test has been conducted which would potentially increase emissions above the level determined by the most recent sludge test, until the new emission level has been estimated by calculation and the results reported to the Administrator.

(f) All sludge samples shall be analyzed for mercury content within 30 days after the sludge sample is collected. Each determination shall be reported to the Administrator by a registered letter dispatched within 15 calendar days following the date such determination is completed.

(g) Records of sludge sampling, charging rate determination and other data needed to determine mercury content of wastewater treatment plant sludges shall be retained at the source and made available, for inspection by the Administrator, for a minimum of 2 years.
[40 CFR 61.54]

**Monitoring of Emissions and Operations.**
(a) Wastewater treatment plant sludge incineration and drying plants. All the sources for which mercury emissions exceed 1.6 kg (3.5 lb) per 24-hour period, demonstrated either by stack sampling according to Sec. 61.53 or sludge sampling according to Sec. 61.54, shall monitor mercury emissions at intervals of at least once per year by use of Method 105 of Appendix B or the procedures specified in Sec. 61.53(d) (2) and (4). The results of monitoring shall be reported and retained according to Sec. 61.53(d)(5) and (6) or Sec. 61.54(f) and (g).

(c) As an alternative to the monitoring, recordkeeping, and reporting requirements in paragraphs (b)(2) through (8) of this section, an owner or operator may develop and submit for the Administrator's review and approval a plant-specific monitoring plan. To be approved, such a plan must ensure not only compliance with the emission limits of § 61.52(a) but also proper operation and maintenance of emissions control systems. Any site-specific monitoring plan submitted must, at a minimum, include the following:

(1) Identification of the critical parameter or parameters for the hydrogen stream and for the end-box ventilation stream that are to be monitored and an explanation of why the critical parameter(s) selected is the best indicator of proper control system performance and of mercury emission rates.

(2) Identification of the maximum or minimum value of each parameter (e.g., degrees temperature, concentration of mercury) that is not to be exceeded. The level(s) is to be directly correlated to the results of a performance test, conducted no more than 180 days prior to submittal of the plan, when the facility was in compliance with the emission limits of § 61.52(a).

(3) Designation of the frequency for recording the parameter measurements, with justification if the frequency is less than hourly. A longer recording frequency must be justified on the basis of the amount of time that could elapse during periods of process or control system upsets before the emission limits would be exceeded, and consideration is to be given to the time that would be necessary to repair the failure.

(4) Designation of the immediate actions to be taken in the event of an excursion beyond the value of the parameter established in paragraph (c)(2) of this section.

(5) Provisions for reporting, semiannually, parameter excursions and the corrective actions taken, and provisions for reporting within 10 days any significant excursion.

(6) Identification of the accuracy of the monitoring device(s) or of the readings obtained.

(7) Recordkeeping requirements for certifications and calibrations.
[40 CFR 61.55]

**Delegation of Authority of NESHAP 40 CFR 61 Subpart E.**
(a) In delegating implementation and enforcement authority to a State under section 112(d) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.

(b) Authorities which will not be delegated to States: Sections 61.53(c)(4) and 61.55(d). The authorities not delegated to States listed are in addition to the authorities in the General Provisions, Subpart A of 40 CFR Part 61, that will not be delegated to States: Sections 61.04(b), 61.12(d)(1), and 61.13(h)(1)(ii).
[40 CFR 61.56]

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**
Central District
3319 Maguire Blvd., Ste. 232
Orlando, FL 32803

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

# DRAFT PERMIT

*Electronically sent – Received Receipt requested*
**pcairney@maxwestenergy.com**

**PERMITTEE**

MaxWest Environmental Systems, Inc.
114 W 1st Street, Suite 220
Sanford, FL 32771

Authorized Representative: Paul Cairney, Chief Operating Officer

Air Project No. 1170409-004-AC
Permit Expires: 11/30/2013
MaxWest – Sanford, LLC
Air Construction Permit Modification
Project: MaxWest Modification

This is the final air construction permit modification, **This construction permit modification supersedes all previous air permits.** It retains the expiration date of Permit # 1170409-003-AC, which is November 30, 2013.

This permit modification removes emission limitation requirements of 40 CFR Part 60, Subpart MMMM. It adds requirements of 40 CFR Part 61, Subpart E. Additionally, it authorizes the installation of cooling equipment, which includes a cooling tower and associated plumbing, to control the dryer temperature and use water more efficiently. A previous construction permit modification project, No. 1170409-002-AC, allowed a gasifier to be replaced with a fluidized bed gasifier and allowed the process heater to be modified.

The proposed work will be conducted at MaxWest Environmental Systems/City of Sanford Biosolids Gasification Facility, which is waste-to-energy gasification system (Standard Industrial Classification Code 4952, Sewerage Systems). The facility is located in Seminole County at 3540 Cameron Avenue (at the wastewater treatment plant) in Sanford, Florida. The UTM coordinates are Zone 17, 479.08 km East and 3181.11 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 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 Orange County, Florida

DRAFT PERMIT

_____ _____
F. Thomas Lubozynski, P.E. Date
Waste & Air Resource Programs Administrator

## CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Permit and the Appendices) 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 July XX, 2013 to the persons listed below.

Paul Cairney, Chief Operating Officer, **(pcairney@maxwestenergy.com**)
James T. Show, P.E., **(j_sshow@bellsouth.net)**
Bruno Ferraro, CEP, QEP, President, Grove Scientific & Engineering Company,
**(bruno@grovescientific.com)**
Sara Greivell, Environmental Scientist, Grove Scientific & Engineering Company
**(sara@grovescientific.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.

_____ _____
Clerk Date

## FACILITY AND PROJECT DESCRIPTION

### Existing Facility

The facility is a waste-to-energy gasification system using class A/AA biosolids as a feed stock (fuel). The system converts biosolids to "thermal" energy and residual mineralized, inert ash. The system consists of the materials handling system, the continuous dryer heated indirectly by a thermal fluid, the baghouse (BCE Model SW-256-120-IX), the gasifier, the process heater, the thermal energy transfer system (economizer), and a scrubber. A previous construction permit modification project, No. 1170409-002-AC, allowed a gasifier to be replaced with a fluidized bed gasifier and allowed the process heater to be modified (increase diameter 1 ft. and length 16 ft.). Although the installation of a secondary heat exchanger was authorized in construction permit project no. 1170409-002-AC, it has not been installed as of June 20, 2013. The secondary heat exchanger can be installed as part of the proposed project.

### Proposed Project

This construction permit modification removes from the permit the emission limitation requirements of 40 CFR Part 60, Subpart MMMM. Additionally, it authorizes the installation of cooling equipment at the facility to control the dryer temperature and use water more efficiently.

At this time there is pending litigation as to whether the MaxWest Gasifier should be considered a Sewage Sludge Incinerator under 40 CFR Part 60 Subpart MMMM. Until the litigation is resolved the project will not have to meet any of the emission limit requirements under 40 CFR Part 60 Subpart MMMM, but will be subject to Rules 62-4, 62-210, and 62-296, F.A.C. (Florida Administrative Code).

This project will modify the following emissions unit:

| **Facility ID No. 1170409** | |
|---|---|
| **ID No.** | **Emission Unit Description** |
| 001 | Waste-to-Energy Gasification System with Thermal Oxidizer, Scrubber/Secondary Heat Exchanger, and Baghouse |

## 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 emission levels are below threshold levels for Title V; however, this facility is classified as a Title V facility because it is subject to the mercury NESHAP regulation (40 CFR Part 61 Subpart E – National Emission Standard for Mercury)
- The facility is subject to NESHAP regulations, 40 CFR Part 61 Subpart A-General Provisions and 40 CFR Part 61 Subpart E-National Emission Standard for Mercury.

## PERMIT HISTORY/AFFECTED PERMITS

Modifies Permits 1170409-001-AC, 1170409-002-AC, and 1170409-003-AC

1. Permitting Authority: The permitting authority for this project is the Florida Department of Environmental Protection, Central District, Waste & Air Resource Programs. The Central District's mailing address and phone number is:

   Florida Department of Environmental Protection
   Central District Office
   Waste and Air Resource Programs
   3319 Maguire Blvd., Ste. 232
   Orlando, FL 32803-3767
   Telephone: 407-897-4100

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Central District Compliance Assurance Program. (Use the above mailing or e-mail address.)

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

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

   b. Appendix B. General Conditions;

   c. Appendix C. Common Conditions;

   d. Appendix D. Common Testing Requirements;

   e. Appendix E. 40 CFR Part 61 Subpart A – General Provisions; and

   f. Appendix F. 40 CFR Part 61 Subpart E – National Emission Standard for Mercury

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: Unless otherwise exempt by rule, the permittee shall not initiate any construction, reconstruction, or modification at the facility and shall not install/modify any pollution control device at the facility without obtaining prior authorization from the Department. Modification is defined as: Any physical change or changes in the method of operations or addition to a facility that would result in an increase in the actual emissions of any air pollutant subject to air regulations, including any not previously emitted, from any emission unit or facility. [Rules 62-210.200 - Definition of "Modification" and 62-210.300(1)(a), F.A.C.]

7. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports (AORs) shall be submitted electronically to the Compliance Authority by April 1st of each year. Go to the following website for the latest information about electronic submittal of AORs:

   http://www.dep.state.fl.us/air/emission/eaor/default.htm

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

8. Application for a Title V Air Operation Permit: This permit authorizes construction or modification of the permitted emissions units and initial operation to determine compliance with Department rules. An air operation permit is required for continued operation of the permitted emissions units. The permittee shall apply for an air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation or commencing operation as modified. Commencing operation means setting into operation of any emissions unit for any purpose. To apply for an air operation permit, the applicant shall submit the following:

   a. the appropriate permit application form *(see current version of Rule 62-210.900, F.A.C. (Forms and Instructions), and/or FDEP Division of Air Resource Management website at: http://www.dep.state.fl.us/air/)*;

   b. the appropriate operation permit application fee, if applicable, from Rule 62-4.050(4)(a), F.A.C.;

   c. copies of the most recent compliance test reports required by Specific Conditions No. **A.12., A.13., A.14., A.15., A.16. and A.22.**, if not previously submitted; and

   d. copies of the two most recent months of records/logs specified in Specific Condition No. **A.23.**

   [Rules 62-4.030, 62-4.050, 62-4.070(3), 62-4.090, 62-210.300(2), and 62-210.900, F.A.C.]

## A. Waste-to-Energy Gasification System with Process Heater, Scrubber/Secondary Heat Exchanger & Baghouse

This section of the permit addresses the following emissions unit.

| ID No. | Emission Unit Description |
|---|---|
| 001 | **Waste-to-Energy Gasification System with Process Heater, Scrubber/Secondary Heat Exchanger, and Baghouse** |

### EQUIPMENT

A.1. Equipment Name: The facility is a waste-to-energy gasification system using class A/AA biosolids as a feed stock (fuel). The MaxWest Gasification System is a fluidized bed gasifier. The entire system consists of the materials handling system, the continuous dryer heated indirectly by a thermal fluid, the baghouse (BCE Model SW-256-120-IX), the fluidized bed gasifier, the process heater, the thermal energy transfer system, and a scrubber. A secondary heat exchanger, cooling tower, and associated plumbing will be installed. The system converts biosolids to "thermal" energy and residual mineralized, inert ash. The current system uses a continuous dryer that is sized to match the continuous gasification system.

[Application No. 1170409-001-AC, Modification Application No. 1170409-002-AC, Modification Application No. 1170409-004-AC, and Email Correspondence dated 07/13/10]

### PERFORMANCE RESTRICTIONS

A.2. Restricted Operation: The hours of operation are not limited (8760 hours per year). [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

A.3. Restricted Operation: The amount of biosolids processed is limited to dry 6,307 tons of biosolids per consecutive twelve months. [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

A.4. Circumvention: The permittee shall not circumvent the air pollution control equipment, including the baghouse, or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]

A.5. Objectionable Odor Prohibited: No person shall cause, suffer, or allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rule 62-296.320(2) and 62-210.200(221), Objectionable Odor, F.A.C.]

**A. Waste-to-Energy Gasification System with Process Heater, Scrubber/Secondary Heat Exchanger & Baghouse**

## PRECAUTIONS AND PROCEDURES TO MINIMIZE EMISSIONS

A.6. Unconfined particulate matter: All reasonable precautions shall be taken to prevent emissions of unconfined particulate matter. Reasonable precautions shall include, but not be limited to, the following:

a) Application of water, when necessary, to control emissions.
b) Removal of particulate matter from roads and other paved areas under control of the owner or operator to prevent re-entrainment, and from buildings or work areas to prevent particulate. [Rule 62-296.320(4)(c), F.A.C.]

## EMISSIONS LIMITS AND STANDARDS

A.7. Visible Emissions (VE) Limitation: Visible emissions from the baghouse (stack) are limited to less than 5 percent opacity except that visible emissions not exceeding 15 percent opacity are allowed for up to 6 minutes in any given one hour period.
[Rule 62-296.401(1)(a) and Rule 62-4.070(3), F.A.C.]

A.8. General Visible Emissions (VE) Standard: Visible emissions are limited to less than 20 percent for the facility (including the combustion ash from an ash conveying system), except for the baghouse (stack). The visible emission limitation for the baghouse (stack) is listed in Condition A.7. The General Visible Emissions (VE) Standard is listed again in Condition No. 8 of Appendix C. [Rule 62-296.320(4)(b)1, F.A.C.]

A.9. Mercury Emissions Limitation: Emissions to the atmosphere from the facility shall not exceed 3.2 kg (7.1 lb) of mercury per 24-hour period.
[40 CFR 61 Subpart E, § 61.52 Emission standard and Rule 62-4.070(3), F.A.C.]

A.10. NESHAP: The facility is subject to 40 CFR Part 61 Subpart A-General Provisions (See Appendix E). **The conditions are attached and part of this permit.**
[EPA Determination in letter dated 12/07/10]

A.11. NESHAP: The facility is subject to 40 CFR Part 61 Subpart E-National Emission Standard for Mercury (See Appendix F). **The applicable conditions are incorporated into Items A.16. and A.22. of this permit.**
**[**EPA Determination in letter dated 12/07/10]

**A. Waste-to-Energy Gasification System with Process Heater, Scrubber/Secondary Heat Exchanger & Baghouse**

## TESTING REQUIREMENTS

A.12. Initial Compliance Tests: Within 90 days of reaching the maximum production rate but no later than 180 days after initial startup of the waste-to-energy gasification system using the **new gasifier and modified process,** the waste-to-energy gasification system shall be tested using EPA Method 1-4, EPA 6C, EPA Method 7E, and EPA Method 10 to determine compliance with the $NO_X$, $SO_2$, and CO. The testing for $NO_X$, $SO_2$, and CO emissions shall consist of 3 runs, each of 60 minutes duration. [Rule 62-4.070(3), F.A.C.]

A.13. Initial Compliance Tests: Within 90 days of reaching the maximum production rate but no later than 180 days after initial startup of the waste-to-energy gasification system using the **new gasifeir and modified process heater**, the waste-to-energy gasification system shall be tested using EPA Method 5 and EPA Method 26A to determine compliance with the particulate and HCl emission limits. The testing for particulate emissions and HCl emissions shall consist of 3 runs, each of 60 minutes duration. [Rule 62-4.070 (3), F.A.C.]

A.14. Initial Compliance Test (New Configuration): Within 90 days of reaching the maximum production rate but no later than 180 days after initial startup of the waste-to-energy gasification system using the **new gasifier and modified process heater**, the waste-to-energy gasification system (baghouse) shall be tested using EPA Method 9 to determine compliance with the visible emissions standard listed in Specific Condition No. **A.7.** of this permit. The visible emissions testing shall consist of one run of duration 30 minutes.
[**Rules 62-4.070(3), 62-296.401(1)(a),** and 62-297.310(7)(a)1, F.A.C.]

A.15. Initial Compliance Tests: Within 90 days of reaching the maximum production rate but no later than 180 days after initial startup of the waste-to-energy gasification system using the **new gasifier and modified process heater**, the waste-to-energy gasification system shall be tested using EPA Method 23 to determine compliance. The testing for dioxins and furan emissions shall consist of 3 runs, the minimum test run duration shall be 3 hours (180 minutes).
[Rule 62-4.070(3), F.A.C. ]

A.16. Initial Compliance Test: Within 90 days of reaching the maximum production rate but no later than 180 days after initial startup of the waste-to-energy gasification system using the **new gasifier) and modified process heater**, the waste-to-energy gasification system shall be tested using EPA Method 29 to determine compliance with the cadmium, lead, and mercury emission limits of the permit and mercury emission limits of 40 CFR 61 Subpart E. The testing for cadmium, lead, and mercury shall consist of 3 runs, the minimum test run duration shall be 2 hours (120 minutes). [Rule 62-4.070(3), F.A.C., §60.53 and §60.54 of 40 CFR Part 61 Subpart E-National Emission Standard for Mercury]

A.17. Test Requirements (Calculation of Emission Rate): The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or

applicable rule. [Rule 62-297.310(3), F.A.C.]

A.18. Test Requirements: The permittee shall notify the Compliance Authority **in writing at least 30 days** prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(7)(a)9, F.A.C.]

A.19. Test Methods: Required tests shall be performed in accordance with the following reference methods.

| Method | Description of Method and Comments |
|---|---|
| EPA 1 | Sample and Velocity for Stationary Sources |
| EPA 2 | Determination of Stack Gas Velocity and Volumetric Flow Rate |
| EPA 3 | Gas Analysis for Carbon Monoxide, Oxygen, Excess Air, and Dry Molecular Weight |
| EPA 4 | Determination of Moisture Content in Stack Gases |
| EPA 5 | Determination of Particulate Emissions from Stationary Sources. |
| EPA 7E | Determination of Nitrous Oxide Emissions from Stationary Sources (Instrumental Analyzer Procedures). |
| EPA 9 | Visual Determination of the Opacity of Emissions from Stationary Sources. |
| EPA 10 | Determination of Carbon Monoxide Emissions from Stationary Sources. |
| EPA 23 | Determination of Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans from Stationary Sources. |
| EPA 26A | Determination of Hydrogen Halide and Halogen Emissions From Stationary Sources – Isokinetic Method |
| EPA 29 | Determination of Metal Emissions from Stationary Sources. |
| EPA 101A | Determination of Particulate and Gaseous Mercury Emissions from Sewage Sludge Incinerators |

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

A.20. Additional PM Testing Requirements: The stack sampling facility must comply with Rule 62-297.310(6), F.A.C.

A.21. Test Procedure: Testing of emissions shall be conducted with the emissions unit operation at permitted capacity. For compliance testing purposes only, the maximum operation rate is 0.72 tons/hr. of dry biosolids processed. Permitted capacity is defined as 90 to 100 percent of the

maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

## MONITORING REQUIREMENTS

A.22. Mercury Monitoring Requirements: The facility shall monitor mercury emissions at intervals of at least once per year **by use of procedures specified in Sections 40 CFR 61.53(d)(2) and (4), which includes using EPA Method 101A**. Monitoring results shall be reported and retained according to Sections 40 CFR 61.53(d)(5) & (6) or Sections 40 CFR 61.54(f) & (g). [Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

## RECORDS AND REPORTS

A.23. Recordkeeping: In order to demonstrate compliance with Specific Conditions No. **A.3.**, and pursuant to Rule 62-4.070(3), F.A.C., the permittee shall maintain a monthly log at the facility for a period of at least five years from the date the data is recorded. The log, at a minimum, shall contain the following:

a. Facility Name, Facility ID No. (i.e. 1170409);
b. Month and year of record;
c. Total tons of dry biosolids processed during the reporting month;
d. Most recent consecutive 12-month total of dry biosolids processed (tons/consecutive 12-month total);
e. Consecutive 12-month total of nitrogen oxides ($NO_X$) emissions, VOC emissions, sulfur dioxide ($SO_2$) emissions, carbon monoxide (CO) emissions, total HAPs emissions, and each HAP emission; and
f. Each month total of nitrogen oxides ($NO_X$) emissions, VOC emissions, sulfur dioxide ($SO_2$) emissions, carbon monoxide (CO) emissions, total HAPs emissions, and each HAP emission. [Rule 62-4.070(3), F.A.C.]

Once the emission factors have been determined from the stack testing, the emission factors shall be used to compute the above listed quantities as appropriate, in addition to any AP-42 factors as appropriate.

**The monthly logs shall be completed by the end of the following month.**

Note: A consecutive 12-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-month total

treats each month of the year as the end of a 12 month period. A 12-month total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12-month totals using whatever number of months of data is available until such a time as a consecutive 12-month total can be maintained each month. [Rule 62-4.070(3), F.A.C.]

A.24. Documentation: Supporting documentation (chemical usage tracking logs, MSDS sheets, purchase orders, EPA "As Supplied" data sheets, EPA Method 24, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions. These records shall be made available to the Department upon request. Documentation of each chemical reclaimed will use a mass balance method to determine usage/emissions (amount used minus amount collected for disposal or recycle). The log and documents shall be kept at the facility for at least five years and made available to the Department. [Rule 62-4.070(3), F.A.C.]

A.25. Emission Rate Recordkeeping: Logs must document the method, calculations, and formulas used in determining the usage rate and the emission rate. This includes, but is not limited to, the product name, density, individual and total HAP contents, and individual and total VOC content. All calculations, including those used to derive emission credits for mass balance, must be clearly documented, and may be presented **in the form of a template of sample calculations**, which is filed with the logs required in this specific condition and available for review on site by regulatory inspectors. [Rule 62-4.070(3), F.A.C.]

A.26. Test Reports: The permittee shall prepare and submit reports for all required tests (for example, A.20.) in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit, that is, "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."
For each test run, the report shall also indicate the information listed in Rules 62-297.310(8)(c) 12., 18., and 19., F.A.C., which includes the following:

a. The type, manufacturer and configuration of the sampling equipment
b. All measured and calculate data required to be determined by each applicable test procedure for each run
c. The detailed calculations for one run that relate the collected data to the calculated emission rate.

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

# PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Air Resource Management, Central District Office
Draft Major Source Air Construction Permit
Project No. 1170409-004-AC
MaxWest Environmental Systems, Inc., MaxWest-Sanford, LLC
Seminole County, Florida

**Applicant**: The applicant for this project is MaxWest Environmental Systems, Inc. The applicant's authorized representative and mailing address is:

Paul Cairney, Chief Operating Officer
MaxWest Environmental Systems, Inc., MaxWest-Sanford, LLC
114 W. 1st Street, Suite 220
Sanford, FL 32771

**Facility Location**: MaxWest Environmental Systems, Inc. operates the existing MaxWest-Sanford, LLC. Facility, which is located in Seminole County at 3540 Cameron Avenue in Sanford, Florida.

**Project**: This project is a minor construction permit modification, which removes emission limitation requirements of 40 CFR Part 60, Subpart MMMM – Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Additionally, it authorizes the installation of cooling equipment, which includes a cooling tower and associated plumbing, to control the dryer temperature more effectively and use water more efficiently.

**Permitting Authority**: Applications for air construction and operation 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 Department of Environmental Protection Central District's Waste & Air Resource Programs is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Permitting Authority's mailing address is: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803-3767. The Permitting Authority's telephone number is 407/897-2930. E-mails may be sent to DEP_CD@dep.state.fl.us.

**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. Interested persons may view the draft permit by visiting the following website: http://www.dep.state.fl.us/air/emission/apds/default.asp and entering the permit number 1170409-004-AC. Interested persons may contact the Permitting Authority's project review engineer, Mr. Jeff Rustin, for additional information at the address or phone number listed above.

**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. This Notice of Intent withdraws and replaces the Notice of Intent that was previously issued for this project on July 1, 2013, in order to accommodate 2 requests from the applicant and the consultant. 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.

**TECHNICAL EVALUATION**
**&**
**PRELIMINARY DETERMINATION**

**APPLICANT**

MaxWest Environmental Systems, Inc.
114 W 1st Street, Suite 220
Sanford, FL 32771

MaxWest – Sanford, LLC.

Facility ID No. 1170409

**PROJECT**

Project No. 11702409-004-AC
Application for Minor Modification to Air Construction Permit
Project Name: MaxWest Modification

**COUNTY**
Seminole County, Florida

**PERMITTING AUTHORITY**

Florida Department of Environmental Protection
Waste and Air Resource Programs
Central District Office
Orlando, Florida 32803-3767
DEP_CD@dep.state.fl.us

July 10, 2013

Prepared by Jeff Rustin, P.E.

# TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

## GENERAL PROJECT INFORMATION

### Air Pollution Regulations

Projects at stationary sources with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following applicable chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to Rules 62-4, 62-210, and 62-212, F.A.C.

In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial categories. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations on a quarterly basis in Rule 62-204.800, F.A.C.

### Glossary of Common Terms

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

I. Project Description:

A. Applicant:

Mr. Paul Cairney, Chief Operating Officer
MaxWest Environmental Systems, Inc.
114 W 1st Street, Suite 220
Sanford, FL 32771
**pcairney@maxwestenergy.com**

B. Professional Engineer:

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C. Application Contact:

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D. Project Location:

3540 Cameron Ave.
Sanford, FL 32773-8405

E. Project Summary:

This construction permit modification removes emission limitation requirements of 40 CFR Part 60, Subpart MMMM. Additionally, it authorizes the installation of cooling equipment at the facility to control the dryer temperature more effectively and use water more efficiently. The original intent to issue was sent on July 1, 2014. A replacement draft permit package (revised version) as of July 10 incorporates the 2 changes requested from the applicant and the consultant. The 2 changes to the permit include the following:

**From:**

At this time there is pending litigation as to whether the MaxWest Gasifier should be considered a Sewage Sludge Incinerator under 40 CFR Part 60. In addition to ongoing litigation MaxWest will be submitting an Applicability Determination under 40 CFR Part 60 to EPA no longer than July 12, 2013. Until such time as the litigation and applicability determination are resolved the project will not have to meet any of the emission requirements under 40 CFR Part 60, but will be subject to Rules 62-4, 62-210, and 62-296, F.A.C. (Florida Administrative Code).

**To:**

At this time there is pending litigation as to whether the MaxWest Gasifier should be considered a Sewage Sludge Incinerator under 40 CFR Part 60 Subpart MMMM. Until the litigation is resolved the project will not have to meet any of the emission limit requirements under 40 CFR Part 60 Subpart MMMM, but will be subject to Rules 62-4, 62-210, and 62-296, F.A.C. (Florida Administrative Code).

**From:**

A.7. Visible Emissions (VE) Limitation: Visible emissions from the baghouse are limited to less than 5 percent opacity except that visible emissions not

exceeding 15 percent opacity are allowed for up to 6 minutes in any given one hour period.
[Rule 62-296.401(1)(a) and Rule 62-4.070(3), F.A.C.]

A.8. Visible Emissions (VE) Limitation: Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) limited to no more than 5 percent opacity.
[Rule 62-296.711(2)(a), F.A.C.]

A.9. General Visible Emissions (VE) Standards: Visible emissions are limited to less than 20 percent, except for the baghouse (stack) and ash conveying system (listed in Conditions A.7. and A.8.). See Condition No. 8 of Appendix C. [Application No. 0090227-001-AC and Rule 62-296.320(4)(b)1, F.A.C.]

**To:**

A.7. Visible Emissions (VE) Limitation: Visible emissions from the baghouse (stack) are limited to less than 5 percent opacity except that visible emissions not exceeding 15 percent opacity are allowed for up to 6 minutes in any given one hour period.
[Rule 62-296.401(1)(a) and Rule 62-4.070(3), F.A.C.]

A.8. General Visible Emissions (VE) Standard: Visible emissions are limited to less than 20 percent for the facility (including the combustion ash from an ash conveying system), except for the baghouse (stack). The visible emission limitation for the baghouse (stack) is listed in Condition A.7. The General Visible Emissions (VE) Standard is listed again in Condition No. 8 of Appendix C. [Rule 62-296.320(4)(b)1, F.A.C.]

F. Application Information:

Application received on: 03/28/2013
Processing Fee received on: 03/29/2013
Mercury testing conducted on: 04/19/2013
Request for Additional Information (RAI) sent on: 04/24/2013
Meeting to Discuss Draft Response to RAI: 6/10/2013
Response to Request for Additional Information received on: 06/18/2013
Application Complete as of submittal received on: 6/18/2013
Determination that application complete sent on: 06/20/2013

## II. PSD Applicability for Project

No increase in air emissions; therefore, this project is not subject to PSD preconstruction review.

## III. Rule Applicability

This project is subject to the preconstruction review requirements of Chapter 403, Florida Statutes, and Chapters 62-204 through 62-297, F.A.C., as indicated below.

| Subject to: | Y/N | Comments |
|---|---|---|
| **Rule 62-212.400, F.A.C.** - Prevention of Significant Deterioration | N | Facility is not a PSD major source. |
| **Rule 62-296.320(4), F.A.C.** - General Particulate Emission Limiting Standards | Y | The facility is a potential source of unconfined particulate matter emissions. |
| **Rules 62-296.320(1) and (2), F.A.C.** - General Pollutant Emission Limiting Standards (VOCs and Odor) | Y | The facility is subject to the standards, but the facility is not a significant source of VOCs or odors. |
| **Rule 62-296.500, F.A.C.** - Reasonably Available Control Technology (VOC) | N | Seminole County is an attainment area for ozone |
| **Rule 62-204.800(8), F.A.C.** - Standards of Performance for New Stationary Sources (NSPS – 40 CFR 60) | Y | The gasifier is subject to 40 CFR Part 60 Subpart and 40 CFR Part 60 Subpart MMMM; however, there are currently no applicable emission limitation standards that apply. |
| **Rule 62-204.800(8), F.A.C.** - Standards of Performance for New Stationary Sources (NSPS – 40 CFR 61) | Y | The facility is subject to 40 CFR Part 61 Subpart A – General Provisions and 40 CFR Part 61 Subpart E – National Emission Standard for Mercury. Testing was conducted on April 19, 2013. |
| **Rule 62-204.800(11), F.A.C.** National Emission Standard for Hazardous Air Pollutants for Source Categories a.k.a. MACT (NESHAPS – 40 CFR 63) | N | There is no applicable source category. |
| **Chapter 62-213, F.A.C.** - Operation Permits for Major Sources of Air Pollution | Y/N | TBD. At this time there is pending litigation as to whether the MaxWest Gasifier should be considered a Sewage Sludge Incinerator under 40 CFR Part 60. MaxWest will be submitting an Applicability Determination under 40 CFR Part 60 to EPA no later than July 12, 2013. |
| **Rule 62-297.310, F.A.C.** - General Compliance Test Requirements | Y | Visible Emission Testing required. |

IV. Summary of Emissions

| Pollutant | EU No. and brief description | Potential Emissions (tons/year) |
|---|---|---|
| $SO_2$ | EU 001- Waste to Energy Gasification System | 70.08 |
| $NO_X$ | EU 001- Waste to Energy Gasification System | 2.04 |
| VOC | EU 001- Waste to Energy Gasification System | 0.48 |
| CO | EU 001- Waste to Energy Gasification System | 1.29 |
| PM | EU 001- Waste to Energy Gasification System | 0.51 |
| HCl | EU 001- Waste to Energy Gasification System | 0.048 |
| Mercury | EU 001- Waste to Energy Gasification System | 0.0002 |

V. Federal NSPS and/or NESHAP Provisions (current requirements)

A. NESHAP, 40 CFR Part 61 Subpart A

B. NESHAP, 40 CFR Part 61, Subpart E

VI. Conclusions

The emission limits proposed by the applicant will meet all of the requirements of Chapters 62-204 through 297, F.A.C.

The General and Specific Conditions listed in the proposed permit (attached) will assure compliance with all the applicable requirements of Chapters 62-204 through 297, F.A.C.

VII. Preliminary Determination

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. Additional details of this analysis may be obtained by contacting the project engineer at the Florida Department of Environmental Protection, Waste & Air Resource Programs, Central District Office, 3319 Maguire Blvd., Ste. 232, Orlando, FL 32803-3767, by e-mail at jeff.rustin@dep.state.fl.us or by phone at 407-897-4100.