APRIL 29, 2016
ELECTRONIC CORRESPONDENCE
JRIOS@CACORP.NET

AIR POLLUTION OPERATION PERMIT RENEWAL

ISSUED TO:

Permittee:
Community Asphalt Corporation
14005 N.W. 186th Street
Hialeah, Florida 33018

ARMS No.:	0990310
Permit No:	0990310-009-AO
Issued:	**April 29, 2016**
Expires:	**April 28, 2021**

Authorized Representative

Jorge Rios, Chief Financial Officer

Note: A renewal application must be submitted by February 28, 2021.

PROJECT

This is a RENEWAL Air Operation Permit, issued on **04/29/2016**, which authorizes the operation of Community Asphalt Corporation, West Palm Beach Plant. Facility Type: Asphalt Paving Mixtures and Blocks (Standard Industrial Classification No. 2951). This RENEWAL air operation permit authorizes Community Asphalt Corporation operate the 300 TPH Double Drum Dryer (EU001) and Asphalt Cement Heater (EU002) to run on either fuel oil no.2 or natural gas. This RENEWAL air operation permit is a renewal of Permit No. 0990310-008-AO. The facility is located at 7795 Hooper Road in West Palm Beach, Palm Beach County, Florida. The UTM coordinates are Zone 17; 582.453 km E; 2951.416 km N / Latitude 26º 40' 53.15"; Longitude 80º 10' 16.72"

This RENEWAL permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in **Appendix A** of Section 4 of this permit.

Permitting Authority: Applications for air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4 and 62-210 of the Florida Administrative Code (F.A.C.). The Permitting Authority responsible for making a permit determination for this project is the Florida Department of Health Palm Beach County (Health Department). The Permitting Authority's physical address is: 800 Clematis St., 4th Floor, West Palm Beach, Florida 33401. The Permitting Authority's mailing address is: 800 Clematis St., P.O. Box 29, West Palm Beach Florida 33402-0029. The Permitting Authority's telephone number is 561-837-5900.

The Florida Department of Health Palm Beach County (Health Department) issues this permit under the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4 through 62-297 the Florida Administrative Code (F.A.C.). The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under Chapter 403.087, F.S. However, in accordance with Section 403.182, F.S., the DEP recognizes the Health Department as the approved local air pollution control program in Palm Beach County. As such, the DEP and the Health Department have entered into a Specific Operating Agreement that authorizes the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County. The above named permittee is authorized to operate the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Health Department.

Petitions. A person whose substantial interests are affected by the proposed decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Florida Department of Health Palm Beach County (Health Department) Legal Office of the, located at 800 Clematis Street in West Palm Beach, Florida, 33401 (Telephone: (561) 671-4000, Fax (561) 837-5195). Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this notice. Petitions filed by any other person must be filed within 14 days of receipt of this proposed action. A petitioner must 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

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 each 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; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the 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 permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available in this proceeding.

Effective Date: This permitting decision is final and effective on the date filed with the clerk of the Permitting Authority unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition pursuant to Rule 62-110.106, F.A.C., and the petition conforms to the content requirements of Rules 28-106.201 and 28-106.301, F.A.C. Upon timely filing of a petition or a request for extension of time, this action will not be effective until further order of the Permitting Authority.

Judicial Review: Any party to this Order (Permit) has the right to seek judicial review pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure with the Health Department at the address listed below 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 (Permit) is filed with the Clerk of the Health Department.

Executed in West Palm Beach, Florida
FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY

Laxmana Tallam

Laxmana Tallam, P.E., Environmental Administrator
Air and Waste Section
Division of Environmental Public Health

If you have any questions, contact:
Paul Kalamaras, Engineering Specialist III
Air & Solid Waste Section
Department of Health Palm Beach County
P.O. Box 29 (800 Clematis St.)
West Palm Beach, Florida, 33402-0029

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Air Permit package was sent by electronic mail with **(received receipt requested)** before the close of business on the date indicated below to the following persons.

Jorge Rios, Chief Financial Officer
(Jrios@cacorp.net)

Tim Fox, Facility Production Manager
(Tfox@cacorp.net)

Daniel R. Beatty, Consultant, Beatty Environmental Services, LLC:
(beattyenvironmental12@gmail.com)

Diane Pupa, Florida Department of Environmental Protection, Southeast District Office:
(Diane.Pupa@dep.state.fl.us)

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

Pamela Salomeris
(Clerk)

4/29/16
(Date)

PERMIT HISTORY

03/15/2016: Health Department received application for an operational permit renewal (09990310-009-AO).
03/16/2016: Health Department received sufficient fee.

FACILITY DESCRIPTION

Portable Hot Mix Asphalt Plant (SIC #2951).

The facility consists of the following emissions units (EU).

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
001	300 TPH Asphalt Plant, Dryer and Drum Mixer
002	1.412 MMBTU/Hr Asphalt Cement Heater – **GENERIC EMISSION UNIT EXEMPTION**
003	Materials Handling and Storage Operations - **EXEMPT**
004	500 TPH Portable RAP Crusher, 350 HP engine, and Screening Operation

APPLICABLE REGULATIONS

A summary of applicable regulations is shown in the following table.

Federal Rule Citations
40 CFR 60 Subpart OOO, "Standards of Performance for Nonmetallic Mineral Processing Plants", EU004
40 CFR 60 Subpart I, "Standards of Performance for Hot Mix Asphalt Facilities", EU001
40 CFR 63 Subpart ZZZZ, "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines", EU004
State Rule Citations
Rule 62-210.300, F.A.C., Permits Required
Rule 62-212.400, Prevention of Significant Deterioration (PSD), Synthetic Minor for Sulfur Dioxide
Rule 62-213, F.A.C., Federal Operating Permit Program, Synthetic Minor (Sulfur Dioxide)

FACILITY REGULATORY CLASSIFICATION

- The facility **is not** a major source of hazardous air pollutants (HAP).
- The facility **does not** operate units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility **is not** a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility **is not** a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C

SECTION 2. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: The permitting authority for this project is the Air & Waste Section, Florida Department of Health Palm Beach County (Health Department). The mailing address is at P.O. Box 29 (800 Clematis St), West Palm Beach, Florida 33402-0029, and telephone number (561) 837-5900. **[Specific Operating Agreement]**.

2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air and Waste Section of the Florida Department of Health Palm Beach County (Health Department) at P.O. Box 29 (800 Clematis Street), West Palm Beach, Florida, 33402-0029, and telephone number (561) 837-5900. **[Specific Operating Agreement]**.

3. General Conditions: The permittee shall be aware of, and operate under the attached General Conditions listed in **Appendix B** of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. **[Rule 62-4.160, F.A.C.]**

4. Citation Format: **Appendix A** of this permit provides the format for citing applicable regulations

5. Appendices: The following Appendices are attached as a part of this permit: **Appendix A** (Citation Formats and Glossary of Common Terms); **Appendix B** (General Conditions); **Appendix C** (Common Conditions); **Appendix D** (Common Testing Requirements), **Appendix E** (Standards of Performance for Hot Mix Asphalt Facilities (40 CFR 60 Subpart I) and **Appendix F** (Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR 60 Subpart OOO].

6. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.

7. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. **[Rule 62-4.080, F.A.C.]**

8. Modifications: No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. **[Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]**

9. Renewal. Prior to 60 days before the expiration date of this permit, the permittee shall apply for a renewal of the permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 60 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department. **[Rule 62-4.090, F.A.C.]**

10. Annual Operating Report (AOR): The annual operating report **[DEP Form No. 62-210.900(5)]** shall be submitted to the Health Department by **April 1**. If the report is submitted, using the DEP's electronic annual operating report software (EAOR), there is no requirement to submit a hardcopy to DEP or the Health Department. **[Rule 62-10.370(3)(c),F.A.C.]**.

    *{Permitting Note: Resources to help you complete your AOR are available on the electronic AOR (EAOR) website at: **http://www.dep.state.fl.us/air/emission/eaor.** If you have questions or need assistance after reviewing the information posted on the EAOR website, please contact the Department by phone at (850) 717-9000 or email at **eaor@dep.state.fl.us.**}*report software. Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C. [Rule 62-210.370(3), F.A.C.]

EMISSION LIMITING AND PERFORMANCE STANDARDS

11. General VOC Standards: The owner or operator shall not store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents without applying known and existing vapor emission control devices or systems. This includes: **[Rule 62-296.320(1), F.A.C.]**

    - Regular inspection and maintenance of piping, valves, flanges, tanks, and containers used for storage and transfer of organic liquids in order to minimize fugitive VOC emissions.
    - When not in use, directing solvent-containing materials to containers that prevent evaporation.

12. Objectionable Odors: 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.]**

    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 health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rule 62-210.200, F.A.C.]

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

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

    - Paving and maintenance of roads, parking areas and yards.
    - Application of water or chemicals to control emissions 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.
    - Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
    - Confining abrasive blasting where possible.
    - Enclosure or covering of conveyor systems.

    Note: Facilities that cause frequent, valid complaints will be required by the Health Department to take these or other reasonable precautions. In determining what constitutes reasonable precautions for a particular facility, the Health Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

OPERATION AND MAINTENANCE REQUIREMENTS

15. Circumvention: The owner or operator 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.]**

16. Excess Emissions Requirements **[Rule 62-210.700, F.A.C.]**

    (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 Health 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 owner or operator shall notify the Air Pollution Control Section of the Palm Beach County Health Department 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.]**

COMPLIANCE MONITORING REQUIREMENTS

17. Duration: Unless otherwise specified, all records and reports required by this permit shall be kept for at least 3 years from the date the information was recorded. **[Rule 62-4.160(14)(b), F.A.C.]**

18. Test Procedures shall meet all applicable requirements of the Chapter 62-297, F.A.C. See **Appendix D** of this permit for a summary of these requirements. **[Rule 62-297.100, F.A.C.]**

19. Operational Rate During Testing: Unless otherwise stated in the applicable emission limiting standard for a rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. **[Rule 62-297.310(2), F.A.C.]**

20. Stack Testing Facilities: The owner or operator shall maintain permanent stack testing facilities in accordance with **Rule 62-297.310(6), F.A.C.** These requirements are summarized in **Appendix D** of this permit.

21. Test Notification: The owner or operator shall notify the Health Department, in writing, at least 15 days prior to the date on which each formal compliance test is to begin, of the test date, the expected test time, the location of the test, the facility contact person responsible for coordinating the test, and the person or company conducting test. The 15 day notification requirement may be waived at the discretion of the Health Department. Likewise, if circumstances prevent testing during the test window specified for the emissions unit, the owner or operator may request an alternate test date before the expiration of this window. **[Rule 62-297.310(7)(a)9., F.A.C.]**

22. Special Compliance Tests**:** When the Health Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a DEP rule or permit 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 Health Department. **[Rule 62-297.310(7)(b), F.A.C.]**

REPORTS REQUIRED

23. Excess Emissions Report: If excess emissions occur, the owner or operator shall notify the Air Compliance Section of the Health Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Health Department may request a written summary report of the incident. **[Rules 62-4.130 and 62-210.700(6), F.A.C.]**

24. Emission Compliance Stack Test Reports: For each required emissions compliance test, a report indicating the results of the test shall be filed with the Health Department as soon as practical, but no later than 45 days after the last sampling run is completed. The report shall provide sufficient detail on the tested emissions unit and the procedures used to allow the Health Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in **Rule 62-297.310(8)(c), F.A.C.** and summarized in **Appendix D** of this permit. Additional report information may be specified for a given group of emissions units in this permit. **[Rule 62-297.310(8), F.A.C.]**

WASTE REQUIREMENTS

25. Waste Disposal: The owner or operator shall treat, store, and dispose of all liquid, solid, and hazardous wastes in accordance with all applicable Federal, State, and Local regulations. This air pollution permit does not preclude the permittee from securing any other types of required permits, licenses, or certifications.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

Sub Section A. EU Group Description

This Sub section of the permit addresses the following emissions unit.

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
001	**300 TPH Hot Drum Mix Asphalt Plant** Fabspec Dryer and a 7' X 20' drum-mixer firing No.2 fuel oil/natural gas/used oil C*ontrol Device:* Standard Havens Mark III baghouse with a vent rate of 53,153 ACFM.
Permitting Note: The emissions unit is subject to standards of 40 CFR 60 Subpart I, Standards of Performance for Hot Mix Asphalt Facilities (adopted by reference in Rule 62-204.800, F.A.C.)	

EMISSION LIMITING STANDARDS

1. Rule applicability: **This emission unit is subject to the regulations of 40 CFR Part 60 Subpart I, included in Appendix D. [Rule 62-210.300(3)(c), F.A.C. and 62-204.800, F.A.C.)**

2. Visible Emissions (VE): Visible emissions shall not equal nor exceed twenty (20) percent opacity from the baghouse outlet. **[40 CFR 60.92(a)(2), Rules 62-204.800, Rules 62-210.300(3)(c)1,f, F.A.C.]**

3. Particulate Matter (PM): Particulate emissions from the dryer exhaust shall not exceed 90 mg/dscm (0.04 grains per dry standard cubic foot) of flue gas. **[40 CFR 60.92 (a)(1), Rules 62-204.800, and 62-210.300(3)(c)1,d, F.A.C.]**

OPERATING RESTRICTIONS

4. This emission unit is subject to the following operating restrictions based on a 12-month rolling total period.

   (a) Fuel Oil Usage shall not exceed 1,200,000 gallons per year (12-month rolling total), and the sulfur content of the fuel oil shall not exceed 1.0% by weight.
   (b) Asphalt Concrete Production shall not exceed 700,000 tons per year (12-month rolling total).
   [Rule 62-210.300(3)(c)2, F.A.C. and Permit No. 0990310-006-AC]

5. Alternate Fuel

   (a) Alternatively, natural gas may also be fired in the drum mixer and the asphalt cement heater.
   (b) If only natural gas is fired, the plant is limited to 167.0 million cubic feet (MMCF) of natural gas per consecutive 12 months, rolling total.
   (c) If a combination of fuel oil and natural gas is burned during a reporting period, each fuel consumption limit shall be prorated based upon the heat input for each fuel type. Total heat input shall not exceed the heat input calculated based on the fuel consumption specified in Specific Condition A.4.(a) of this subsection *(The heat content of No. 2 fuel oil is 141 MMbtu per thousand gallons, and that of natural gas is 1050 MMbtu per million cubic feet.)*.

   [Permit No. 0990310-006-AC]

6. Hours of Operation: The permittee is authorized to operate the drum mixer 24 hours per day, 7 days per week, but no more than 4,000 hours per year (12-month rolling total). **[Permit Number 0990310-006-AC]**

7. Allowable Fuels: The permittee is authorized to fire the following fuels, alone or in combination, within the drum mixer.

   (a) Natural gas,
   (b) Virgin Fuel Oil (no. 2); and
   (c) On-Specification Used Fuel Oil (with a PCB concentration of less than 50 ppm)

   [Permit No. 0990310-006-AC]

Note: The use of on-specification used oil is authorized provided the permittee receives a vendor certificate for each shipment. The analysis shall include sulfur, arsenic, cadmium, chromium, lead and polychlorinated biphenyls (PCB) contents, heat content, total halogens, and flash point. Vendor certification shall not be the sole basis of compliance with the sulfur content limitation of this permit.

8. Sulfur Content: The maximum sulfur content of any fuel oil fired in the dryer shall not exceed 1.0 percent by weight (As-Fired Limitation). **[Rule 62-210.300(3)(c)1.c., F.A.C.]**

9. On-specification Used Oil Allowed as Fuel: This permit allows the burning of used oil fuel meeting EPA "on-specification" used oil specifications, with a maximum sulfur content of 1.0 percent by weight, and a PCB concentration of no greater than 49 ppm.

On-specification used oil shall meet the following specifications:

Arsenic shall not exceed 5.0 ppm;
Cadmium shall not exceed 2.0 ppm;
Chromium shall not exceed 10.0 ppm;
Lead shall not exceed 100.0 ppm;
Total halogens shall not exceed 1000 ppm;
Flash point shall not be less than 100 degrees F.

Used oil that **does not** meet the specifications for on-specification used oil shall **not** be burned at this facility. **[40 CFR 279, Subpart B]**

COMPLIANCE MONITORING REQUIREMENTS

10. Visible Emissions Testing: The permittee shall have a formal compliance test conducted on the baghouse outlet each federal fiscal year (October 1 – September 30) to demonstrate compliance with the opacity limitation specified in the specific condition 2 of this subsection. **[Rule 62-297.310(7)(a)4., F.A.C**.]

The test shall meet the following requirements:

(a) The permittee shall use EPA Method 9, *Visual Determination of the Opacity of Emissions from Stationary Sources,* 40 CFR 60, Appendix A. **[40 CFR 60.93(b)(2)]**

(b) The observation period of the EPA Method 9 shall be at least thirty (30) minutes in duration. **[Rule 62-297.310(4)(a)2, F.A.C.]**

11. Particulate Matter Testing: The permittee shall have a formal compliance test conducted on the dryer exhaust each federal fiscal year (October 1 – September 30) to demonstrate compliance with the specific condition 3. of this subsection. **[Rule 62-297.310(7)(a)4.a, F.A.C.]**.

The test shall meet the following requirements:

(a) The permittee shall use EPA Method 5, *Determination of Particulate Emissions from Stationary Sources*, 40 CFR 60, Appendix A. **[40 CFR 60.93(b)(1)]**

(b) Each test shall consist of 3 separate runs with sample times and volumes of at least 60 minutes and 31.8 dry standard cubic feet per run. **[40 CFR 60.93(b)(1)]**

12. Fuel Oil Sulfur Content: The permittee shall sample as-fired fuel oil and monitor fuel oil sulfur content during each federal fiscal year (October 1 – September 30) in accordance with the following:

(a) Annual sampling shall be conducted simultaneously with the annual particulate matter testing and shall consist of three (3) samples, one per test run, collected from an in-line sampler.
(b) Test samples shall be mixed into a single composite sample with a split sample provided to the Health Department within 24 hours of collection.
(c) The samples shall be analyzed for sulfur content in accordance with the following ASTM Method(s), as appropriate:

ASTMD 4057-88. Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
ASTMD 129-91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).
ASTMD 2622-94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.
ASTMD 4294-90. Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy.

(d) If the facility burns the used fuel oil, then the samples shall be analyzed for the parameters listed in the specific condition 9. of this subsection.

(e) *The permittee shall receive a vendor certificate for each shipment of fuel oil including an analysis of the sulfur content. The permittee shall maintain copies of all the vendor certifications on-site. Upon request, this information shall be made available for inspection by the Palm Beach County Health Department.*

[Rules 62-4.070(3), and 62-297.310(7), F.A.C.]

13. On- Specification Used Fuel Oil – Certification Required**:** The owner or operator shall receive from the marketer, for each load of used oil received, a certification that the used oil meets the specifications for on-specification used oil and contains a PCB concentration of no greater than 49 ppm. This certification shall also describe the basis for the certification, such as analytical results. [**Permit No. 0990310-006-AC**]

14. Note that a claim that used fuel oil does not contain quantifiable levels of PCBs (that is, that the used oil contains less than 2 ppm of PCBs) must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the used oil contains no detectable PCBs. **[Permit No. 0990310-006-AC and Rule 62-4.070, F.A.C.]**

Used fuel oil – Analysis Required**:** If the owner or operator relies on certification from the marketer as described above, the owner or operator shall, at a minimum, each year, sample one load of used oil received, selected at random by the owner or operator, and analyze the sample for the following parameters.

Arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs, and percent sulfur content by weight, ash, and BTU value **(BTU per gallon).**
Analysis shall be performed via EPA-approved or ASTM methods.

If the analytical results show that the used oil does **not** meet the specification for on-specification used oil, **or** that it contains a PCB concentration of **50 ppm or greater**, the owner or operator shall immediately notify the Florida Department of Health Palm Beach County and provide the analytical results to the Department. **The owner or operator shall immediately cease burning of the used oil**. Annual analysis of used fuel oil shall not be required if the facility did not burn used fuel oil in that calendar year. **[Permit No. 0990310-006-AC and Rule 62-4.070, F.A.C.]**

15. Operating Records: The permittee shall maintain the following records for at least three (3) years:

(a) Daily Records: The permittee shall maintain daily records of the following:

- Date of operation and operator's name.
- Total hours of asphalt production.
- Total tons of asphalt produced.
- Total Gallons of fuel oil (distillate or used) fired.
- Total MMCF of natural gas fired.
- Note any repairs or maintenance performed on the emission unit or control device.

(b) Monthly Records: The permittee shall maintain monthly records of the following:

- Month of operation.

- Total hours of operation.
- Total tons of asphalt produced.
- Total gallons of fuel oil (distillate or used) fired.
- Total MMCF of natural gas fired.
- Vendor Certificates on Fuel Oil/On-Specification Used Oil.

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(c) 12-Month Rolling Total: The permittee shall demonstrate compliance with the limitations specified in specific condition 4. of this subsection, by maintaining the following records.

- Monthly and 12-month rolling total hours of operation of the Dryer.
- Monthly and 12-month rolling total tons of asphalt produced.
- Monthly and 12-month rolling total gallons of fuel oil fired.
- Monthly and 12-month rolling MMCF of natural gas fired.

[Rule 62-4.070(3) and 62-210.300(3)(c)2.g., F.A.C.]

Sub Section B. EU Group Description

This section of the permit addresses the following emissions unit.

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
002	**Asphalt cement heater** 1.412 MMBtu/hour Asphalt cement heater (Heatec Model No. HC-120) firing No. 2 fuel oil or better, containing no more than 0.5% sulfur by weight; and natural gas. **GENERIC EMISSION UNIT EXEMPTION**

1. Exemption Conditions:

The generic exemption recognizes that the applicant operates an asphalt cement heater as described above. In accordance with Rule 62-210.300(3)(b) F.A.C., emission units that do not emit or have the potential to emit in excess of the thresholds specified for a regulated pollutant, lead, hazardous air pollutant or total hazardous air pollutants, are exempted from the permitting requirements of Rule 62-4, 62-210, and 62-212, F.A.C.

The potential emissions from this unit were estimated based on unrestricted operations (8760 hr/yr) and the combustion of No.2 Fuel Oil containing no more than 0.50% sulfur by weight and natural gas. In event that the permittee operates the asphalt cement heater using a fuel oil with sulfur content above 0.50%, the permittee shall take the following actions:

1. Notify the Florida Department of Health Palm Beach County's Air & Waste Section within 24-hours of the event. Notification shall include the name of the fuel supplier, the sulfur content, the duration or dates of the event, and actions to correct the problem; and
2. Submit a complete application and appropriate fee for an Air Pollution Construction Permit.

Note: *Compliance with the sulfur content requirements of this exemption can be verified through vendor-supplied information. The permittee shall receive a vendor certificate for each shipment including an analysis of the sulfur content. The permittee shall maintain copies of all the vendor certifications on-site. Upon request, this information shall be made available for inspection by the Palm Beach County Health Department. All records shall be maintained for a period of 3 years. Records of natural gas usage shall also be kept on site.*

Sub Section C. EU Group Description

This section of the permit addresses the following emissions unit.

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
003	**Materials Handling and Storage Operations - EXEMPT**

1. Hours of Operation: The hours of operation of are not limited (8,760 hours per year)
[Permit No. 0990310-006-AC]

2. 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 include the following: **[Rule 62-296.320(4)(c), F.A.C.]**

   - Paving and maintenance of roads, parking areas and yards.
   - Application of water or chemicals to control emissions 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.

   Note: Facilities that cause frequent, valid complaints will be required by the Health Department to take these or other reasonable precautions. In determining what constitutes reasonable precautions for a particular facility, the Health Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

Sub Section D. EU Group Description

This section of the permit addresses the following emissions unit.

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
004	**500 TPH Portable RAP Crusher, 350 HP Engine, and Screening Operation** Fugitive particulate matter is emitted from crushing, screening, stockpiles, and the transfer points of belt conveyors, crushers, grinding mills, screening operations, bucket elevators, storage bins, and loading stations. The affected transfer points are subject to 40 CFR 60, Subpart OOO adopted and incorporated by reference in Rule 62-204.800(7)(b, F.A.C..

THIS PERMIT RENEWAL ALLOWS ANY CRUSHER WITH CAPACITY UP TO 500 TONS PER HOUR AND A DIESEL ENGINE WITH A CAPACITY UP TO 350 HP TO OPERATE AT THIS FACILITY. THE NON-METALLIC OPERATIONS ARE SUBJECT TO 40 CFR 60 SUBPART OOO 'STANDARDS OF PERFORMANCE FOR NONMETALLIC PROCESSING PLANTS.'

EMISSION LIMITING STANDARDS

1. Rule Applicability: The crusher and the affected facilities are subject to 40 CFR 60 Subpart OOO "Standards for Nonmetallic Mineral Processing Plants" as included in **Appendix F**.
   (a) The capacity of the crusher shall not exceed 500 tons per hour.
   (b) The capacity of the diesel engine shall not exceed 350 HP.
   [Rule 62-204.800(8)(b)68., F.A.C. and Permit No. 0990310-006-AC]

2. Visible Emission (VE) Standards: The VE Standards for the crushers and the affected facilities are presented in the table below.

For	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in 40 CFR 60.670 and 60.671)	The owner or operator must meet the following fugitive emissions limit for crushers.	The owner or operator must demonstrate compliance with these limits by conducting
Affected facilities (as defined in 40 CFR 60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	10 percent opacity	15 percent opacity	An initial performance test according to **40 CFR** 60.11 of this part and **40 CFR** 60.675 of this subpart.
Affected facilities (as defined in 40 CFR 60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008	7 percent opacity	12 percent opacity	An initial performance test according to **40 CFR** 60.11 of this part and **40 CFR** 60.675 of this subpart; and Periodic inspections of water sprays according to **40 CFR** 60.674(b) and **40 CFR** 60.676(b); and

OPERATING RESTRICTIONS

3. Hours of Operation: The permittee is authorized to operate the RAP Crusher and Industrial Engine (generator) for **2600** hrs/yr. **[Permit No. 0990310-006-AC]**

COMPLIANCE/PERIODIC MONITORING REQUIREMENTS

4. Compliance Frequency: The permittee shall demonstrate initial compliance with the emission standards on or after sixtieth day after achieving maximum production rate at which the facility will be operated, but not later than 180 days after initial startup. The renewal compliance shall be demonstrated within 60 days prior to the expiration of the operating permit.

A repeat performance test shall be conducted according to **40 CFR** 60.11 and **40 CFR** 60.675 within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in **40 CFR** 60.674(b) and **40 CFR** 60.676(b) are exempt from this 5-year repeat testing requirement

The permittee shall use EPA Method 9, *Visual Determination of the Opacity of Emissions from Stationary Sources,* 40 CFR 60, Appendix A. **[40 CFR 60.672 (b) & (c), Rule 62-297.310, F.A.C.]**
{Permit note: VE Test was conducted on March 31, 2015.}

5. VE Observations: In determining compliance with the standards in specific condition III.C.2, the owner or operator shall use Method 9 and the procedures in 40 CFR 60.11, with the following additions:

(a) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

(b) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.

(c) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

[40 CFR 60.675 (c)(1)]

6. When determining compliance with the fugitive emissions standard for any affected facility specified in specific condition 2 of this subsection, the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in specific condition 2 of this subsection shall be based on the average of the five 6-minute averages. **[40 CFR 60.675 (c)(3)]**

7. Reporting and Recordkeeping Requirements

(a) The owner or operator shall notify the Health Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to bringing the crusher to this facility and transmit (by e-mail, fax, post, or courier) the details of the crusher as mentioned below to the Health Department no later than five (5) business days following relocation of the crusher.

  a. The manufacturer, model no. and serial no. of the crusher, screen, and conveyor.
  b. Rated capacity of the crusher (tons per hour), total surface area of the top screen, and width of the conveyor belt, and the rated capacity of the storage bin (tons).
  c. The startup date of crusher and other appurtenances (screens, conveyors, and storage bins).

(b) The owner or operator shall notify the Health Department by telephone, e-mail, fax or written communication at least within five (5) days of the removal of the crusher from the facility.

(c) The owner or operator shall notify the Health Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator pursuant to Rule 62-297.310(7)(a)9., F.A.C.

(d) The owner or operator shall submit the test report(s) to the Health Department, no later than 45 days after the last sampling run of each test is completed pursuant to Rules 62-297.310(8)(a) & (b), F.A.C. The details of the reports shall be in accordance with Rule 62-297.310(8)(c), F.A.C.

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8. When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in 40 CFR 60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of 40 CFR 60.672, 60.674, and 60.675 except as provided for in paragraph (b) below.

(a) An owner or operator complying with paragraph above shall submit the information required in the specific condition III.C.9.

(b) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption and must comply with the provisions of 40 CFR 60.672, 60.674 and 60.675.

(c) An affected facility that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of 40 CFR Subpart OOO.

[40 CFR 60.670(d)]

9. Each owner or operator seeking to comply with the specific condition 8. of this subsection shall submit the following information about the existing facility being replaced and the replacement piece of equipment.

(a) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
   i. The rated capacity in tons per hour of the existing facility being replaced and
   ii. The rated capacity in tons per hour of the replacement equipment.

(b) For a screening operation:
   i. The total surface area of the top screen of the existing screening operation being replaced and
   ii. The total surface area of the top screen of the replacement screening operation.

(c) For a conveyor belt:
   i. The width of the existing belt being replaced and
   ii. The width of the replacement conveyor belt.

(d) For a storage bin:
   i. The rated capacity in tons of the existing storage bin being replaced and
   ii. The rated capacity in tons of replacement storage bins.

[40 CFR 60.676(a)]

10. A notification of the actual date of initial startup of each affected facility shall be submitted to the Health Department.

(a) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Health Department. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

(b) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

[40 CFR 60.676(h)]

11. A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e) (Modifications). This notice shall be postmarked within 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Health Department may request additional relevant information subsequent to this notice.

The following shall not, by themselves, be considered modifications under this part:

(a) Maintenance, repair, and replacement, which the Health Department determines to be routine for a source category.
(b) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.
(c) An increase in the hours of operation.
(d) Use of an alternative fuel or raw material.
(e) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system, which the Health Department determines to be less environmentally beneficial.
(f) The relocation or change in ownership of an existing facility.
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12. Owners or operators of affected facilities (as defined in 40 CFR 60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under 40 CFR 60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Health Department upon request.
[40 CFR 60.676(b)(1)]

13. The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in 40 CFR 60.672(b) and the emission test requirements of 40 CFR 60.11.
[40 CFR 60.676(g)]

14. Operating Records The permittee shall maintain the following records for the RAP Crusher and Industrial Engine (generator) for at least three (3) years:

(a) Daily Records: The permittee shall maintain daily records on the following:

a. Date of operation and operator's name
b. Total hours of operation.
c. Total gallons of each fuel oil fired.

(b) Monthly Records: The permittee shall maintain daily on the following:

a. Month of operation.
b. Total hours of operation.
c. Total gallons of each fuel oil fired.

[40 CFR 60.19(d) and Rule 62-297.310, F.A.C.]

15. The following table specifies the provisions of subpart A of 40 CFR Part 60 that do not apply to owners and operators of affected facilities subject to the 40 CFR Subpart OOO or that apply with certain exceptions.

Subpart A reference	Applies to subpart OOO	Explanation
60.4, Address	Yes	Except in 40 CFR 60.4(a) and (b) submittals need not be submitted to both the EPA Region and delegated State authority (40 CFR 60.676(k)).
60.7, Notification and recordkeeping	Yes	Except in (a) (1) notification of the date, construction or reconstruction commenced (40 CFR 60.676(h)).
		Also, except in (a)(6) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (40 CFR 60.675(g)).
60.8, Performance tests	Yes	Except in (d) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (40 CFR 60.675(g)).
60.11, Compliance with standards and maintenance requirements	Yes	Except in (b) under certain conditions (40 CFR 60.675(c)), Method 9 (40 CFR part 60, Appendix A–4) observation is reduced from 3 hours to 30 minutes for fugitive emissions.
60.18, General control device	No	Flares will not be used to comply with the emission limits

SECTION 4. APPENDICES

Contents

CITATION FORMATS

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

Old Permit Numbers

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

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

New Permit Numbers

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

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

PSD Permit Numbers

Example: Permit No. PSD-FL-317

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

Florida Administrative Code (F.A.C.)

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

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

Code of Federal Regulations (CFR)

Example: [40 CRF 60.7]

Means: Title 40, Part 60, Section 7

GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit
µg: microgram
AAQS: Ambient Air Quality Standard
acf: actual cubic feet
acfm: actual cubic feet per minute
ARMS: Air Resource Management System (Department's database)
BACT: best available control technology
bhp: brake horsepower
Btu: British thermal units
CAM: compliance assurance monitoring
CEMS: continuous emissions monitoring system
cfm: cubic feet per minute
CFR: Code of Federal Regulations

CAA: Clean Air Act

CMS: continuous monitoring system

CO: carbon monoxide

CO_2: carbon dioxide

COMS: continuous opacity monitoring system

DARM: Division of Air Resource Management

DEP: Department of Environmental Protection

Department: Department of Environmental Protection

dscf: dry standard cubic feet

dscfm: dry standard cubic feet per minute

EPA: Environmental Protection Agency

ESP: electrostatic precipitator (control system for reducing particulate matter)

EU: emissions unit

F: fluoride

F.A.C.: Florida Administrative Code

F.A.W.: Florida Administrative Weekly

F.D.: forced draft

F.S.: Florida Statutes

FGD: flue gas desulfurization

FGR: flue gas recirculation

ft^2: square feet

ft^3: cubic feet

gpm: gallons per minute

gr: grains

HAP: hazardous air pollutant

Hg: mercury

I.D.: induced draft

ID: identification

kPa: kilopascals

lb: pound

MACT: maximum achievable control technology

MMBtu: million British thermal units

MSDS: material safety data sheets

MW: megawatt

NESHAP: National Emissions Standards for Hazardous Air Pollutants

NO_X: nitrogen oxides

NSPS: New Source Performance Standards

O&M: operation and maintenance

O_2: oxygen

Pb: lead

PM: particulate matter

PM_{10}: particulate matter with a mean aerodynamic diameter of 10 microns or less

ppm: parts per million

ppmv: parts per million by volume

ppmvd: parts per million by volume, dry basis

QA: quality assurance

QC: quality control

PSD: prevention of significant deterioration

psi: pounds per square inch

PTE: potential to emit

RACT: reasonably available control technology

RATA: relative accuracy test audit

RBLC: EPA's RACT/BACT/LAER Clearinghouse

SAM: sulfuric acid mist

scf: standard cubic feet

scfm: standard cubic feet per minute

SIC: standard industrial classification code

SIP: State Implementation Plan

SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)

SO_2: sulfur dioxide

TPD: tons/day

TPH: tons per hour

TPY: tons per year

TRS: total reduced sulfur

UTM: Universal Transverse Mercator coordinate system

VE: visible emissions

VOC: volatile organic compounds

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

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

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

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

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

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

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

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

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

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

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

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

   a. A description of and cause of noncompliance; and

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

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such

evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
    a. Determination of Best Available Control Technology (not applicable);
    b. Determination of Prevention of Significant Deterioration (not applicable); and
    c. Compliance with New Source Performance Standards (not applicable).
14. The permittee shall comply with the following:
    a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
    b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
    c. Records of monitoring information shall include:
        (1) The date, exact place, and time of sampling or measurements;
        (2) The person responsible for performing the sampling or measurements;
        (3) The dates analyses were performed;
        (4) The person responsible for performing the analyses;
        (5) The analytical techniques or methods used;
        (6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]

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

3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210-700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]

4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]

7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]

8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]

9. Unconfined Particulate Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

RECORDS AND REPORTS

10. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]

11. Emissions Computation and Reporting:

    a. *Applicability*. This rule sets forth required methodologies to be used by the owner or operator of a facility for

computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit. [Rule 62-210.370(1), F.A.C.]

b. *Computation of Emissions*. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

(1) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.

(a) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.

(b) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C, but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(c) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(2) Continuous Emissions Monitoring System (CEMS).

(a) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:

1) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or

2) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.

(b) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:

1) A calibrated flow meter that records data on a continuous basis, if available; or

2) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

(c) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

(3) Mass Balance Calculations.

(a) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:

1) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and

2) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

(b) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.

(c) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

(4) Emission Factors.

(a) An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.

1) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

2) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.

3) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.

(b) If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.

(5) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

(6) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.

(7) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.

(8) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370(2), F.A.C.]

c. *Annual Operating Report for Air Pollutant Emitting Facility*

(1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:

(a) All Title V sources.

(b) All synthetic non-Title V sources.

(c) All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.

(d) All facilities for which an annual operating report is required by rule or permit.

(2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.

(3) By April 1 of the year following each calendar year, an annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office. However, if the annual operating report is submitted using the DEP's electronic annual operating report software, there is no requirement to submit DEP Form No. 62-210.900(5) to any DEP or local air program office. Each Title V Source shall submit the annual operating report using the DEP's electronic annual operating report software, unless the Title V source claims a technical or financial hardship. A technical or financial hardship is claimed by submitting DEP Form No. 62-210.900(5) to the DEP Division of Air Resource Management at:

AOR and Major Air Pollution Source Annual Emissions Fee
P.O. Box 3070
Tallahassee, Florida 32315-3070

(See http://www.dep.state.fl.us/air/emission/eaor/ for information regarding annual operating reports.)

(4) Emissions shall be computed in accordance with the provisions of subsection 62-210.370(2), F.A.C., for purposes of the annual operating report.

[Rule 62-210.370(3), F.A.C.]

d. *Facility Relocation*. Unless otherwise provided by rule or more stringent permit condition, the owner or operator of a relocatable facility must submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least 30 days prior to the relocation. A separate form shall be submitted for each facility in the case of the relocation of multiple facilities which are jointly owned or operated. [Rule 62-210.370(4), F.A.C.]

EMISSIONS TESTING REQUIREMENTS

1. Applicability: Unless otherwise stated in a specific rule, permit, or other order, the general requirements set forth in subsections 62-297.310(2) through (10), F.A.C., shall be used for regulated stationary sources' emissions tests for comparison with air pollution emission-limiting standards that are enforceable under state law. An emissions test is an emissions rate test, a concentration test, or an opacity test. [Rule 62-297.310(1), F.A.C.]

2. Required Number of Test Runs: For emission rate or concentration limitations, an emissions test shall consist of three valid test runs to determine the total air pollutant emission rate or concentration through the test section of the stack or duct. A valid test run is a test run that meets all requirements of the applicable test method. An emissions test shall also consist of three distinct determinations of any applicable process parameters corresponding to the three distinct test run time periods during which the emission rate or concentration was measured when such data are needed in conjunction with emissions data to compare the emissions test results with the applicable emission limiting standards. Such data shall be obtained pursuant to subsection 62-297.310(6), F.A.C. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, results of the two valid runs shall be accepted, provided that the arithmetic mean of the results of the two valid runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(2), F.A.C.]

3. Operating Conditions during Emissions Testing: Testing of emissions shall be conducted with the emissions unit operating at the testing capacity as defined below. If it is impracticable to test at the testing capacity, an emissions unit may be tested at less than the testing capacity. If an emissions unit is tested at less than the testing capacity, another emissions test shall be conducted and completed no later than 60 days after the emissions unit operation exceeds 110% of the capacity at which its most recent emissions test was conducted. Testing capacity is defined as at least 90% of the maximum operation rate specified by the permit. [Rule 62-297.310(3), F.A.C.]

4. Calculation of Emission Rate or Concentration: The emission rate or concentration used for comparison with the relevant standard shall be the arithmetic average of the emission rate or concentration determined by each of the three valid test runs unless otherwise specified in an applicable rule or test method. Data collected during periods of soot blowing shall not be excluded from any calculation of emission rate or concentration. [Rule 62-297.310(4), F.A.C.]

5. Required Sampling Times and Observation Periods: Unless otherwise specified in an applicable test method, rule, permit, or other order, the owner or operator shall conduct emissions tests in accordance with the following procedures:

   a. *Emission Rate or Concentration Tests.* The required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes, except that for operations that are typically completed within less than the minimum required sampling time, the duration of each test run shall include each occurrence of the operation during the minimum required sampling time. The test period shall include the period of typical operation during which the highest representative emissions are expected to occur.

   b. *Opacity Tests.* When EPA Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a visible emissions test shall be 60 minutes for emissions units that are subject to a multiple-valued opacity standard, and 30 minutes for all other emissions units, except that for batch, cyclical processes, or other operations that are typically completed within less than the minimum observation period, the period of observation shall include each occurrence of the operation during the minimum observation period. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.

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

6. Determination of Process Parameters:

   a. *Required Process Equipment*. The owner or operator of an emissions unit for which emissions tests are required shall install, operate, and maintain equipment or instruments necessary to determine process parameters, when such data are needed in conjunction with emissions data to compare emissions test results with applicable

emission limiting standards.

b. *Accuracy of Process Measurement Equipment*. Equipment or instruments used to directly or indirectly determine process parameters shall be calibrated and adjusted so as to determine the value of the process parameter to within 10% of its true value.

[Rule 62-297.310(6), F.A.C.]

7. Required Emissions Testing Facilities:

a. The owner or operator of an emissions unit, for which an emissions test other than a visible emissions test is required, shall provide emissions testing facilities that meet the requirements of 40 CFR 60.8(e), adopted and incorporated in Rule 62-204.800, F.A.C.

b. *Permanent Emissions Testing Facilities.* The owner or operator of an emissions unit, for which an emissions test other than a visible emissions test is required on at least an annual basis, shall install and maintain permanent emissions testing facilities.

c. *Temporary Emissions Testing Facilities.* The owner or operator of an emissions unit that is not required to conduct an emissions test on at least an annual basis may use permanent or temporary emissions testing facilities. If the owner or operator chooses to use temporary emissions testing facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.

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

8. Frequency of Emissions Tests: The following provisions apply only to those emissions units that are subject to an emissions-limiting standard for which emissions testing is required.

a. *Annual Emissions Tests Required.*

(1) Where used in Rules 62-210.310, 62-297.310, or Chapter 62-296, F.A.C., to refer to frequency of required emissions tests, the terms “annual,” “annually,” and “annually thereafter” shall mean no less frequently than once every calendar year (January 1 – December 31).

(2) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually for each of the following pollutants that has an emissions-limiting standard for which emissions testing is required:

(a) Each hazardous air pollutant regulated by 40 CFR Part 61, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and

(b) Any other regulated air pollutant, as defined at Rule 62-210.200, F.A.C., or a pollutant designated as a surrogate to a regulated air pollutant by an applicable rule or order, if allowable emissions equal or exceed 100 tons per year.

(3) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually for visible emissions, if there is an applicable standard other than the general opacity standard of subparagraph 62-296.320(4)(b)1., F.A.C.

(4) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually if a rule, permit or other order issued after March 9, 2015, requires an initial emissions test but is silent as to the frequency of additional testing. A rule, permit, or other order that states that no further testing is required after an initial test, or which expressly lists or describes the tests that shall be conducted annually, is not considered silent as to the frequency of additional testing. Annual testing is not required where a permit or other order issued prior to March 9, 2015, is silent as to the frequency of additional testing.

(5) Exemptions from subparagraphs 62-297.310(8)(a)2., 3., and 4., F.A.C.

(a) An annual emissions test shall not be required for any pollutant for which a rule, permit, or other order

requires emissions testing at some other specific frequency. If multiple applicable rules, permits, or other orders, other than subparagraphs 62-297.310(8)(a)2., 3., and 4., F.A.C., require different testing frequencies, testing must comply with the frequency requirements of each such rule, permit, or order.

(b) An annual emissions test shall not be required for any pollutant for which a rule, permit, or other order requires that the pollutant emissions be measured by a continuous emission monitoring system and, either that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., or that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 75, adopted and incorporated in Rule 62-204.800, F.A.C.

(c) An annual emissions test shall not be required for visible emissions for which a rule, permit, or other order requires that emissions be measured by a continuous opacity monitoring system, and that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., and the manufacturer's recommended quality assurance and quality control measures.

(d) An annual emissions test shall not be required for any emissions unit that operated for 400 hours or less (including during startup and shutdown) during the calendar year. If an emission unit operates for more than 400 hours during the calendar year, an emissions test shall be completed no later than 60 days after the emissions unit's annual operation exceeds 400 hours, or by the end of the calendar year, whichever is later.

(e) An annual emissions test shall not be required for any emissions unit with emissions generated solely from the combustion of fuel, provided that the emissions unit does not burn any liquid fuel or solid fuel or fuel blend for more than 400 hours combined, other than during startup, during the calendar year. If an emissions unit's liquid fuel or solid fuel or fuel blend burning exceeds 400 hours combined during the calendar year, other than during startup, an emissions test shall be completed no later than 60 days after the emissions unit's liquid fuel or solid fuel or fuel blend burning exceeds 400 hours combined, or by the end of the calendar year, whichever is later.

(f) An annual emissions test shall not be required for each fuel-specific emissions limit, provided the fuel or fuel blend subject to a fuel-specific limit was not burned for more than 400 hours, other than during startup, during the calendar year. If an emissions unit burns a fuel or fuel blend subject to a fuel-specific emission limit for more than 400 hours, other than during startup, during the calendar year, an emissions test for that fuel or fuel blend shall be completed no later than 60 days after the unit's burning of that fuel or fuel blend exceeds 400 hours, or by the end of the calendar year, whichever is later.

(g) An emissions unit shall not be required to start up for the sole purpose of conducting an emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after the emissions unit next starts up.

(h) An emissions unit permitted to burn multiple fuels or fuel blends shall not be required to switch fuels for the sole purpose of conducting an annual emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after a switch is made to burn the fuel or fuel blend for which testing is required.

(i) An annual emissions test for visible emissions shall not be required for emissions units exempted from air permitting pursuant to paragraphs 62-210.300(3)(a) or (b), F.A.C.; emissions units determined to be insignificant pursuant to paragraph 62-213.430(6)(b), F.A.C.; or emissions units authorized pursuant to the general permit provisions in subsection 62-210.300(4), F.A.C., unless the general permit specifically requires such testing.

b. *Emissions Tests Prior to Obtaining an Air Operation Permit.*

(1) Unless exempted by subparagraph 62-297.310(8)(b)3., F.A.C., prior to obtaining an initial or renewal air operation permit for any emissions unit that is subject to any emission-limiting standard, the owner or operator shall have an emissions test conducted for each such standard to assist in providing reasonable

assurance, per Rule 62-4.070, F.A.C., that the emission-limiting standard can be met and shall submit the test report as specified in subsection 62-297.310(10), F.A.C. For an emissions unit at a Title V source, such prior emissions testing is not required provided that an emissions testing compliance plan is included in the Title V permit.

(2) For the purpose of renewal of an air operation permit, the owner or operator may satisfy the requirements of subparagraph 62-297.310(8)(b)1., F.A.C., for any emissions unit by submitting the most recent emissions test, as specified in subsection 62-297.310(10), F.A.C., provided such test occurred within the term of the current operating permit.

(3) Exemptions from subparagraph 62-297.310(8)(b)1., F.A.C.

(a) An emissions test shall not be required for any pollutant for which a rule, permit, or other order requires that the emissions be measured by a continuous emission monitoring system and, either that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., or that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 75, adopted and incorporated in Rule 62-204.800, F.A.C.

(b) An emissions test shall not be required for visible emissions for which a rule, permit, or other order requires that emissions be measured by a continuous opacity monitoring system, and that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., and the manufacturer's recommended quality assurance and quality control measures.

(c) For the purpose of renewal of an air operation permit, an emissions test shall not be required for any emissions unit that, in the previous five-year period of permitted operation, operated for 400 hours or less (including during startup and shutdown) during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently exceeds 400 hours of operation during a calendar year, emissions must be tested no later than 60 days after 400 hours of operation is exceeded in that calendar year, or by the end of that calendar year, whichever is later.

(d) For the purpose of renewal of an air operation permit, an emissions test shall not be required for any emissions unit with emissions generated solely from the combustion of fuel provided that, in the previous five-year period of permitted operation, the emissions unit did not burn any liquid fuel or solid fuel or fuel blend for more than 400 hours combined, other than during startup, during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently burns any liquid fuel or solid fuel or fuel blend for more than 400 hours combined during a calendar year, emissions must be tested no later than 60 days after the emissions unit's combined burning of any liquid fuel or solid fuel or fuel blend exceeds 400 hours in that calendar year, or by the end of that calendar year, whichever is later.

(e) An emissions test shall not be required for each fuel-specific emissions limit prior to the renewal of an air operation permit for an emissions unit provided that, in the previous five-year period of permitted operation, the fuel or fuel blend subject to a fuel-specific limit was not burned for more than 400 hours, other than during startup, during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently burns a fuel or fuel blend subject to a fuel-specific emission limit for more than 400 hours, other than during startup, during any calendar year, an emissions test for that fuel or fuel blend must be completed no later than 60 days after the emissions unit's burning of that fuel or fuel blend exceeds 400 hours in that calendar year, or by the end of that calendar year, whichever is later.

(f) An emissions unit shall not be required to start up for the sole purpose of conducting an emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after the emissions unit starts up.

(g) An emissions unit permitted to burn multiple fuels or fuel blends shall not be required to switch fuels for

the sole purpose of conducting the emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after a switch is made to burn the fuel or fuel blend for which testing is required.

(h) An emissions test for visible emissions shall not be required for emissions units exempted from air permitting pursuant to paragraphs 62-210.300(3)(a) or (b), F.A.C.; emissions units determined to be insignificant pursuant to paragraph 62-213.430(6)(b), F.A.C.; or emissions units authorized pursuant to the general permit provisions in subsection 62-210.300(4), F.A.C., unless the general permit specifically requires such testing.

c. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit, unless the Department obtains other information sufficient to demonstrate compliance. The owner or operator of the emissions unit shall provide a report on the results of said tests to the Department in accordance with the provisions of subsection 62-297.310(10), F.A.C.

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

9. Scheduling and Notification: At least 15 days prior to the date on which each required emissions test is to begin, the owner or operator shall notify the air compliance program identified by permit, unless shorter notice is agreed to by the appropriate air compliance program. The notification shall include the date, time, place of each such test, Facility ID Number, Emission Unit ID Number(s) and description(s), Emission Point Number(s) and description(s), test method(s), pollutant(s) to be tested, along with the name and telephone number of the person who will be responsible for conducting such test(s) for the owner or operator. If a scheduled emissions test needs to be re-scheduled, the owner or operator shall submit to the appropriate air compliance program a revised notification at least seven days prior to the re-scheduled emissions test date or arrange a re-scheduled test date with the appropriate air compliance program by mutual agreement. [Rule 62-297.310(9), F.A.C.]

REPORTS

10. Test Reports:

a. The owner or owner's authorized agent of an emissions unit for which an emissions test is required shall submit a written test report to the compliance authority specified by permit, on the results of each such test as soon as practicable but no later than 45 days after the last run of each test is completed. Test reports may be submitted electronically.

b. If the owner or owner's authorized agent of an emissions unit for which an emissions test is required submits the results of each such test electronically using the EPA Electronic Reporting Tool (ERT), the written report specified in paragraph 62-297.310(10)(a), F.A.C., need not be submitted, provided the conditions of subparagraphs 62-297.310(10)(b)1. through 3., F.A.C., are met:

(1) The owner or owner's authorized agent shall submit the test information using the ERT as soon as practicable but no later than 45 days after the last run of each test is completed;

(2) The test information shall provide, as a minimum, the information specified in subparagraphs 62-297.310(10)(c)1. through 24., F.A.C.; and

(3) The compliance authority specified by permit must receive written notification, no later than 45 days after the last run of each test is completed, of the date that the test data was submitted using the ERT.

c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA Method 9 test, shall provide the following information.

(1) The type, location, and identification number of the emissions unit tested.

(2) The facility at which the emissions unit is located.

(3) The owner and, if other than the owner, operator of the emissions unit.

(4) The type and amount of fuels and materials typically used and processed, and the actual types and amounts of fuels used and material processed during each test run.

(5) If necessary in order to compare the emissions test results with an applicable emission limiting standard, the means, raw data, and computations used to determine the amount of fuels used and materials processed.

(6) The type of air pollution control devices installed on the emissions unit, their general condition, their typical operating parameters, and their actual operating parameters during each test run.

(7) A diagram of the sampling location, including the distance to any upstream and downstream bends or other flow disturbances.

(8) The date, starting time, and duration of each sampling run.

(9) The test procedures, including any authorized alternative procedures, used.

(10) The number of points sampled, and the configuration and location of the sampling plane.

(11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack or duct, temperatures, average meter temperatures, and sample time per point.

(12) The type, manufacturer, and configuration of the sampling equipment used.

(13) Data related to the required calibration of the test equipment.

(14) Data on the identification, processing, and weights of all filters used.

(15) Data on the types and amounts of any chemical solutions used.

(16) For each sampling run, data on the amount of pollutant collected from each sampling probe.

(17) For each sampling run, data on the amount of pollutant collected from the filters.

(18) For each sampling run, data on the amount of pollutant collected from the impingers.

(19) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.

(20) All measured and calculated data required to be determined by each applicable test procedure for each run.

(21) The detailed calculations for one run that relate the collected data to the calculated emission rate or concentration, as applicable.

(22) The applicable emission standard, and the resulting maximum allowable emission rate or concentration for the emissions unit, as applicable, plus the test result in the same form and unit of measure.

(23) When an emissions test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or owner's authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his or her knowledge.

(24) For non-Title V sources, a certification by the owner or owner's authorized agent that, to his or her knowledge, all data submitted are true and correct.

(25) Any report submitted for a Title V source shall contain certification by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Rule 62-297.310(10), F.A.C.]

Subpart I—Standards of Performance for Hot Mix Asphalt Facilities

40 CFR 60.90 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.

(b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

[42 FR 37936, July 25, 1977, as amended at 51 FR 12325, Apr. 10, 1986]

40 CFR 60.91 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Hot mix asphalt facility* means any facility, as described in 40 CFR 60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

[51 FR 12325, Apr. 10, 1986]

40 CFR 60.92 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by 40 CFR 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(1) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).

(2) Exhibit 20 percent opacity, or greater.

[39 FR 9314, Mar. 8, 1974, as amended at 40 FR 46259, Oct. 6, 1975]

40 CFR 60.93 Test methods and procedures.

(a) In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in *Appendix A* of this part or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in 40 CFR 60.92 as follows:

(1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).

(2) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

[54 FR 6667, Feb. 14, 1989]

SUBPART OOO—STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS
APPLICABILITY AND DESIGNATION OF AFFECTED FACILITY [40 CFR 60.670]

(a)(1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.

(2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; plants without crushers or grinding mills above ground; and wet material processing operations (as defined in §60.671).

(b) An affected facility that is subject to the provisions of subparts F or I of this part or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.

(c) Facilities at the following plants are not subject to the provisions of this subpart:

(1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 23 megagrams per hour (25 tons per hour) or less;

(2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less; and

(3) Common clay plants and pumice plants with capacities, as defined in §60.671, of 9 megagrams per hour (10 tons per hour) or less.

(d)(1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, and there is no increase in the amount of emissions, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.

(2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in §60.676(a).

(3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§60.672, 60.674 and 60.675.

(e) An affected facility under paragraph (a) of this section that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of this part.

(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that do not apply to owners and operators of affected facilities subject to this subpart or that apply with certain exceptions.

DEFINITIONS [40 CFR 60.671]

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

Bagging operation means the mechanical process by which bags are filled with nonmetallic minerals.

Belt conveyor means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

Bucket elevator means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

Building means any frame structure with a roof.

Capacity means the cumulative rated capacity of all initial crushers that are part of the plant.

Capture system means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more affected facilities to a control device.

Control device means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more affected facilities at a nonmetallic mineral processing plant.

Conveying system means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.

Crush or *Crushing* means to reduce the size of nonmetallic mineral material by means of physical impaction of the crusher or grinding mill upon the material.

Crusher means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: Jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

Enclosed truck or railcar loading station means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

Fixed plant means any nonmetallic mineral processing plant at which the processing equipment specified in §60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

Fugitive emission means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

Grinding mill means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: Hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

Initial crusher means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

Nonmetallic mineral means any of the following minerals or any mixture of which the majority is any of the following minerals:

(1) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.

(2) Sand and Gravel.

(3) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.

(4) Rock Salt.

(5) Gypsum (natural or synthetic).

(6) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.

(7) Pumice.

(8) Gilsonite.

(9) Talc and Pyrophyllite.

(10) Boron, including Borax, Kernite, and Colemanite.

(11) Barite.

(12) Fluorospar.

(13) Feldspar.

(14) Diatomite.

(15) Perlite.

(16) Vermiculite.

(17) Mica.

(18) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

Nonmetallic mineral processing plant means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670 (b) and (c).

Portable plant means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

Production line means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

Saturated material means, for purposes of this subpart, mineral material with sufficient surface moisture such that particulate matter emissions are not generated from processing of the material through screening operations, bucket elevators and belt conveyors. Material that is wetted solely by wet suppression systems is not considered to be "saturated" for purposes of this definition.

Screening operation means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). Grizzly feeders associated with truck dumping and static (non-moving) grizzlies used anywhere in the nonmetallic mineral processing plant are not considered to be screening operations.

Seasonal shut down means shut down of an affected facility for a period of at least 45 consecutive days due to weather or seasonal market conditions.

Size means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

Stack emission means the particulate matter that is released to the atmosphere from a capture system.

Storage bin means a facility for storage (including surge bins) of nonmetallic minerals prior to further processing or loading.

Transfer point means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

Truck dumping means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: Trucks, front end loaders, skip hoists, and railcars.

Vent means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

Wet material processing operation(s) means any of the following:

(1) Wet screening operations (as defined in this section) and subsequent screening operations, bucket elevators and belt conveyors in the production line that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line; or

(2) Screening operations, bucket elevators and belt conveyors in the production line downstream of wet mining operations (as defined in this section) that process saturated materials (as defined in this section) up to the first crusher, grinding mill or storage bin in the production line.

Wet mining operation means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

Wet screening operation means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

Standards of Performance for Nonmetallic Mineral Processing Plants
[40 CFR 60 Subpart OOO]

STANDARD FOR PARTICULATE MATTER (PM) [40 CFR 60.672]

(a) Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.

(b) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.

(c) [Reserved]

(d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.

(e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

(1) Fugitive emissions from the building openings (except for vents as defined in §60.671) must not exceed 7 percent opacity; and

(2) Vents (as defined in §60.671) in the building must meet the applicable stack emission limits and compliance requirements in Table 2 of this subpart.

(f) Any baghouse that controls emissions from only an individual, enclosed storage bin is exempt from the applicable stack PM concentration limit (and associated performance testing) in Table 2 of this subpart but must meet the applicable stack opacity limit and compliance requirements in Table 2 of this subpart. This exemption from the stack PM concentration limit does not apply for multiple storage bins with combined stack emissions.

RECONSTRUCTION [40 CFR 60.673]

(a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the “fixed capital cost of the new components” or the “fixed capital cost that would be required to construct a comparable new facility” under §60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

(b) Under §60.15, the “fixed capital cost of the new components” includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

MONITORING OF OPERATIONS [40 CFR 60.674]

(a) The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

(1) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±250 Pascals ±1 inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(2) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within ±5 percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

(b) The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).

(1) If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5-year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii) of this section:

(i) The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and §60.676(b), and

(ii) The owner or operator of the affected facility designates which upstream water spray(s) will be periodically inspected at the time of the initial performance test required under §60.11 of this part and §60.675 of this subpart.

(2) If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.

(c) Except as specified in paragraph (d) or (e) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions must conduct quarterly 30-minute visible emissions inspections using EPA Method 22 (40 CFR part 60, Appendix A–7). The Method 22 (40 CFR part 60, Appendix A–7) test shall be conducted while the baghouse is operating. The test is successful if no visible emissions are observed. If any visible emissions are observed, the owner or operator of the affected facility must initiate corrective action within 24 hours to return the baghouse to normal operation. The owner or operator must record each Method 22 (40 CFR part 60, Appendix A–7) test, including the date and any corrective actions taken, in the logbook required under §60.676(b). The owner or operator of the affected facility may establish a different baghouse-specific success level for the visible emissions test (other than no visible emissions) by conducting a PM performance test according to §60.675(b) simultaneously with a Method 22 (40 CFR part 60, Appendix A–7) to determine what constitutes normal visible emissions from that affected facility's baghouse when it is in compliance with the applicable PM concentration limit in Table 2 of this subpart. The revised visible emissions success level must be incorporated into the permit for the affected facility.

(d) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions may use a bag leak

detection system. The owner or operator must install, operate, and maintain the bag leak detection system according to paragraphs (d)(1) through (3) of this section.

(1) Each bag leak detection system must meet the specifications and requirements in paragraphs (d)(1)(i) through (viii) of this section.

(i) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per dry standard cubic meter (0.00044 grains per actual cubic foot) or less.

(ii) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.* , using a strip chart recorder or a data logger).

(iii) The bag leak detection system must be equipped with an alarm system that will sound when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (d)(1)(iv) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(iv) In the initial adjustment of the bag leak detection system, the owner or operator must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.

(v) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided in paragraph (d)(1)(vi) of this section.

(vi) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (d)(2) of this section.

(vii) The owner or operator must install the bag leak detection sensor downstream of the fabric filter.

(viii) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(2) The owner or operator of the affected facility must develop and submit to the Administrator or delegated authority for approval of a site-specific monitoring plan for each bag leak detection system. The owner or operator must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (d)(2)(i) through (vi) of this section.

(i) Installation of the bag leak detection system;

(ii) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system, including quality assurance procedures;

(iv) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;

(v) How the bag leak detection system output will be recorded and stored; and

(vi) Corrective action procedures as specified in paragraph (d)(3) of this section. In approving the site-specific monitoring plan, the Administrator or delegated authority may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

(3) For each bag leak detection system, the owner or operator must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (d)(2)(vi) of this section, the owner or operator must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

(i) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;

(ii) Sealing off defective bags or filter media;

(iii) Replacing defective bags or filter media or otherwise repairing the control device;

(iv) Sealing off a defective fabric filter compartment;

(v) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

(vi) Shutting down the process producing the PM emissions.

(e) As an alternative to the periodic Method 22 (40 CFR part 60, Appendix A–7) visible emissions inspections specified in paragraph (c) of this section, the owner or operator of any affected facility that is subject to the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) may follow the continuous compliance requirements in row 1 items (i) through (iii) of Table 6 to Subpart AAAAA of 40 CFR part 63.

TEST METHODS AND PROCEDURES [40 CFR 60.675]

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendices A–1 through A–7 of this part or other methods and procedures as specified in this section, except as provided in §60.8(b). Acceptable alternative methods and procedures are given in paragraph (e) of this section.

(b) The owner or operator shall determine compliance with the PM standards in §60.672(a) as follows:

(1) Except as specified in paragraphs (e)(3) and (4) of this section, Method 5 of Appendix A–3 of this part or Method 17 of Appendix A–6 of this part shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (40 CFR part 60, Appendix A–3), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.

(2) Method 9 of Appendix A–4 of this part and the procedures in §60.11 shall be used to determine opacity.

(c)(1) In determining compliance with the particulate matter standards in §60.672(b) or §60.672(e)(1), the owner or operator shall use Method 9 of Appendix A–4 of this part and the procedures in §60.11, with the following additions:

(i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).

(ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (*e.g.,* road dust). The required observer position relative to the sun (Method 9 of Appendix A–4 of this part, Section 2.1) must be followed.

(iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.

(2)(i) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9 (40 CFR part 60, Appendix A–4), the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations shall be 1 hour (ten 6-minute averages).

(ii) The duration of the Method 9 (40 CFR part 60, Appendix A–4) observations may be reduced to the duration the affected facility operates (but not less than 30 minutes) for baghouses that control storage bins or enclosed truck or railcar loading stations that operate for less than 1 hour at a time.

(3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) or §60.672(e)(1) of this subpart, the duration of the Method 9 (40 CFR part 60, Appendix A–4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in Table 3 of this subpart must be based on the average of the five 6-minute averages.

(d) To demonstrate compliance with the fugitive emission limits for buildings specified in §60.672(e)(1), the owner or operator must complete the testing specified in paragraph (d)(1) and (2) of this section. Performance tests must be conducted while all affected facilities inside the building are operating.

(1) If the building encloses any affected facility that commences construction, modification, or reconstruction on or after April 22, 2008, the owner or operator of the affected facility must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and §60.11.

(2) If the building encloses only affected facilities that commenced construction, modification, or reconstruction before April 22, 2008, and the owner or operator has previously conducted an initial Method 22 (40 CFR part 60, Appendix A–7) performance test showing zero visible emissions, then the owner or operator has demonstrated compliance with the opacity limit in §60.672(e)(1). If the owner or operator has not conducted an initial performance test for the building before April 22, 2008, then the owner or operator must conduct an initial Method 9 (40 CFR part 60, Appendix A–4) performance test according to this section and §60.11 to show compliance with the opacity limit in §60.672(e)(1).

(e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:

(i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.

(ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.

(2) A single visible emission observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions are met:

(i) No more than three emission points may be read concurrently.

(ii) All three emission points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.

iii) If an opacity reading for any one of the three emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two points and continue reading just that single point.

(3) Method 5I of Appendix A–3 of this part may be used to determine the PM concentration as an alternative to the methods specified in paragraph (b)(1) of this section. Method 5I (40 CFR part 60, Appendix A–3) may be useful for affected facilities that operate for less than 1 hour at a time such as (but not limited to) storage bins or enclosed truck or railcar loading stations.

(4) In some cases, velocities of exhaust gases from building vents may be too low to measure accurately with the type S pitot tube specified in EPA Method 2 of Appendix A–1 of this part [*i.e.,* velocity head <1.3 mm H_2O (0.05 in. H_2O)] and referred to in EPA Method 5 of Appendix A–3 of this part. For these conditions, the owner or operator may determine the average gas flow rate produced by the power fans (*e.g.,* from vendor-supplied fan curves) to the building vent. The owner or operator may calculate the average gas velocity at the building vent measurement site using Equation 1 of this section and use this average velocity in determining and maintaining isokinetic sampling rates.

(1) $$v_e = \frac{Q_f}{A_e} \qquad (\text{Eq. 1})$$

Where:

V_e= average building vent velocity (feet per minute);

Q_f= average fan flow rate (cubic feet per minute); and

A_e= area of building vent and measurement location (square feet).

(f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a)(1) and (2) during each particulate matter run and shall determine the averages.

(g) For performance tests involving only Method 9 (40 CFR part 60 Appendix A–4) testing, the owner or operator may reduce the 30-day advance notification of performance test in §60.7(a)(6) and 60.8(d) to a 7-day advance notification.

(h) [Reserved]

(i) If the initial performance test date for an affected facility falls during a seasonal shut down (as defined in §60.671 of this subpart) of the affected facility, then with approval from the permitting authority, the owner or operator may postpone the initial performance test until no later than 60 calendar days after resuming operation of the affected facility.

REPORTING AND RECORDKEEPING [40 CFR 60.676]

(a) Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

(ii) The total surface area of the top screen of the replacement screening operation.

(3) For a conveyor belt:

(i) The width of the existing belt being replaced and

(ii) The width of the replacement conveyor belt.

(4) For a storage bin:

(i) The rated capacity in megagrams or tons of the existing storage bin being replaced and

(ii) The rated capacity in megagrams or tons of replacement storage bins.

(b)(1) Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

(2) For each bag leak detection system installed and operated according to §60.674(d), the owner or operator must keep the records specified in paragraphs (b)(2)(i) through (iii) of this section.

(i) Records of the bag leak detection system output;

(ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.

(3) The owner or operator of each affected facility demonstrating compliance according to §60.674(e) by following the requirements for processed stone handling operations in the Lime Manufacturing NESHAP (40 CFR part 63, subpart AAAAA) must maintain records of visible emissions observations required by §63.7132(a)(3) and (b) of 40 CFR part 63, subpart AAAAA.

(c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.

(d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss and liquid flow rate decrease by more than 30 percent from the average determined during the most recent performance test.

(e) The reports required under paragraph (d) of this section shall be postmarked within 30 days following end of the second and fourth calendar quarters.

(f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 (40 CFR part 60, Appendix A–4) to demonstrate compliance with §60.672(b), (e) and (f).

(g) The owner or operator of any wet material processing operation that processes saturated and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. At the time of such change, this screening operation, bucket elevator, or belt conveyor becomes subject to the applicable opacity limit in §60.672(b) and the emission test requirements of §60.11.

(h) The subpart A requirement under §60.7(a)(1) for notification of the date construction or reconstruction commenced is waived for affected facilities under this subpart.

(i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.

(1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.

(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

(j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

(k) Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).

Standards of Performance for Nonmetallic Mineral Processing Plants
[40 CFR 60 Subpart OOO]

TABLE 1 TO SUBPART OOO—EXCEPTIONS TO APPLICABILITY OF SUBPART A TO SUBPART OOO

Table 1 to Subpart OOO—Exceptions to Applicability of Subpart A to Subpart OOO

Subpart A reference	Applies to subpart OOO	Explanation
60.4, Address	Yes	Except in §60.4(a) and (b) submittals need not be submitted to both the EPA Region and delegated State authority (§60.676(k)).
60.7, Notification and recordkeeping	Yes	Except in (a)(1) notification of the date construction or reconstruction commenced (§60.676(h)).
		Also, except in (a)(6) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§60.675(g)).
60.8, Performance tests	Yes	Except in (d) performance tests involving only Method 9 (40 CFR part 60, Appendix A–4) require a 7-day advance notification instead of 30 days (§60.675(g)).
60.11, Compliance with standards and maintenance requirements	Yes	Except in (b) under certain conditions (§§60.675(c)), Method 9 (40 CFR part 60, Appendix A–4) observation is reduced from 3 hours to 30 minutes for fugitive emissions.
60.18, General control device	No	Flares will not be used to comply with the emission limits.

TABLE 2 TO SUBPART OOO—STACK EMISSION LIMITS FOR AFFECTED FACILITIES WITH CAPTURE SYSTEMS

Table 2 to Subpart OOO—Stack Emission Limits for Affected Facilities with Capture Systems

For	The owner or operator must meet a PM limit of	And the owner or operator must meet an opacity limit of	The owner or operator must demonstrate compliance with these limits by conducting
Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	0.05 g/dscm (0.022 gr/dscf)[a]	7 percent for dry control devices[b]	An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e).
Affected facilities (as defined in §§60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008	0.032 g/dscm (0.014 gr/dscf)[a]	Not applicable (except for individual enclosed storage bins) 7 percent for dry control devices on individual enclosed storage bins	An initial performance test according to §60.8 of this part and §60.675 of this subpart; and Monitoring of wet scrubber parameters according to §60.674(a) and §60.676(c), (d), and (e); and
			Monitoring of baghouses according to §60.674(c), (d), or (e) and §60.676(b).

[a]Exceptions to the PM limit apply for individual enclosed storage bins and other equipment. See §60.672(d) through (f).

[b]The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.

TABLE 3 TO SUBPART OOO—FUGITIVE EMISSION LIMITS

Table 3 to Subpart OOO—Fugitive Emission Limits

For	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671)	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used	The owner or operator must demonstrate compliance with these limits by conducting
Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	10 percent opacity	15 percent opacity	An initial performance test according to §60.11 of this part and §60.675 of this subpart.
Affected facilities (as defined in §§60.670 and 60.671) that commence construction, modification, or reconstruction on or after April 22, 2008	7 percent opacity	12 percent opacity	An initial performance test according to §60.11 of this part and §60.675 of this subpart; and Periodic inspections of water sprays according to §60.674(b) and §60.676(b); and
			A repeat performance test according to §60.11 of this part and §60.675 of this subpart within 5 years from the previous performance test for fugitive emissions from affected facilities without water sprays. Affected facilities controlled by water carryover from upstream water sprays that are inspected according to the requirements in §60.674(b) and §60.676(b) are exempt from this 5-year repeat testing requirement.