



Department of Environmental Protection

Jeb Bush
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

David B. Struhs
Secretary

June 24, 2002

ELECTRONIC CORRESPONDENCE
RMTGNV@MSN.com

In the Matter of an Application for Permit by:

Mr. Richard Schroeder
Vice President for Operations
BP Technology, Inc.
3222 Commerce Place
West Palm Beach, FL 33407

DEP File No. 0930109-004-AC
Okeechobee County
Project: Air Construction permit for a
Kewanee Package Scotch Boiler
model H3S-600 KGO2

INTENT TO ISSUE

Dear Mr. Schroeder:

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below. A copy of the draft permit is attached.

The applicant, BP Technology, applied on June 03, 2002, to the Department of Environmental Protection for a permit to construct an air pollution source consisting of a Kewanee Package Scotch Boiler model H3S-600-KGO2 with a maximum heat input rate of 24.2 MMBtu per hour, to serve a Biomass Processing Facility. This facility is located at 4173 80th Avenue, Okeechobee, Okeechobee County, Florida

The Department has permitting jurisdiction under Section 403.087, Florida Statutes (F.S.), to issue or deny permits for air pollution sources. The project is not exempt from permitting procedures. The Department has determined that an air pollution construction permit is required for the proposed work.

The Department intends to issue this air construction permit based on Florida Administrative Code (F.A.C.) Rules 62-4, and 62-204 through 62-297, and the belief reasonable assurances have been provided to indicate the proposed project will not adversely impact air quality, and that the specific conditions in the draft permit limit the potential emissions of air pollutants to the amounts described above.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1, F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Air Construction Permit". The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C. requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting 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 Air Permitting Section of the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Air Permitting Section of the Department of Environmental Protection, in person at 400 North Congress Avenue, West Palm Beach, Florida 33401, or by mail to the Department of Environmental Protection, Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416 (Telephone 561-681-6600; Fax 561-681-6790). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change or terms or conditions.

"More Protection, Less Process"

Printed on recycled paper.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit." Written comments should be provided to the Air Permitting Section of the Department's Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida 33401. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures petitioning for a hearing are set forth below.

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

A petition that disputes the material facts on which the Department'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 how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301.

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

Mediation is not available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

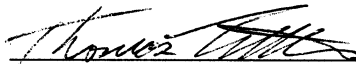
- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

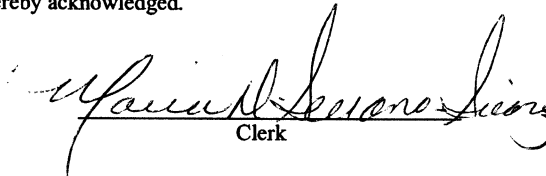
 06-24-02
Thomas Tittle Date
District Air Program Administrator
Southeast District

TT/LT/md

Attachment

cc: Dale H. Francke, P.E. e-mail Dale@espsupport.com

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.

 06-25-02
Clerk Date

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit to BP Technology of 6861 Vista Parkway North, West Palm Beach, Florida 3341, to construct an air pollution source consisting of a Kewanee Package Scotch Boiler model H3S-600-KGO2 with a maximum heat input rate of 24.2 MMBtu per hour, to serve a Biomass Processing Facility. This facility is located at 4173 80th Avenue, Okeechobee, Okeechobee County, Florida. The Department's file number in this matter is 0930109-004-AC. The Department intends to issue this permit based on Florida Administrative Code (F.A.C.) Rules 62-4, and 62-204 through 62-297, and the belief that reasonable assurances have been provided to indicate the proposed project will not adversely impact air quality.

The Department will issue the permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change or terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit." Written comments should be provided to the Air Permitting Section of the Department's Southeast District Office, 400 North Congress Avenue, West Palm Beach, Florida 33401. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures petitioning for a hearing are set forth below. Mediation is not available for this action.

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

A petition that disputes the material facts on which the Department'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 how and when petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

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

Mediation is not available in this proceeding.

NOTICE OF AIR POLLUTION PERMIT

ISSUED TO:

BP Technology, Inc.
6877 Vista Parkway, North
West Palm Beach, FL 33411

Permit Number: 0930109-004-AC
Issue Date: **DRAFT**
Expiration Date: **DRAFT**

Authorized Representative:

Mr. Richard Schroeder
Vice President for Operations

Project: Construction of a Kewanee Package Scotch Boiler model H3S-600-KGO2 to serve a Biomass Processing Facility.
Facility Description: A biomass processing facility (SIC # 2048)
Location: 4173 N.E. 80th Avenue, Okeechobee, Okeechobee County, Florida
Lat./Long.: 27°16'51" N / 80°44'35" W
UTM: Zone 17; 525.18 Km. E; 3017.40 Km. N

Dear Mr. Schroeder:

This is Permit Number 0930109-004-AC to construct 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 emission unit 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, 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 -- Emission Unit Specific Conditions
Appendix A -- General Conditions

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

Emission Unit Number	Emission Unit Description
002	Kewanee Packaged Scotch Boiler model H3S-600-KGO2

SIGNIFICANT DATES:

Public Notice of Intent Published: ^
Application Received: June 03, 2002

FACILITY PERMIT HISTORY:

Permit No. 0930109-001 issued March 22, 2000.
Permit Extension. 0930109-002 issued March 16, 2001.
Permit Extension. 0930109-003 issued January 25, 2002.

PART II -- FACILITY-WIDE SPECIFIC CONDITIONS

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

1.0 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 PO Box 15425, West Palm Beach, Florida, 33416 (street address 400 North Congress Avenue, West Palm Beach, Florida, 33401, telephone 561-681-6600, Fax 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 and 40 CFR 60 Subpart Dc. 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 emission unit and initial operation to determine compliance with Department rules. **An operation permit is required for regular operation of the permitted emission unit.** 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 62-4.030, 62-4.050, and 62-4.220, F.A.C.]

2.0 General Pollutant Emission Limiting Standards

- 2.1 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.]

{Permitting note: Objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance}.

- 2.2 General Visible Emission Standard: Unless otherwise specified by permit or rule, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emission 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.]

- 2.3 Volatile Organic Compounds/Organic Solvents Emission: 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:

- ◆ Tightly cover or close all VOC containers when they are not in use.
- ◆ Tightly cover all open tanks that contain VOCs when they are not in use.
- ◆ Maintain all pipes, valves, fittings, etc., which handle VOCs in good operating condition.
- ◆ Confine rags used with VOCs to tightly closed, fireproof containers when not in use.
- ◆ 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.]

- 2.4 Unconfined Emission of Particulate Matter: No person shall cause, let, permit, suffer or allow the emission 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 emission.

Reasonable precautions include the following:

- ◆ Paving and maintenance of roads, parking areas and yards.
- ◆ Application of water or chemicals to control emission from such activities as demolition of buildings, grading roads, construction, and land clearing.

- ◆ Application of asphalt, water, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
- ◆ 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.
- ◆ Landscaping or planting of vegetation.
- ◆ Substitution of powdery materials with granular or pelletized materials, where possible.

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

3.0 Operation Requirements

- 3.1 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.]

- 3.2 Excess Emission: Excess emission resulting from startup, shutdown or malfunction of any emission unit shall be permitted providing best operational practices to minimize emission are adhered to, and the duration of excess emission 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 emission 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.

[Rule 62-210.700, F.A.C.]

4.0 Compliance Testing Requirements

- 4.1 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.]

- 4.2 Testing at Capacity: Compliance testing shall be conducted with the emission units operating at the permitted capacity (90 to 100% of the maximum permitted operation rate of the emission units). If an emission unit is not tested at permitted capacity, the emission unit shall not be operated above 110% of the test load until a new test showing compliance is conducted. Operation of the emission 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.]

- 4.3 Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emission 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 emission unit to conduct compliance tests which identify the nature and quantity of pollutant emission from the emission unit and to provide a report on the results of said tests to the Department.

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

5.0 Reporting and Record Keeping Requirements

- 5.1 Report Excess Emission: In case of excess emission resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. (condition 5.2 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.]
- 5.2 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.]
- 5.3 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 two (2) years from the date of such records.
[Rule 62-4.070(3), F.A.C.]
- 5.4 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.
[Rules 62-297.310(8)(a) & (b), F.A.C.]

PART III -- EMISSION UNIT SPECIFIC CONDITIONS

This part of this permit addresses the following emission unit:

Emission Unit Number	Emission Unit Description
002	Kewanee Packaged Scotch Boiler model H3S-600-KGO2 with a maximum heat input rate of 24.2 MMBtu/hr

{Permitting note: This emission unit is regulated under Rule 62-296.406, F.A.C., "Fossil Fuel Steam Generators with Less than 250 million Btu per Hour Heat Input" and 40 CFR 60 Subpart Dc, "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units".}

1.0 Emission Limiting Standards and Operation Restrictions

- 1.1 Methods of Operation – (i.e., Fuels). The only fuel allowed to be burned is distillate fuel oil with not greater than 0.5 weight percent sulfur content.
[40CFR 60.42c(d) and Rule 62-204.800(7)(b)4., F.A.C.]
- 1.2 Hours of Operation. This emission unit is allowed to operate continuously, i.e., 8,760 hours/year.
[Rule 62-210.200(PTE), F.A.C.]
- 1.3 Visible Emission. Visible emission shall not exceed 20 percent opacity, except for one six-minute period per hour during which opacity shall not exceed 27 percent.
[Rule 62-296.406(1), F.A.C.]

2.0 Compliance Monitoring and Testing Requirements

- 2.1 Visible Emission Test Required: The owner or operator shall test the referenced emission unit for visible emission by EPA Method 9, (6-minute average of 24 observations) incorporated and adopted by reference in Chapter 62-297, F.A.C. VE test shall be sixty minutes in duration.
[40CFR 60.45c(a)(8) and Rule 62-297.401.F.A.C.]
- 2.2 Sulfur Dioxide - Sulfur Content: The permittee shall demonstrate compliance with the liquid fuel sulfur content limit by the vendor providing a fuel analysis upon each fuel delivery.
[Rule 62-4.070(3), F.A.C.]
- 2.3 Test Frequency. The owner or operator shall conduct such compliance tests required in this part prior to the expiration of this permit and every federal fiscal year (Oct. 1-Sept. 30) thereafter.
[Rules 62-4.070(3) and 62-297, F.A.C.]

3.0 Recordkeeping and Reporting Requirements

- 3.1 The following records shall be maintained at the facility physical location and available for inspection by the 10th of each month.
 - Total fuel consumption for the previous month.
 - Fuel supplier certification records.[Rule 62-4.070(3), F.A.C.]
- 3.2 The permittee shall record and maintain records of the amount of diesel fuel oil burned during each day, maintain records of each fuel delivery, and submit semiannual reports to the Department. The initial report shall be postmarked by the 30th day following the first fuel delivery. Each subsequent semiannual report shall be postmarked by the 30th day following the end of the reporting period. The reports shall contain the following information:
 - Calendar dates covered in the reporting period;
 - Amount of fuel oil received and burned during the reporting period; and

- Records of fuel supplier certification as described under 40 CFR 60.48c(f)(1) and a certified statement signed by the permittee that the records of fuel supplier certifications submitted represent all of the fuel oil burned during the reporting period.
[40 CFR 60.48c, and Rule 62-2-4.800 F.A.C.]

3.3 The fuel supplier shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the following definition of distillate oil:

Distillate oil means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, "Standard Specification for Fuel Oils".
[40CFR 60.41c and 40CFR 60.48c]

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

DRAFT

Thomas Tittle Date
District Air Program Administrator
Southeast District

TT/LT/md

cc:

Mr. Dale H. Francke, P.E. e-mail dale@espsupport.com

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

APPENDIX - A

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

APPENDIX - A

GENERAL CONDITIONS CONTINUED:

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.