

FINAL DETERMINATION

PERMITTEE

LS9 Properties, Inc.
4173 NE 80 Avenue
Okeechobee, FL 34972

PERMITTING AUTHORITY

Florida Department of Environmental Protection
Southeast District Office Air Program
400 North Congress Avenue, Suite 200
West Palm Beach, Florida 33401

PROJECT

Air Construction Permit No. 0930109-012-AC
LS9 Properties, Inc.
Okeechobee County

This permit authorizes the installation of a 35,000 gallon fermentation tank (agitator-tank), with the associated ancillary equipments such as tanks, pumps and piping in the biomass processing facility. The fermentation tank will be additional equipment to the facility design. The applicant stated in the application that there will be insignificant emissions of methanol as a result of the fermentation process, as well as fugitive emissions from the ancillary equipments. Emissions will be controlled by an existing control device (scrubber) that had been permitted in previous permitting actions.

NOTICE AND PUBLICATIONS

The Department distributed an "Intent to issue Permit" package on February 1, 2011. The applicant published the "Public Notice of Intent to Issue" in the Okeechobee News on February 4, 2011, and proof of publication was received on February 11, 2011. No requests for administrative hearings were filed.

COMMENTS

No comments on the Draft Permit were received from the public, the Department's Southeast District Office, or the applicant.

CONCLUSION

The final action of the Department is to issue the permit.



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

Sent by Electronic Mail – Received Receipt Requested
potero@ls9.com

NOTICE OF AIR POLLUTION CONSTRUCTION PERMIT

ISSUED TO (PERMITTEE):

LS9 Properties, Inc.
4173 NE 80th Avenue
Okeechobee, FL 34972

Authorized Representative:

Mr. Pablo Otero, Director of Capital Projects

ARMS No.	0930109
Air Permit No.	0930109-012-AC
Issued:	
Expires:	

PROJECT DESCRIPTION: This project installs a 35,000 gallon fermentation tank (agitator-tank), with the associated ancillary equipment in the biomass processing facility. The fermentation tank will be additional equipment to the facility design. The permittee requested to include this fermentation tank in the final operation permit for the facility

According to the application received on December 9, 2010, there will be no other site plan modifications. The final construction and operation permit will incorporate this activity.

Project Location: 4173 NE 80th Avenue, Okeechobee, Florida 34972

UTM Coordinates: Zone 17; 525.43 km E; 3017.40 km N

Latitude: 27° 16' 51" North / Longitude 80° 44' 35" West

SIC: 2048 [Prepared Feeds and Feed Ingredients for Animals]

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.

ISSUED BY:

Executed in West Palm Beach, Florida

STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Kevin Claridge
Assistant District Director

Date

KC/LA/md

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this FINAL Air 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.

Mr. Pablo Otero, LS9 Properties, Inc.: potero@ls9.com

Mr. Pradeep Raval, Koogler and Associates, Inc.: praval@kooglerassociates.com

Mr. John B. Koogler, Ph.D., P.E., Koogler and Associates, Inc.: jkoogler@kooglerassociates.com

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date, pursuant to Section 120.52(7), Florida Statutes, with the designated agency clerk, receipt of which is hereby acknowledged.

(Clerk)

(Date)

Permit History

December 9, 2010 Department received application for air construction permit
January 26, 2011 Intent to Issue and Draft permit issued
February 4, 2011 Public notice published

PROJECT DESCRIPTION

LS9 Properties, Inc. operates a biomass processing facility located on a six acre site in rural Okeechobee County; the future main operation of the plant will be to produce ethanol. LS9 Properties, Inc. acquired BP Technology that was permitted as a biomass processing facility. The Department issued on April 26, 2010 a transfer of permit from BP Technology to LS9 Properties, Inc. At the time of the acquisition by LS9 Properties, Inc., BP Technology was not in operation.

LS9 Properties, Inc. was issued an operation permit from the Department of Environmental Protection on June 9, 2010 (Permit No. 0930109-011-AO); the permit was issued to allow operation of the facility, which includes two emission units, a Cleaver-Brooks Package Tube Boiler and a Kewanee Packaged Scotch Boiler.

Full plant production had been on hold pending some modifications, changes and upgrades to structures that had been abandoned since BP Technology vacated the plant site.

Project: LS9 Properties, Inc. proposes the installation of a 35,000 gallon fermentation tank (agitator-tank), with the associated ancillary equipments such as tanks, pumps and piping in the biomass processing facility. The fermentation tank will be additional equipment to the facility design. The applicant stated in the application that there will be insignificant emissions of methanol as a result of the fermentation process, as well as fugitive emissions from the ancillary equipments; emissions will be controlled by an existing control device (scrubber) that had been permitted in previous permitting actions. The Department issued an operation permit for the facility on June 9, 2010 (Permit No. 0930109- 011-AO).

The permittee requested in the application to include the fermentation tank and ancillary equipment in the final permit for the facility. Since the original plant arrangement had been modified with the addition of the fermentation tank, the Department believes a construction permit for the new equipments was required.

According to the application received on December 9, 2010, there will be no other site plan modifications. The final construction and operation permit will incorporate this activity.

Based on the permit application, this facility is not a major source of hazardous air pollutants (HAPs).

REGULATORY CLASSIFICATION

Title III: The facility is not a major source of hazardous air pollutants (HAPs).

Title IV: The facility will not operate units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is not a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.

PSD: The facility is not a PSD facility in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility is subject to the requirements of 40 CFR 60 Subpart Dc, Standards of Performance for Small Industrial/Commercial/Institutional Boilers.

PERMIT CONTENT

- Section I: Summary Information
- Section II: Facility-Wide Specific Conditions
- Section III: Emissions Unit Specific Conditions
- Section IV: Appendices
 - Appendix A:* General Permit Conditions
 - Appendix B:* Abbreviations, Acronyms, Citations, and Identification Numbers
(Version dated 02/05/97)

SECTION II. FACILITY-WIDE GENERAL CONDITIONS

1.0 ADMINISTRATIVE REQUIREMENTS

- 1.1 Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Florida Department of Environmental Protection at 400 North Congress Avenue, Suite 200, West Palm Beach, Florida 33401.
- 1.2 General Conditions: The permittee shall be aware of, and operate under the attached General Conditions listed in *Appendix A* of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. **[Rule 62-4.160, F.A.C.]**
- 1.3 Citation Format: *Appendix B* of this permit provides the format for citing applicable regulations.
- 1.5 Applicable Regulations: This facility is subject to the following regulations: Florida Administrative Code Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting requirements or regulations. **[Rule 62-210.300, F.A.C. and the SOA]**
- 1.6 Operation Permit Required: This permit authorizes construction and/or installation of the permitted emission units and initial operation to determine compliance with Department rules. **An operation permit is required for regular operation of the permitted emission 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: **[Rule 62-4.160, F.A.C.]**
- Determination of Best Available Control Technology (BACT is NOT required)
 - Determination of Prevention of Significant Deterioration (PSD does NOT apply); and
 - Compliance with New Source Performance Standards (does NOT apply).

2.0 EMISSION LIMITING STANDARDS

- 2.1 General Particulate Emission Limiting Standards: General Visible Emissions Standard. Except for emission units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, 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 that designated as No. 1 on the Ringelmann Chart (20 percent opacity). **[Rule 62-296.320(4)(b)1., F.A.C.]**
 - All visible emissions test performed pursuant to the requirements of Rule 62-296.320(b)(4)1, F.A.C. shall use EPA Reference Method 9, and shall meet all applicable requirements of Chapter 62-297, F.A.C. **[Rule 62-296.320(4)(b)1, F.A.C.]**

- 2.2 **Objectionable Odors:** Objectionable Odor Prohibited: The permittee shall not 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.]**

Note: An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rule 62-210.200(187), F.A.C.]

- 2.3 **General VOC Standards.** Volatile Organic Compounds Emissions or Organic Solvents Emissions: The permittee shall allow no person to 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)(a), F.A.C.]**

- 2.4 **Unconfined Particulate Emission Limiting Standards:** **[Rule 62-296.320(4)(c), F.A.C.]**

Unconfined Emissions of Particulate Matter: The permittee shall not 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 shall 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, oil, 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.

3.0 PERFORMANCE STANDARDS

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

- 3.2 **Excess Emissions Requirements:**

- (a) Excess emissions resulting from start-up, shutdown or malfunction of these emissions units 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 two hours in any 24 hour period unless specifically authorized by the Department for longer duration. **[Rule 62-210.700(1), F.A.C.]**
- (b) 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 start-up, shutdown, or malfunction are prohibited. **[Rule 62-210.700(4), F.A.C.]**
- (c) In case of excess emissions resulting from malfunctions, the permittee shall notify the Air Pollution Control within one working day of: the nature, extent, and duration of the excess emissions; the cause of the problem; and the corrective actions being taken to prevent recurrence. **[Rule 62-210.700(6), F.A.C.]**

- (d) Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust the maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest. **[Rule 62-210.700(5), F.A.C.]**

4.0 Reporting and Recordkeeping Requirement

- 4.1 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 4.2 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.]**
- 4.2 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.]**
- 4.3 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 three (3) years from the date of such records. **[Rule 62-4.070(3), F.A.C.]**
- 4.4 Annual Report Required: On or before April 1st 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, if the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a hard copy to the district office. **[Rule 62-210.370(3), F.A.C.]**

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

This section of the permit addresses the following emissions unit:

EU ID NO	BRIEF DESCRIPTION
003	Fermentation Tank

{Permitting Note: This emission unit is subject to the general permit provisions of Chapter 62-210, F.A.C.}

Emission Limiting Standards and Operation Restrictions

- A.1 Unrestricted Hours of Operation: The referenced emission unit may operate continuously (8760 hours per year). **[Rule 62-4.070(3), F.A.C.]**
- A.2 Control Equipment: The permittee shall maintain the existing air pollution control equipment (scrubber) in accordance with the manufacturer's instructions and recommendations. The air pollution control device shall be functioning properly when operating the emission unit and ancillary equipments. **[Rules 62-210.650, F.A.C.]**

Record keeping & Reporting Requirements

- A.3 Hours of Operation: The owner or operator shall record and maintain records of the hours of operation of the referenced emission unit on amonthly basis. **[Rule 62-4.070(3), F.A.C.]**

LIST OF APPENDICES

Appendix A.	General Permit Conditions Pursuant Rule 62-4.160, F.A.C.
Appendix B.	Abbreviations, Acronyms, Citations, and Identification Numbers

APPENDIX - A

GENERAL PERMIT CONDITIONS Pursuant Rule 62-4.160, (F.A.C.):

- A.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.
- A.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.
- A.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.
- A.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.
- A.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.
- A.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.
- A.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.
- A.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.

APPENDIX - A

GENERAL CONDITIONS CONTINUED:

- A.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.
- A.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.
- A.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.
- A.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- A.13 This permit also constitutes:
- Determination of Best Available Control Technology
 - Determination of Prevention of Significant Deterioration
 - Compliance with New Source Performance Standards, and
 - Compliance with the National Emission Standards for Hazardous Air Pollutants
- A.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 date analyses were performed;
 - (4) The person responsible for performing the analyses;
 - (5) The analytical techniques or methods used;
 - (6) The results of such analyses.
- A.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.

Appendix B Terminology

Abbreviations and Acronyms:

°F: Degrees Fahrenheit
BACT: Best Available Control Technology
CFR: Code of Federal Regulations
DEP: State of Florida, Department of Environmental Protection
DARM: Division of Air Resource Management
EPA: United States Environmental Protection Agency
F.A.C.: Florida Administrative Code
F.S.: Florida Statute
ISO: International Standards Organization
LAT: Latitude
LONG: Longitude
MMBtu: million British thermal units
MW: Megawatt
ORIS: Office of Regulatory Information Systems
SOA: Specific Operating Agreement
UTM: Universal Transverse Mercator

Citations:

The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, permit numbers, and ID numbers.

Code of Federal Regulations:

Example: [40 CFR 60.334]

Where:	40	reference to	Title 40
	CFR	reference to	Code of Federal Regulations
	60	reference to	Part 60
	60.334	reference to	Regulation 60.334

Florida Administrative Code (F.A.C.) Rules:

Example: [Rule 62-213, F.A.C.]

Where:	62	reference to	Title 62
	62-213	reference to	Chapter 62-213
	62-213.205	reference to	Rule 62-213.205, F.A.C.

ISO: International Standards Organization refers to those conditions at 288 degrees K, 60 percent relative humidity, and 101.3 kilopascals pressure.

Appendix B Terminology (Continued)

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 1050221

Where:

105 = 3-digit number code identifying the facility is located in Polk County
0221 = 4-digit number assigned by state database.

Permit Numbers:

Example: 1050221-002-AV, or
1050221-001-AC

Where:

AC = Air Construction Permit
AV = Air Operation Permit (Title V Source)
105 = 3-digit number code identifying the facility is located in Polk County
0221 = 4-digit number assigned by permit tracking database
001 or 002 = 3-digit sequential project number assigned by permit tracking database

Example: PSD-FL-185
PA95-01
AC53-208321

Where:

PSD = Prevention of Significant Deterioration Permit
PA = Power Plant Siting Act Permit
AC = old Air Construction Permit numbering