



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

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**RICK SCOTT
GOVERNOR**

**HERSCHEL T. VINYARD JR.
SECRETARY**

Electronically Sent- Received Receipt Requested

eddie@richardspaint.com

FINAL PERMIT

PERMITTEE

Richard's Paint Manufacturing Company, Inc.
200 Paint Street
Rockledge, Florida 32995

Authorized Representative:
Edward Richard, Jr.

Air Permit No. 0090240-001-AC
Permit Expires: June 30, 2014
Site Name: Richard's Paint Mfg.Co., Inc.
"After-The-Fact" Air Construction Permit
Project Name: Paint Mfg. Facility

This is the final "After-The-Fact" Air Construction Permit. Richard's Paint Manufacturing Company, Inc. (Standard Industrial Classification No. 2851) is located in Brevard County at 200 Paint Street in Rockledge, Florida. The UTM coordinates are Zone 17, 530.38 km East, and 3126.48 km North.

This final permit is organized by the following sections:

Section 1. General Information

Section 2. Administrative Requirements

Section 3. Facility-wide and 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 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.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of final permit. Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of final permit, whichever

occurs first. Under section 120.60(3), however, any person who asked the Department for notice of agency action may file a petition within fourteen 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 will be only at the approval of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

All petitions filed under these rules shall contain:

- (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 the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the 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 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 Department'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 of the Florida Administrative Code.

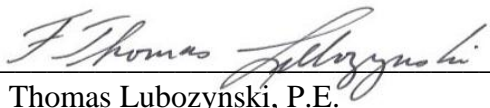
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Orange County, Florida


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

December 5, 2013
Date

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 December 5, 2013 to the persons listed below.

Mr. Edward Richard, Jr., Richard's Paint Mfg. Company, Inc. (eddie@richardspaint.com)

Ms. Marleen Snyder, Environmental Engineer, Vanguard Environmental, Inc.

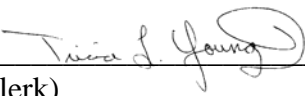
(msnyder@vanguardenvl.com)

Ms. Ana M. Oquendo, U.S. EPA Region 4 (oquendo.ana@epa.gov)

Ms. Natasha Hazziez, U.S. EPA Region 4 (hazziez.natasha@epa.gov)

Clerk Stamp

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.


(Clerk)

December 5, 2013
(Date)

SECTION 1. GENERAL INFORMATION

FACILITY AND PROJECT DESCRIPTION

Richard's Paint Manufacturing Company, Inc.

The facility is a paint manufacturing facility. It consists of a Ceramic Media Mill, fifteen (15) Coating Mixers, twenty two (22) above ground storage tanks, fifty seven (57) portable batch tanks utilized in paint canning, and a QC (Quality Control) work area.

The mill is used for pigment milling and involves the combination of the pigment into the liquid base of the coating to yield fine particle dispersion. The three stages of this process include wetting, grinding, and dispersion. The wetting agent wets the pigment particles, which are then ground in the mill. Then the wetted particles are moved into the body of the liquid vehicle to produce a particle suspension.

The process involving the coating mixers generally consists of thinning, tinting, and blending. Most of the solvents, tints, and shades are added during this operation, adding various combinations of pigments, organic solvents, and resins. Blending is the process of mixing the added ingredients to meet specifications.

The above ground storage tanks contain raw materials such as solvents and resins. The materials are transferred into the storage tanks from delivery tankers. The ingredients are then transported via closed piping system to the shop area and added to the mixers.

The paint canning process uses portable batch tanks to transfer the final product to the shipment containers such as drums, pails, and cans. Filling is manually done. The final product is also filtrated for impurities before going into shipment containers.

The QC (Quality Control) Work Area is where the technicians test color, viscosity, and other characteristics to obtain the desired product specifications.

The existing facility consists of the following emissions unit.

Facility ID No. 0090240	
ID No.	Emission Unit Description
001	Paint Manufacturing Facility – It consists of the following: <ul style="list-style-type: none">• Ceramic Media Mill (1)• Coating Mixers (15)• Storage Tanks (22)• Portable batch tanks used in paint canning (57)• QC (Quality Control) Work Area (1)

Project Description

This project is the Initial Air Construction Permit for the existing facility. Since the facility has already been constructed and is in operation, this permit is considered to be “After-The Fact”. The permit will establish air emission limits and other air requirements for the facility.

SECTION 1. GENERAL INFORMATION

FACILITY REGULATORY CLASSIFICATION

- Based on the information provided in the application, this facility is classified as a synthetic minor facility for individual hazardous air pollutants (HAPs), such as Toluene and Xylene, and total hazardous air pollutants (HAPs).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

PERMIT HISTORY/AFFECTED PERMITS

This is the initial air permit for the facility. There are no previous air permits.

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

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
3319 Maguire Blvd., Ste. 232
Orlando, FL 32803-3767
Telephone: 407-897-4100

All documents related to applications for permits shall be submitted to the above address or electronically to the following address: **DEP_CD@dep.state.fl.us**. In each document, clearly identify the Air Permit Project No. 0090240-001-AC.

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.) In each document, clearly identify the Air Permit Project No. 00970240-001-AC and specific emission unit.
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; and
 - c. Appendix C. Common Conditions
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.]

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

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. Operation Permit Application: A completed application for an initial operation permit shall be submitted to the Permitting Authority no later than 60 days prior to the expiration date of this air construction permit. The application will need to be for a Federally Enforceable State Operation Permit. To properly apply for an operation permit, the applicant shall submit the following:
- 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/>*);
 - the appropriate operation permit application fee from Rule 62-4.050(4)(a), F.A.C.; and
 - copies of the most recent two months of records/logs specified in Specific Condition No. **A.7.**

[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.]

SECTION 3. FACILITY-WIDE AND EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU No. 001 – Paint Manufacturing Facility

This section of the permit addresses the following emission unit.

ID No.	Emission Unit Description
001	Paint Manufacturing Facility – It consists of the following: <ul style="list-style-type: none">• Ceramic Media Mill (1)• Coating Mixers (15)• Storage Tanks (22)• Portable batch tanks used in paint canning (57)• QC (Quality Control) Work Area (1)

PERFORMANCE RESTRICTIONS

- A.1. Permitted Capacity: The maximum permitted solvent usage per any consecutive 12-month period is the following:
- In order to remain below a total HAP Potential to Emit not more than 23.5 tons per year, all solvent usage shall not exceed 1,382,353 pounds (691.1 tons);
 - In order to remain below an individual HAP Potential to Emit not more than 9.5 tons per year, maximum solvent toluene usage shall not exceed 558,800 pounds (279.4 tons); and
 - In order to remain below an individual HAP Potential to Emit not more than 9.5 tons per year, maximum solvent xylene usage shall not exceed 558,800 pounds (279.4 tons).
- [Rules 62-4.070(3) and 62-210.200(247), Potential to Emit, F.A.C.]
- A.2. Restricted Operation: The hours of operation are not limited (8760 hours per year).
[Rule 62-210.200(PTE), F.A.C.]
- A.3. VOC Emissions: Pursuant to Rule 62-296.320(1)(a), F.A.C., the following procedures shall be used to minimize emissions:
- Maintain tightly fitting cover, lids, etc. on all containers of VOCs when they are not being handled, used, etc.;
 - All equipment, fittings, valve lines, pipes, drums, tanks, etc. shall be properly operated and maintained;
 - Prevent excessive air turbulence across exposed VOCs; and
 - All VOC spills shall be attended to immediately and waste properly disposed, recycled, etc.
- [Rule 62-296.320(1), F.A.C.]
- A.4. 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 is

SECTION 3. FACILITY-WIDE AND EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU No. 001 – Paint Manufacturing Facility

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. [Rules 62-210.200(214) and 62-296.320(2), F.A.C.]

EMISSIONS STANDARDS

- A.5. VOC and HAP Emission Limitations: The maximum facility-wide VOC and HAP emissions are limited as follows:

Pollutant	Emission Limits (per any consecutive 12 month period)
Total Volatile Organic Compounds (VOCs) ¹	Less than 140,000 pounds/year (<70.0 tpy)
Total Hazardous Air Pollutant (HAPs) ²	Less than 47,000 pounds/year (<23.5 tpy)
Individual Hazardous Air Pollutant (HAP) ²	Less than 19,000 pounds/year (<9.5 tpy)

{Permitter Notes:

- 1. In the RAI Response Pollutant Detail Information Page 4 of 5, the calculated PTE for total VOCs was 67.27 tons/year without restriction to operation hours.*
- 2. In the Application, Section B, Facility Pollutants, applicant requested emission caps for total HAPs (23.5 tons/year) and individual xylene and toluene HAPs (9.5 tons/year).}*

[Rules 62-4.070(3) and 62-210.200(247), Potential to Emit, F.A.C.]

- A.6. Visible Emissions Limitation: Visible emissions from each particulate emissions source are limited to less than 20 percent opacity. [Rule 62-296.320(4)(b)1., F.A.C.]

RECORDS AND REPORTS

- A.7. Monthly Log: In order to demonstrate compliance with Specific Condition Nos. **A.1.** and **A.5.**, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log shall be made available to the Department upon request. The log shall contain the following:
- Facility Name, Facility ID No. (i.e., 0090240);
 - Month and year of record;
 - Most recent monthly total of total solvent usage, solvent toluene usage, and solvent xylene usage;
 - Most recent monthly total of VOC emissions, total HAP emissions, and individual HAP emissions;

SECTION 3. FACILITY-WIDE AND EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU No. 001 – Paint Manufacturing Facility

- e. Most recent consecutive 12-month total of total solvent usage, solvent toluene usage, and solvent xylene usage; and
- f. Most recent consecutive 12-month total of VOC emissions, total HAP emissions, and individual HAP emissions.

Monthly logs shall be completed by the end of the following month.

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

- A.8. Additional Recordkeeping Requirements: Records specified in Specific Condition No. **A.7.** (previous condition) must document the method, calculations, and formulas used in determining the usage rate and the emission rate. All calculations, including those used to derive emissions, must be clearly documented, and may be presented in the form of a template of sample calculations and available for review on site by the Department.
[Rule 62-4.070(3), F.A.C.]
- A.9. Supporting Documentation: Supporting documentation (chemical usage tracking logs, “As Supplied” sheets, Safety Data Sheets, EPA data sheets, purchase orders, waste shipment/disposal records, etc.) shall be kept for each chemical and associated products which includes sufficient information to determine usage rates and emissions for a minimum of five (5) years and 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). [Rule 62-4.070(3), F.A.C.]
- A.10. Record Retention: The records required in Specific Condition No. **A.7.** shall be recorded in a permanent form suitable for inspection and made available to the Department upon request. The records shall be maintained onsite for a minimum of five (5) years.
[Rule 62-4.070(3), F.A.C.]

SECTION 4. APPENDICES

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Appendix B. General Conditions

Appendix C. Common Conditions

SECTION 4. APPENDIX A

Citation Formats and Glossary of Common Terms

CITATION FORMATS

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

New Permit Numbers

Example: Permit Nos. 0992222-001-AC, 0992222-001-AF, 0992222-001-AO, or 0992222-001-AV

Where: “099” (first three numbers) 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

CO₂: carbon dioxide

COMS: continuous opacity monitoring system

DARM: Division of Air Resource
Management

DEP: Department of Environmental Protection

Department: Department of Environmental
Protection

SECTION 4. APPENDIX A

Citation Formats and Glossary of Common Terms

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

SECTION 4. APPENDIX B

General Conditions

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

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

SECTION 4. APPENDIX B

General Conditions

- 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;

SECTION 4. APPENDIX B

General Conditions

- (b) The person responsible for performing the sampling or measurements;
 - (c) The dates analyses were performed;
 - (d) The person responsible for performing the analyses;
 - (e) The analytical techniques or methods used;
 - (f) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SECTION 4. APPENDIX C

Common Conditions

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

EMISSIONS AND CONTROLS

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

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9. Unconfined Particulate Emissions:

- a. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
- b. Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
- c. Reasonable precautions include the following:
 - (1) Paving and maintenance of roads, parking areas and yards.
 - (2) Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
 - (3) Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
 - (4) Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
 - (5) Landscaping or planting of vegetation.
 - (6) Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
 - (7) Confining abrasive blasting where possible.
 - (8) Enclosure or covering of conveyor systems.

[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, unless otherwise specified by Department rule. Records shall be made available to the Department upon request. [Rule 62-4.160, F.A.C.]
- a. *Annual Operating Report for Air Pollutant Emitting Facility*
 - (1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:
 - a. All Title V sources.
 - b. All synthetic non-Title V sources.

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- 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. 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.]