Department of Environmental Protection

Jeb Bush
Governor

Southeast District
400 N. Congress Avenue, Suite 200
West Palm Beach, Florida 33401

Colleen M. Castille
Secretary

NOTICE OF AIR POLLUTION PERMIT

Date

ELECTRONIC CORRESPONDENCE
rickd.in@bsm.com

ISSUED TO:

Mr. Rick Drum
Plant Manager
Bay State Milling Company
P.O. Box 1280
Indiantown, FL 34956

Permit Number: 0850012-009-AC
Issue Date:
Expiration Date: **One year after issue date**

Authorized Representative:

Mr. Rick Drum
Plant Manager

PROJECT:

Project:	Construction of two permanent 150,000 pounds storage silos for Wheat Rye Flour
Facility Description:	Food and Kindred Products (SIC # 20)
Location:	19150 SW Warfield Blvd, Indiantown, Martin County, Florida 34956
Lat./Long.:	27°02'53" N / 80°31'02" W
UTM: Zone 17;	547.4 Km. E; 2991.68 Km. N

Dear Mr. Drum:

This is Permit Number 0850012-009-AC to modify an air pollution source issued pursuant to Chapter 403.087, Florida Statutes (F.S.). This is a new construction permit to authorize construction of the emissions units described in this permit.

NOTICE OF RIGHTS:

Any party to this Order has the right to seek judicial review of the permit under Section 120.68 of the Florida Statutes, by filing a Notice of Appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, (Telephone: 850/245-2242; Fax 850/245-2303) 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 of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Department.

STATEMENT OF BASIS:

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Rules 62-4, and 62-204 through 62-297, and in conformance with all existing regulations of the Florida Department of Environmental Protection. The above named owner or operator is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents attached hereto or on file with the Department, in accordance with the terms and conditions of this permit.

PART I -- SUMMARY INFORMATION

PERMIT CONTENTS:

Part I -- Summary Information
Part II -- Facility-Wide Specific Conditions
Part III -- Emissions Unit Specific Conditions
Appendix A -- General Conditions

CONSTRUCT: This permit addresses the following air pollution emissions unit:

ID No	Description
014	Two (2) Storage Silos – Rye Wheat Flour

SIGNIFICANT DATES:

Application Received: **February 25, 2006**
Intent to Issue and DRAFT permit issued: **April 21, 2006**
Public Notice of Intent Published: **May 25, 2006**
Proof of Publication received: **June 7, 2006**

PERMIT HISTORY:

Permit No. 0850012-008-AF issued March 20, 2006
Permit No. 0850012-007-AF issued May 31, 2005
Permit No. 0850012-006-AC issued February 9, 2005
Permit No. 0850012-005-AF issued May 31, 2005
Permit No. 0850012-004-AF withdrawn
Permit No. 0850012-003-AF issued May 23, 2001
Permit No. 0850012-002-AF issued August 16, 1996.
Permit No. 0850012-001--AC issued October 4, 1995.
Permit No. AO 43-213061 issued July 24, 1992.
Permit No. AC 43133005 issued May 28, 1987.
Permit No. AC 43-100570 issued March 28, 1985.
Permit No. AC 43-085520 issued July 30, 1984.

PART II -- FACILITY-WIDE SPECIFIC CONDITIONS

Conditions in this part generally apply to all emissions units and activities covered under this permit.

Administrative Requirements

1.1 Regulating Agencies: All applications, tests, reports, notifications, or other submittals required by this permit shall be submitted to the Florida Department of Environmental Protection, Southeast District Office, Air Program at 400 North Congress Ave, Suite 200, West Palm Beach, Florida, 33401, (phone 561-681-6600 fax 561-681-6790)

1.2 Citation Format: In this permit, references to F.A.C. Rule 62-xxx refer to rules promulgated under Title 62 of the Florida Administrative Code; references (if any) to 40 CFR 60.xx (or 61.xx or 63.xx) refer to regulations codified under Part 60 (or 61 or 63) of Title 40 of the Code of Federal Regulations.

1.3 Specific and General Conditions: The owner or operator shall be subject to the specific conditions of this permit and the owner or operator shall be aware of, and operate under, the attached General Conditions, attached as Appendix A of this permit. General Conditions are binding and enforceable pursuant to Chapter 403, F.S.
[Rule 62-4.160, F.A.C.]

1.4 Applicable Regulations: This facility is subject to regulation of Florida Administrative Code (F.A.C.) Rules 62-4, and 62-204 through 62-297. Issuance of this permit does not relieve the facility owner or operator from compliance with any other applicable federal, state or local permitting requirements or other regulations.

1.5 Other Permits: This air pollution permit does not preclude the owner or operator from obtaining any other types of required permits, licenses or certifications from this Department or other departments or agencies.

1.6 Operation Permit Required: This permit authorizes construction and/or installation of the permitted emissions units and initial operation to determine compliance with Department rules. **An operation permit is required for regular operation of the permitted emissions units.** The owner or operator shall **apply for and receive** an operation permit prior to expiration of this permit. An application for an operation permit shall be submitted to the Department of Environmental Protection, Southeast District Office, Air Program. To apply for an operation permit, the applicant shall submit the appropriate application fee and, in quadruplicate, the appropriate application form, a certification that construction was completed with a notation of any deviations from the conditions in the construction permit, compliance test results, and such additional information as the Department may by law require.
[Rules 62-4.030, 62-4.050, 62-4.220, and 62-210.300, F.A.C.]

1.7 Extension of This Permit: The expiration date of this construction permit may be extended upon request of the owner or operator and submission of the appropriate fee to the Department of Environmental Protection, Southeast District Office, Air Program **at least 60 days prior** to the expiration date of this permit.
[Rules 62-4.050, 62-4.080, and 62-4.220, F.A.C.]

1.8 The permit also constitutes:
a. Determination of Best Available Control Technology (BACT is NOT required)
b. Determination of Prevention of Significant Deterioration (PSD does NOT apply); and
c. Compliance with New Source Performance Standards (NSPS does NOT apply).
[Rule 62-4.160, F.A.C.]

General Emission Limiting Standards

1.9 Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]

1.10 General Visible Emissions Standard: Unless otherwise specified by permit or rule, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than 20 percent opacity.
[Rule 62-296.320(4)(b), F.A.C.]

1.11 Volatile Organic Compounds/Organic Solvents Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. Such controls include the following:

a. Tightly cover or close all VOC containers when they are not in use.
b. Tightly cover all open tanks that contain VOCs when they are not in use.
c. Maintain all pipes, valves, fittings, etc., which handle VOCs in good operating condition.
d. Confine rags used with VOCs to tightly-closed, fire-proof containers when not in use.
e. Immediately confine and clean up VOC spills and make sure wastes are placed in closed containers for reuse, recycling or proper disposal.

[Rule 62-296.320(1), F.A.C.]

1.12 Unconfined Emissions of Particulate Matter: No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions include the following:

a. Paving and maintenance of roads, parking areas and yards.
b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
c. Application of asphalt, water, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
e. Landscaping or planting of vegetation.
f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
g. Confining abrasive blasting where possible.
h. Enclosure or covering of conveyor systems.
i. Substitution of powdery materials with granular or pelletized materials, where possible

[Rule 62-296.320(4)(c), F.A.C.]

1.13 Particulate Matter Emissions Cap: Emissions of Particulate from Emissions Units 001, 002, 004, 007, 010, 013 and proposed unit 014 shall not exceed 93.5 tons in any consecutive 12-month period.
[As Requested by Permittee, Rule 62-4.070(1), F.A.C.]

Operation Requirements

1.14 Circumvention: No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]

1.15 Excess Emissions: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing best operational practices to minimize emissions are adhered to, and the duration of excess emissions shall be minimized but in no case exceeds two hours in any 24 hour period unless specifically authorized by the Department for longer duration. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited.
[Rules 62-210.700(4) & (1), F.A.C.]

Compliance Testing Requirements

1.16 Test Notification: Unless otherwise specified in this permit, the Department of Environmental Protection, Southeast District Office, Air Program shall be notified in writing of expected compliance test dates at least fifteen (15) days prior to compliance testing. The notification shall include the following information: the date, time, and location of each test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner.
[Rule 62-297.310(7)(a), F.A.C.]

1.17 Testing at Capacity: Compliance testing shall be conducted with the emissions units operating at the permitted capacity (90 to 100% of the maximum permitted operation rate of the emission units). If an emissions unit is not tested at permitted capacity, the emissions unit shall not be operated above 110% of the test load until a new test showing compliance is conducted. Operation of the emissions unit above 110% of the test load is allowed for no more than 15 days for the purpose of conducting additional compliance testing to regain the authority to operate at the permitted capacity.
[Rule 62-297.310(2), F.A.C.]

1.18 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 in Rules 62-204 through 62-297 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)(b), F.A.C.]

Reporting and Record Keeping Requirements

1.19 Report Excess Emissions: In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. (condition 1.20 below). 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.]

1.20 Report Plant Operation Problems: If the owner or operator is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the owner or operator shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the owner or operator from any liability for failure to comply with Department rules.
[Rule 62-4.130, F.A.C.]

1.21 Retain Records: All records required by this permit shall be kept by the owner or operator and made available for Department inspection for a minimum of three (3) years from the date of such records.
[Rule 62-4.160(14)(b), F.A.C.]

1.22 Compliance Test Reports: Compliance test reports shall be submitted to the Department of Environmental Protection, Southeast District Office, Air Compliance Section, as soon as practical, but no later than 45 days after the last sampling run of each test is completed. Test reports 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.
[Rule 62-297.310(8), F.A.C.]

1.23 Annual Report Required: On or before March 1 of each calendar year, a completed DEP Form 62-210.900(5), Annual Operating Report (AOR) Form for Air Pollutant Emitting Facility, shall be submitted to the Department of Environmental Protection, Southeast District Office, Air Program.
[Rule 62-210.370(3), F.A.C.]

PART III - EMISSIONS UNIT SPECIFIC CONDITIONS

Subpart A: This part of this permit addresses the following emissions unit:

ID No	Description
014	Two (2) Storage Silos - Rye Wheat Flour

Each silo is capable of storing 150,000 pounds of Rye Wheat Flour. The particulate emissions are controlled by fabric filters (Baghouse) with a maximum flow rate of 600 acfm and an engineered grain loading of 0.02 grains per dry standard cubic foot.

Emission Limiting Standards and Operation Restrictions

A.1 Particulate Matter (PM) and PM10 Emission: Particulate matter and PM 10 emissions from each silo shall not exceed 0.380 tons per year.
[As Requested to avoid Title V & Rule 62-4.070(1), F.A.C.]

A.2 Visible Emission: The permittee shall not cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than 20 percent opacity.
[Rule 62-296.320(4)(b)1., F.A.C.]

A.3 Hours of Operation: Each silo may vent exhaust gases through the baghouse for a maximum of 7,390 hours per year.
[As Requested to avoid Title V & Rule 62-4.070(1), F.A.C.]

A.4 Control Equipment Required: Particulate matter and PM10 emissions from each silo shall be controlled by a fabric filter (Baghouse) with a maximum flow of 600 acfm and a maximum grain loading of 0.02 grains per dry standard cubic foot.
[As Requested to avoid Title V & Rule 62-4.070(1), F.A.C.]

Compliance Monitoring and Testing Requirements

A.5 Initial Compliance Testing: The permittee shall conduct initial testing for visible emissions and particulate matter emissions within ninety (90) days of the initial loading of each silo for purposes of demonstrating compliance with the emission limitations and design specifications of Specific Conditions A.1., A.2. and A.4. of this permit.
[Rules 62-210.300(1)(a) and 62-297.310(7)(a)1., F.A.C.]

A.6. Annual Compliance Testing: During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the permittee shall have a formal compliance test conducted for visible emissions for each emissions unit.
[Rule 62-297.310(7)(a)4.a., F.A.C.]

A.7. Renewal Testing: The permittee shall test each silo for particulate matter emissions to demonstrate compliance with specific condition A.4. of this permit prior to obtaining a renewed operating permit. A particulate matter compliance test shall not be required if, during the year prior to renewal, the emissions unit(s) did not operate.
[Rule 62-297.310(7)(a)3., F.A.C.]

A.8 Test Methods: The permittee shall use the following test methods to demonstrate compliance with specific conditions A.1, A.2. and A.4. of this permit:

a. ***Traverse Points***: U.S. EPA Reference Method 1
b. ***Volumetric Flow Rate:*** U.S. EPA Reference Method 2
c. ***Particulate Matter Emissions:*** U.S. EPA Reference Method 5
d. ***Visible Emissions:*** U.S. EPA Reference Method 9 (30-minute Observation Period)

[Rules 62-297.310(4)(a), 62-297.401 and 62-204.800(8)(2), F.A.C.]

A.9. Waiver of Particulate Matter Testing: With the potential emissions from each silo less than 100 tons per year when equipped with a fabric filter (Baghouse) as described in the application, the Department waives the particulate matter compliance test requirement (Specific Conditions A.5 and A.7) provided the permittee demonstrates compliance with an alternative standard of five (5) percent opacity. If the Department has reason to believe that the particulate matter weight emission standard (Specific Condition A.4.) applicable to each emissions unit is not being

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met, it shall require the permittee to demonstrate compliance by the test method specified in Specific Condition A.8. of this permit.
[Rule 62-297.620(4), F.A.C.]

A.10 Control Equipment Operation and Maintenance: The permittee shall visually inspect each pollution control device and associated appurtenance monthly to ensure that each device is operating properly, and shall record their condition and the pressure drop of the baghouses when inspected. The permittee shall perform a detailed inspection of each associated pollution control device annually and record the inspection results. Such inspection shall include general condition of the emission control equipment and ductwork, condition of the bags and appurtenances in the baghouses, and verification of proper operation of the bag cleaning cycle.
[Rule 62-4.070(3), F.A.C.]

Reporting and Record Keeping Requirements

A.11 Operating Records: The permittee shall monitor and record the hours of operation that each silo exhausts to the atmosphere to demonstrate compliance with Specific Condition A.3 of this permit.
[Rule 62-4.070(1), F.A.C.]

A.12 Control Equipment: The permittee shall maintain records of the monthly and annual control equipment inspection results.
[Rule 62-4.070(1), F.A.C.]

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Kevin R. Neal Date
District Director
Southeast District

KRN/DGLT/md

c:

Eugene D. Schaltenbrand, P.E, Brooks & Associates	**schaltee@bellsouth.net**
Don Niblock, Bay State Milling Company, Inc.	**dniblock.in@bsm.com**
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FILING AND ACKNOWLEDGMENT: FILED**,** on this date, pursuant to § 120.52(7), F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

_____ _____
Clerk Date

GENERAL CONDITIONS Pursuant Rule 62-4.160, Florida Administrative Code (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, Florida Statutes (F.S.) The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

    a. Have access to and copy any records that must be kept under conditions of the permit;

    b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

    c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

    a. A description of and cause of noncompliance; and

    b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department

may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4. 120 and 62-730. 300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. 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.

14. 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.

Specific Authority 403. 061, 403. 087, 403. 088 FS. Law Implemented 403. 061, 403. 087, 403. 088 FS. History – New 8-31-88, Amended 10-4-89, 7-11-93, Formerly 17-4. 160.