



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

Richard H. Stechmann
Florida Area Superintendant
Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

Re: Project No. 0710193-008-AC
Breitburn Florida, LLC- West Felda Tank Battery
Minor Air Construction Permit
Construction Permit – Crude Oil Storage Tanks and Unfired Treater

Dear Mr. Stechmann

On February 27, 2014, you submitted an application requesting the addition of one (1) 1,500 bbl. Crude oil storage tank, one (1) 400 bbl. Power oil tank and one (1) unfired treater to be added to the West Felda Tank Battery.

The facility is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North.

Enclosed are the following documents: the Technical Evaluation and Preliminary Determination; the Draft Permit and Appendices; the Written Notice of Intent to Issue Air Permit; and the Public Notice of Intent to Issue Air Permit. The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Carter B. Endsley, P.E., at (239) 344-5637.

Sincerely,

Jon M. Iglehart

Director of
District Management

March 13, 2014

(Date)

Enclosures

JMI/CBE/mf

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

Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

Project No. 0710193-008-AC
Minor Air Construction Permit
Hendry County, Florida

Authorized Representative:

Richard Stechmann
Florida Area Superintendent

West Felda Tank Battery
1,500 bbl Crude Oil Storage
Tank, 400 bbl Power Oil Tank
and Unfired Treater

Facility Location: Breitburn Florida, LLC operates the existing West Felda Tank Battery, which is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North.

Project: The applicant proposes to add one (1) 1,500 bbl Crude Oil Storage Tank, one (1) 400 bbl Power Oil Tank and one (1) Unfired Treater. Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Department of Environmental Protection's Engineering and Permitting Section in the South District Office is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901. The Permitting Authority's mailing address is: P.O. Box 2549, Fort Myers, Florida 33902-2549. The Permitting Authority's telephone number is (239) 344-5600.

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

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

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

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

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

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.

Executed in Fort Myers, Florida



Jon M. Iglehart
Director of District Management

March 13, 2014

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Written Notice of Intent to Issue Air Permit, the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the Draft Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on March 13, 2014 to the persons listed below.

Richard H. Stechmann rstechmann@breitburn.com

Thomas W. Davis, P.E. tdavis@ectinc.com

Carter B. Endsley, P.E. Carter.Endsley@DEP.STATE.FL.US

Kathleen Forney, EPA Region 4 (forney.kathleen@epamail.epa.gov)

Ana Oquendo, EPA Region 4 (oquendo.ana@epamail.epa.gov)

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.



March 13, 2014

(Clerk)

(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
South District Office, Engineering and Permitting Section,
Draft Minor Source Air Construction Permit
Project No. 0710193-008-AC
Breitburn Florida, LLC, West Felda Tank Battery
Hendry County, Florida

Applicant: The applicant for this project is Breitburn Florida, LLC. The applicant's authorized representative and mailing address is: Richard S. Stechmann, Florida Area Superintendent, P.O. Box 3236, Immokalee, Florida, 34143.

Facility Location: Breitburn Florida, LLC operates the existing West Felda Tank Battery, which is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North.

Project: This project is to add one (1) 1,500 barrel (bbl) crude oil storage tank, one (1) 400 barrel (bbl) power oil tank and one (1) unfired treater to the West Felda Tank Battery. All volatile organic compound (VOC) emissions due to breathing and working losses from the storage tanks will be vented to the West Felda Tank Battery flare. The existing crude oil storage tanks will remain available for the storage of crude oil. However, the maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged. This facility is classified as a synthetic minor source and is presently authorized to operate by a Federally Enforceable State Operating Permit (FESOP). The oil storage tanks are NOT subject to New Source Performance Standards (NSPS).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Engineering and Permitting Section in the South District Office. The Permitting Authority's physical address is: 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901. The Permitting Authority's mailing address is: P.O. Box 2549, Fort Myers, Florida 33902-2549. The Permitting Authority's telephone number is (239) 344-5600.

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

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

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

(Public Notice to be Published in the Newspaper)

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



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTH DISTRICT
P.O. BOX 2549
FORT MYERS, FL 33902-2549

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

***** DRAFT PERMIT *****

*Electronic Mail
Received Receipt Requested*

PERMITTEE

Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

Authorized Representative:
Richard H. Stechmann,
Florida Area Superintendent

Air Permit No. 0710193-008-AC
Permit Expires: DRAFT

West Felda Tank Battery
Minor Source Air Construction Permit
1,500 bbl Crude Oil Storage Tank, 400
bbl Power Oil Tank and Unfired
Treater

This is the final air construction permit, which authorizes Breitburn Florida, LLC is to add one (1) 1,500 barrel (bbl) crude oil storage tank, one (1) 400 bbl power oil tank, and one (1) unfired treater. The emissions are vented to the existing West Felda Tank Battery Flare. The maximum annual crude oil throughput rate for the new crude oil storage tank will be 80,000 bbl. per year (3,360,000 gallons per year). The existing crude oil storage tanks will remain available for the storage of crude oil. However, the maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged at 395,295 bbl per year. (The existing facility is operating under a Federally Enforceable State Operating Permit (FESOP), No. 0710193-007-AO).

The proposed work will be conducted at the existing facility, which is categorized under Standard Industrial Classification Code No. 1311. The facility is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

This final permit is organized by the following sections.

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Unit Specific Conditions
- Section 4. Appendices

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

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code

(F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

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

Executed in Fort Myers, Florida

DRAFT

Jon M. Iglehart
Director of District Management

Date

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on _____ to the persons listed below.

Richard H. Stechmann rstechmann@breitburn.com
Thomas W. Davis, P.E. tdavis@ectinc.com
Carter B. Endsley, P.E. Carter.Endsley@DEP.STATE.FL.US
Kathleen Forney, EPA Region 4 (forney.kathleen@epamail.epa.gov)
Ana Oquendo, EPA Region 4 (oquendo.ana@epamail.epa.gov)

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)

JMI/CBE/mf

SECTION 1. GENERAL INFORMATION (DRAFT)

FACILITY AND PROJECT DESCRIPTION

Existing Facility

Operations of the existing West Felda Tank Battery area includes four (4) unfired heater treaters, three (3) free water knockout (FWKO) vessels, three (3), 1,000 barrel (bbl) crude oil storage tanks, one (1), 3,000 (bbl) crude oil storage tank, three (3), 5000 (bbl) crude oil storage tanks, one, (1) 2,000 (bbl) bottom loading crude oil truck loading station and facility fugitive volatile organic compound (VOC) emissions due to equipment leaks and a Flare King model FKA VP-H25-R2S-E smokeless flare. The unfired heater/treaters, FWKO vessels, crude oil storage tanks, and crude oil truck loading stations are all vented to a smokeless flare (EU001), for oxidation of VOC's. Inactive equipment includes two unfired heater/treaters and one, (1), 2,000 (bbl) crude oil storage tank. Crude oil separated at the West Felda Tank Battery is loaded into trucks and transported to off-site terminals for distribution.

The throughput rate of this facility is 1,083 bbl/day crude oil and the annual throughput is limited to 395,295 BBL to remain below a Title V threshold.

The existing facility consists of the following emissions units.

Facility ID No. 0710193	
ID No.	Emission Unit Description
001	Tank battery smokeless flare to oxidize VOC from five (5) unfired heater/treaters and three (3) free water knockout vessels.
002	One (1) 2,000 bbl crude oil storage tank.
003	Three (3) 1,000 bbl, three (3) 5,000 bbl, and one (1) 3,000 bbl Crude Oil Storage Tanks.
004	Crude oil truck loading station that includes loading area that can contain fugitive VOC emissions due to equipment leaks.
005	Facility-wide fugitive VOC emissions

Proposed Project

The facility is operating under a Federally Enforceable State Operating Permit (FESOP), No. 0710193-007-AO. This construction permit (0710193-008-AC) is to add one (1) 1,500 barrel (bbl) crude oil storage tank, one (1) 400 bbl power oil tank, and one (1) unfired treater. The emissions are vented to the existing West Felda Tank Battery Flare (EU001). The maximum annual crude oil throughput rate for the new crude oil storage tank will be 80,000 bbl. per year (3,360,000 gallons per year). The existing crude oil storage tanks will remain available for the storage of crude oil. However, the maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged and LIMITED at 395,295 bbl per year.

This project will add the following emissions units.

Facility ID No. 0710193	
ID No.	Emission Unit Description
006	1,500 barrel (bbl) Crude Oil Storage Tank
007	400 barrel (bbl) Oil Power Storage Tank
008	Unfired Treater

FACILITY REGULATORY CLASSIFICATION

SECTION 1. GENERAL INFORMATION (DRAFT)

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility has no units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

1. Permitting Authority: The permitting authority for this project is the South District Engineering and Permitting Section, Florida Department of Environmental Protection (Department). The South District's mailing address is P.O. Box 2549, Fort Myers, Florida 33902-2549. All documents related to applications for permits to operate an emissions unit shall be submitted to the South District.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the South District Office. The mailing address and phone number of the South District Office is: P.O. Box 2549, Fort Myers, Florida 33902-2549 and (239) 344-5600.
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; and
- d. Appendix D. Common Testing Requirements.

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, 62-296 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.

The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart Kb (Petroleum Liquid Storage Tanks Constructed after July 23, 1984) since storage tanks less than 10,000 bbl design capacity used to store petroleum prior to custody transfer are EXEMPT from Subpart Kb.)

The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart OOOO, since vapors are routed to the existing battery flare, and therefore potential VOC emissions will not exceed 6.0 tpy. (The 400 bbl oil power tank will generate an insignificant amount of VOC vapors at 0.04 tpy based upon the EPA TANKS program).

5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Source Obligation:

At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

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

8. Application for Air Operation Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. An air operation permit is required for regular operation of the permitted emissions unit. 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. To apply for an air operation permit, the applicant shall submit the appropriate application form, compliance test results,

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050, 62-4.220 and Chapter 62-213, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU Group Description

This section of the permit addresses the following emissions units.

ID No.	Emission Unit Description
006	1,500 barrel (bbl) Crude Oil Storage Tank
007	400 barrel (bbl) Oil Power Storage Tank
008	Unfired Treater

EQUIPMENT

Note: The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart Kb (Petroleum Liquid Storage Tanks Constructed after July 23, 1984) since storage tanks less than 10,000 bbl design capacity used to store petroleum prior to custody transfer are EXEMPT from Subpart Kb.)

The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart OOOO, since vapors are routed to the existing battery flare, and therefore potential VOC emissions will not exceed 6.0 tpy. (The 400 bbl oil power tank will generate an insignificant amount of VOC vapors at 0.04 tpy based upon the EPA TANKS program).

EU006 is a 1,500 bbl Crude Oil Storage Tank, 29.5 ft. dia. x 24.2 ft. shell height with fixed roof. The breather vent settings are -0.03 psig vacuum and 0.13 psig pressure. The emissions are vented to the existing West Felda Tank Battery Flare (EU001).

EU007 is a 400 bbl Power Oil Storage Tank. 12 ft. dia. x 25 ft. shell height with fixed roof. (This tank serves as a recirculating vessel for the hydraulic fluid (crude oil) that supplies power through a triplex positive displacement pump). The breather vent settings are -0.03 psig vacuum and 0.13 psig pressure. This tank produces an insignificant amount of VOC vapors at 0.04 tpy based on the EPA TANKS program.

EU008 Is an unfired treater vessel is vented to the tank battery flare (EU001)

PERFORMANCE RESTRICTIONS

- Permitted Capacity: [Rule 62-210.200(PTE), F.A.C.]
The throughput rate of this facility is limited to 1,083 bbl/day crude oil and the annual throughput is 395,295 BBL. **(Permittee requests limitation to remain below Title V major threshold).**
- Restricted Operation: The hours of operation are not limited (8,760 hours per year). [Rules 62-4.070(3) and 210.200(PTE), F.A.C.]
- Operating Procedures. Operation procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures established by the equipment manufactures. All operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment. Any time this unit is found to be performing inadequately because of overloading, neglect, or other reasons, the permittee shall discontinue its use until measures are provided to correct the cause of such performance.
[Rule 62-4.070(3), F.A.C.]
- Title V Threshold Exceedence: In any month (consecutive twelve-month rolling average) that the permittee exceeds the Title V facility thresholds of 10 tons per year for a single HAP or 25 tons per year of any combination of HAPs, or 100 tons or more a year of any regulated pollutant, the permittee shall apply for a Title V permit incorporating 40 CFR 63 Subpart VV within 90 days of exceeding the threshold. The permittee

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU Group Description

shall notify the Department in writing, within 30 days of exceeding the limit, that they will be submitting an application for a Title V permit. [Rules 62-4.070(3), 62-213.420(1)(a)2., and 62-4.160(2) F.A.C.]

EMISSIONS STANDARDS

5. Emissions Standards:

Visible emissions for E.U. 001 shall not exceed 20 percent opacity. The test method for visible emissions shall be DEP Method 9 and shall be conducted annually.

TESTING REQUIREMENTS

6. Initial Compliance Tests: The emissions unit shall be tested to demonstrate initial compliance with the emissions standards for Visible Emissions (VE). The initial tests shall be conducted within 60 days after achieving permitted capacity, but not later than 180 days after initial operation of the unit. [Rules 62-4.070(3) and 62-297.310(7)(a)1, F.A.C.]
7. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), the emissions unit E.U. 001 shall be tested to demonstrate compliance with the emissions standards for 20% Opacity. [Rule 62-297.310(7)(a)4, F.A.C.]
8. Compliance Tests Prior to Renewal: Opacity test is required prior to obtaining a renewed operation permit: [Rule 62-297.310(7)(a)3., F.A.C.]
9. Test Requirements: The permittee shall notify the Compliance Authority in writing at least 15 days prior to any required tests. Tests shall be conducted in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(7)(a)9, F.A.C.]
10. Test Methods: Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
9	Visual Determination of the Opacity of Emissions from Stationary Sources

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]

RECORDS AND REPORTS

11. Test Reports: The permittee shall prepare and submit reports for all required tests in accordance with the requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(8), F.A.C.]
12. Operational Data: Compliance with Specific Condition No. 2 shall be demonstrated through monthly record keeping (not a monthly report). These records shall be available to the Department for inspection upon adequate prior notice. The records for each tank and the facility shall include:
 - A.) Month, year
 - B.) Products stored
 - C.) Throughput of the product[Rule 62-4.070(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. EU Group Description

13. The owner or operator shall keep all records for the facility for at least 5 years.
[Rule 62-213.440(1)(b)2.b., F.A.C.]
14. Annual Operating Report: An annual operation report (DEP form 62-210.900(5)) shall be submitted by March 1st each year to the Department.
[Rule 62-210.370(3), F.A.C.]

PERMIT RENEWAL

15. Permit Renewal: Prior to sixty days before the expiration of the operating permit, the permittee shall apply for a renewal of the permit using the current version of the permit renewal application form. A renewal application shall be timely and sufficient. If the application is submitted prior to sixty days before the expiration of the permit, it will be considered timely and sufficient.

If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by this agency or, if there is court review of the final agency action, until a later date is required by Section 120.60, F.S.

[Rule 62-4.090, F.A.C]

SECTION 4. APPENDIX A (DRAFT)
Citation Formats and Glossary of Common Terms

Appendix A. Citation Formats and Glossary of Common Terms

Appendix B. General Conditions

Appendix C. Common Conditions

Appendix D. Common Testing Requirements

SECTION 4. APPENDIX A (DRAFT)
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.

Old Permit Numbers

Example: Permit No. AC50-123456 or Permit No. AO50-123456

Where: “AC” identifies the permit as an Air Construction Permit
“AO” identifies the permit as an Air Operation Permit
“123456” identifies the specific permit project number

New Permit Numbers

Example: Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

Where: “099” represents the specific county ID number in which the project is located
“2222” represents the specific facility ID number for that county
“001” identifies the specific permit project number
“AC” identifies the permit as an air construction permit
“AF” identifies the permit as a minor source federally enforceable state operation permit
“AO” identifies the permit as a minor source air operation permit
“AV” identifies the permit as a major Title V air operation permit

PSD Permit Numbers

Example: Permit No. PSD-FL-317

Where: “PSD” means issued pursuant to the preconstruction review requirements of the Prevention of Significant Deterioration of Air Quality
“FL” means that the permit was issued by the State of Florida
“317” identifies the specific permit project number

Florida Administrative Code (F.A.C.)

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

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

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit

AAQS: Ambient Air Quality Standard

acf: actual cubic feet

acfm: actual cubic feet per minute

ARMS: Air Resource Management System (DEP database)

BACT: best available control technology

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

SECTION 4. APPENDIX A (DRAFT)
Citation Formats and Glossary of Common Terms

CMS: continuous monitoring system	FGR: flue gas recirculation
CO: carbon monoxide	Fl: fluoride
CO₂: carbon dioxide	ft²: square feet
COMS: continuous opacity monitoring system	ft³: cubic feet
DARM: Division of Air Resource Management	gpm: gallons per minute
DEP: Department of Environmental Protection	gr: grains
Department: Department of Environmental Protection	HAP: hazardous air pollutant
dscf: dry standard cubic feet	Hg: mercury
dscfm: dry standard cubic feet per minute	I.D.: induced draft
EPA: Environmental Protection Agency	ID: identification
ESP: electrostatic precipitator (control system for reducing particulate matter)	kPa: kilopascals
EU: emissions unit	lb: pound
F.A.C.: Florida Administrative Code	MACT: maximum achievable technology
F.A.W.: Florida Administrative Weekly	MMBtu: million British thermal units
F.D.: forced draft	MSDS: material safety data sheets
F.S.: Florida Statutes	MW: megawatt
FGD: flue gas desulfurization	NESHAP: National Emissions Standards for Hazardous Air Pollutants
	RATA: relative accuracy test audit
NO_x: nitrogen oxides	RBLC: EPA's RACT/BACT/LAER Clearinghouse
NSPS: New Source Performance Standards	SAM: sulfuric acid mist
O&M: operation and maintenance	scf: standard cubic feet
O₂: oxygen	scfm: standard cubic feet per minute
Pb: lead	SIC: standard industrial classification code
PM: particulate matter	SIP: State Implementation Plan
PM₁₀: particulate matter with a mean aerodynamic diameter of 10 microns or less	SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)
ppm: parts per million	SO₂: sulfur dioxide
ppmv: parts per million by volume	TPD: tons/day
ppmvd: parts per million by volume, dry basis	TPH: tons per hour
QA: quality assurance	TPY: tons per year
QC: quality control	TRS: total reduced sulfur
PSD: prevention of significant deterioration	UTM: Universal Transverse Mercator coordinate system
psi: pounds per square inch	VE: visible emissions
PTE: potential to emit	VOC: volatile organic compounds
RACT: reasonably available control technology	

SECTION 4. APPENDIX B (DRAFT)

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

SECTION 4. APPENDIX B (DRAFT)**General Conditions**

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

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, 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.]

SECTION 4. APPENDIX C (DRAFT)

Common Conditions

- 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

SECTION 4. APPENDIX C (DRAFT)

Common Conditions

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.]

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.

SECTION 4. APPENDIX C (DRAFT)

Common Conditions

- 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.]

SECTION 4. APPENDIX D (DRAFT)

Common Testing Requirements

Unless otherwise specified in the permit, the following testing requirements apply to all emissions units at the facility.

COMPLIANCE TESTING REQUIREMENTS

1. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
2. Applicable Test Procedures - Opacity Compliance Tests: When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
 - a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
 - b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
 - c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

[Rule 62-297.310(4), F.A.C.]

3. Determination of Process Variables:
 - a. *Required Equipment*. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
 - b. *Accuracy of Equipment*. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

[Rule 62-297.310(5), F.A.C.]

4. Frequency of Compliance Tests: The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
 - a. *General Compliance Testing*.
 1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
 2. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
 - (a) Did not operate; or

SECTION 4. APPENDIX D (DRAFT)

Common Testing Requirements

- (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,
- 3. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for visible emissions, if there is an applicable standard.
- 4. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

[Rule 62-297.310(7), F.A.C.]

RECORDS AND REPORTS

- 5. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report shall provide the following information.
 - a. The type, location, and designation of the emissions unit tested.
 - b. The facility at which the emissions unit is located.
 - c. The owner or operator of the emissions unit.
 - d. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
 - e. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
 - f. The date, starting time and end time of the observation.
 - g. The test procedures used.
 - h. The names of individuals who furnished the process variable data, conducted the test, and prepared the report.
 - i. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
 - j. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

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



**TECHNICAL EVALUATION
&
PRELIMINARY DETERMINATION**

APPLICANT

Breitburn Florida, LLC
P.O. Box 3236
Immokalee, Florida 34143

West Felda Tank Battery
Facility ID No. 0710193

PROJECT

Project No. 0710193-008-AC
Application for Minor Source Air Construction Permit
Add one (1) 1,500 bbl. Crude Oil Storage Tank, one (1) 400 bbl Power Oil tank and one (1) unfired Treater

COUNTY

Hendry, Florida

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Engineering and Permitting Section
South District Office
2295 Victoria Avenue
Fort Myers, FL 33901

March 12, 2014

1. 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); 62-296 (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.

Facility Description and Location

Breitburn Florida, LLC, West Felda Tank Battery is an existing facility, which is categorized under Standard Industrial Classification Code No. 1311. The facility is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to state and federal Ambient Air Quality Standards (AAQS).

Facility Regulatory Categories

- 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.
- The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is not a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Project Description

The facility is operating under a Federally Enforceable State Operating Permit (FESOP), No. 0710193-007-AO. This construction permit (0710193-008-AC) is to add one (1) 1,500 barrel (bbl) crude oil storage tank, one (1) 400 bbl power oil tank, and one (1) unfired treater. The emissions are vented to the existing West Felda Tank Battery Flare. The maximum annual crude oil throughput rate for the new crude oil storage tank will be 80,000 bbl. per year (3,360,000 gallons per year). The existing crude oil storage tanks will remain available for the storage of crude oil. However, the maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged at 395,295 bbl per year.

The throughput rate of this facility is 1,083 bbl/day crude oil and the annual throughput is limited to 395,295 BBL to remain below a Title V threshold.

Processing Schedule

02/27/2014 Received the application for a minor source air pollution construction permit.

2. PSD APPLICABILITY**General PSD Applicability**

For areas currently in attainment with the state and federal AAQS or areas otherwise designated as unclassifiable, the Department regulates major stationary sources of air pollution in accordance with Florida's PSD preconstruction review program as defined in Rule 62-212.400, F.A.C. Under preconstruction review, the Department first must determine if a project is subject to the PSD requirements ("PSD applicability review") and, if so, must conduct a PSD preconstruction review. A PSD applicability review is required for projects at new and existing major stationary sources. In addition, proposed projects at existing minor sources are subject to a PSD applicability review to determine whether potential emissions *from the proposed project itself* will exceed the PSD major stationary source thresholds. A facility is considered a major stationary source with respect to PSD if it emits or has the potential to emit:

- 250 tons per year or more of any regulated air pollutant; or
- 100 tons per year or more of any regulated air pollutant and the facility belongs to one of the following 28 PSD-major facility categories: fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), Kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants, fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants and charcoal production plants.

Once it is determined that a project is subject to PSD preconstruction review, the project emissions are compared to the "significant emission rates" defined in Rule 62-210.200, F.A.C. for the following pollutants: carbon monoxide (CO); nitrogen oxides (NO_x); sulfur dioxide (SO₂); particulate matter (PM); particulate matter with a mean particle diameter of 10 microns or less (PM₁₀); volatile organic compounds (VOC); lead (Pb); fluorides (F1); sulfuric acid mist (SAM); hydrogen sulfide (H₂S); total reduced sulfur (TRS), including H₂S; reduced sulfur compounds, including H₂S; municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans; municipal waste combustor metals measured as particulate matter; municipal waste combustor acid gases measured as SO₂ and hydrogen chloride (HCl); municipal solid waste landfills emissions measured as non-methane organic compounds (NMOC); and mercury (Hg). In addition, significant emissions rate also means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 µg/m³, 24-hour average.

If the potential emission exceeds the defined significant emissions rate of a PSD pollutant, the project is considered "significant" for the pollutant and the applicant must employ the Best Available Control Technology (BACT) to minimize the emissions and evaluate the air quality impacts. Although a facility or project may be *major* with respect to PSD for only one regulated pollutant, it may be required to install BACT controls for several "significant" regulated pollutants.

PSD Applicability for Project

As provided in the application, the following table summarizes potential emissions and PSD applicability for the project.

Table A. Potential Emissions (Tons/Year) and PSD Applicability

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

Pollutant	Project Potential Emissions (TPY)	Significant Emissions Rate (TPY)	Subject To PSD?
CO	---	100	No
NO _x	---	40	No
PM/PM ₁₀	---	25/15	No
SO ₂	---	40	No
VOC	0.19	40	No

As shown in the above table, total project emissions will not exceed the PSD significant emissions rates; therefore, the project is not subject to PSD preconstruction review.

3. APPLICATION REVIEW

Discussion of Emissions

The volatile organic compound (VOC) emissions are only due to breathing and working losses from the 1,500 bbl and 400 bbl power oil tanks and vent from the unfired treater. The VOC emissions are vented and routed to the West Felda Tank Battery flare (EU001). The maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged with the addition of this equipment.

Visible emissions shall not exceed 20 percent opacity. The test method for visible emissions shall be DEP Method 9 and shall be conducted annually.

State Requirements

This facility is classified as a synthetic minor source and is presently authorized to operate by a Federally Enforceable State Operating Permit (FESOP).

Federal NSPS Provisions

The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart Kb (Petroleum Liquid Storage Tanks Constructed after July 23, 1984) since storage tanks less than 10,000 bbl design capacity used to store petroleum prior to custody transfer are EXEMPT from Subpart Kb.)

The new crude oil storage tanks are NOT subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart OOOO, since vapors are routed to the existing battery flare, and therefore potential VOC emissions will not exceed 6.0 tpy. (The 400 bbl oil power tank will generate an insignificant amount of VOC vapors at 0.04 tpy based upon the EPA TANKS program).

4. 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. Carter B. Endsley, P.E. is the project engineer responsible for reviewing the application and drafting the permit. Additional details of this analysis may be obtained by contacting the project engineer at the Department's South District Office at 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33902.

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
South District Office, Engineering and Permitting Section,
Draft Minor Source Air Construction Permit
Project No. 0710193-008-AC
Breitburn Florida, LLC, West Felda Tank Battery
Hendry County, Florida

Applicant: The applicant for this project is Breitburn Florida, LLC. The applicant's authorized representative and mailing address is: Richard S. Stechmann, Florida Area Superintendent, P.O. Box 3236, Immokalee, Florida, 34143.

Facility Location: Breitburn Florida, LLC operates the existing West Felda Tank Battery, which is located north of State Road 82, approximately 4.8 miles southeast of Lehigh Acres and 8.8 miles west of Felda, on Cross Rd., approximately 600 feet east of Calumet Rd., in Hendry County, Florida. Latitude 26° 31' 39" N. Longitude 81° 32' 44" W. The UTM coordinates are Zone 17, 445.6 km East and 2934.2 km North.

Project: This project is to add one (1) 1,500 barrel (bbl) crude oil storage tank, one (1) 400 barrel (bbl) power oil tank and one (1) unfired treater to the West Felda Tank Battery. All volatile organic compound (VOC) emissions due to breathing and working losses from the storage tanks will be vented to the West Felda Tank Battery flare. The existing crude oil storage tanks will remain available for the storage of crude oil. However, the maximum crude oil throughput rate for the West Felda Tank Battery will remain unchanged. This facility is classified as a synthetic minor source and is presently authorized to operate by a Federally Enforceable State Operating Permit (FESOP). The oil storage tanks are NOT subject to New Source Performance Standards (NSPS).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Department of Environmental Protection's Engineering and Permitting Section in the South District Office. The Permitting Authority's physical address is: 2295 Victoria Avenue, Suite 364, Fort Myers, Florida 33901. The Permitting Authority's mailing address is: P.O. Box 2549, Fort Myers, Florida 33902-2549. The Permitting Authority's telephone number is (239) 344-5600.

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

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

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

Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

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

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available for this proceeding