



Charlie Christ  
Governor

Ana M. Viamonte Ros, M.D., M.P.H.  
State Surgeon General

FEBRUARY 11, 2010  
ELECTRONIC CORRESPONDENCE  
JOE.KANADAY@HUBBARD.COM

### AIR POLLUTION PERMIT MODIFICATION

Hubbard Construction Company  
East Coast Paving Division  
2269 Indian Road, Bldg. No. 3  
West Palm Beach, FL 33409

*Authorized Representative*  
Mr. Joe Kanaday, Division Manager

<b>ARMS No.:</b>	0990530
<b>Permit No:</b>	0990530-009-AC & 0990530-010-AO
<b>Issued:</b>	02/11/2010
<b>Expires:</b>	10/29/2013

**LOCATED AT:**

**Hubbard Construction Company**, 20125 Southern Blvd, Loxahatchee, FL 33470  
**UTM:** Zone 17; 562.79 km E; 2951.97 km N; **Lat/Long.:** 26° 41' 20" N/ 80° 22' 8" W  
**Description:** Hot mix asphalt plant  
**SIC No.:** 2951

**STATEMENT OF BASIS:**

The Palm Beach County Health Department (Health Department) issues this permit modification 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.). **This permit modification allows the capacity of the crusher to be increased to 450 tons per hour (tph) from 250 tph. This permit supersedes the previously issued permits to the facility.**

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.

**ISSUED BY:**

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

  
James E. Stormer, QEP, Environmental Administrator  
Air Pollution Control Section  
Division of Environmental Health and Engineering



Post Office Box 29 / 901 Evernia Street, West Palm Beach, FL 33402  
Jean M. Malecki, M.D., MPH, FACPM, Director  
www.pbchd.com

**CERTIFICATE OF SERVICE**

The undersigned duly designated agency clerk hereby certifies that the Notice of Permit and the Final Permit were sent by electronic mail (with received receipt) before the close of business on 2-11-10 to the permittee.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that *copies* of these documents were sent by electronic mail (with received receipt) on the same date to the following persons:

Lee Hoefert, P.E. FDEP/SED  
Edwin Jacobs, East Coast Paving

email  
email

Lee.Hoefert@dep.state.fl.us  
Edwin.jacobs@hubbard.com

**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.

Jeanette Jones  
(Clerk)

2-11-10  
(Date)



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State Surgeon General

**FEBRUARY 11, 2010**

**ELECTRONIC CORRESPONDENCE**  
**JOE.KANADAY@HUBBARD.COM**

**NOTICE OF AIR POLLUTION PERMIT MODIFICATION**

**PERMITTEE:**

Hubbard Construction Company  
East Coast Paving Division  
2269 Indian Road, Bldg. No. 3  
West Palm Beach, FL 33409

***Authorized Representative:***

Mr. Joe Kanaday, Division Manager

**Air Permit Nos.:** 0990530-009-AC &  
0990530-010-AO

**PALM BEACH COUNTY, FLORIDA**

**Project:** Modification Permit No. 0990530-003-AC &  
0990530-006-AO.

Permit revision to increase the capacity of the RAP  
crusher to 450 tons per year (TPH) from 250 TPH.

Dear Mr. Kanaday:

Enclosed are Air Permits Nos. 0990530-009-AC & 0990530-010-AO for the operation of a source of air pollution located in Palm Beach County. These permits revise the permit nos. 0990530-003-AC & 0990530-006-AO. These permits allow the operation of a portable crusher with higher crushing capacity, and update the regulations for non-metallic mineral processing facilities.

This permit is issued pursuant to Chapter 403.087 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code. 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*  
PALM BEACH COUNTY HEALTH DEPARTMENT

James E. Stormer, Q.E.P., Environmental Administrator  
Air & Waste Program  
Division of Environmental Public Health

*For any questions, contact:*

Laxmana Tallam, P.E., Permit Supervisor  
Air Pollution Control Section  
Palm Beach County Health Department  
P.O. Box 29 (901 Evernia Street)  
West Palm Beach, Florida, 33402-0029



Post Office Box 29 / 800 Clematis Street, West Palm Beach, FL. 33402  
[www.pbchd.com](http://www.pbchd.com)

## SECTION I. SUMMARY INFORMATION

### PERMIT HISTORY

02/10/2010 The Palm Beach County Health Department received a request for modification of 0990530-003-AC and 0990530-006-AO.

01/22/2010 The Health Department issued Permit Nos. 0990530-007-AC & 008-AO

10/30/2008 The Health Department issued Permit Nos. 0990530-006-AO

12/29/06 The Palm Beach County Health Department Issued an Air Construction Permit No. 0990530-003-AC for installation of a 400 TPH Asphalt Plant and a 250 TPH RAP Crusher

### PERMIT CONTENT

Section I: Summary Information

Section II: Facility-Wide Specific Conditions

Section III: Emissions Unit Specific Conditions

Section IV: Appendices

*Appendix A:* General Permit Conditions

*Appendix B:* Citation Format

*Appendix C:* Summary of General Testing Requirements (Chapter 62-297, F.A.C.) & NSPS General Requirements

*Appendix D:* Standards of Performance for Hot Mix Asphalt Plants [40 CFR 60 Subpart I]

*Appendix E:* Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR 60 Subpart 000]

### REGULATORY CLASSIFICATIONS

Title III:	The facility is not a major source of hazardous air pollutants (HAPs)
Title IV:	The facility will not operate units subject to the acid rain provisions of the Clean Air Act.
Title V:	The facility is not a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
PSD:	The facility is not a PSD major source in accordance with Rule 62-212.400 F.A.C.
RACT:	The facility is not subject to any RACT requirements
NSPS:	The facility is subject to the requirements of 40 CFR 60 Subpart 000 and I.
NESHAP:	The facility is not subject to any requirements of 40 CFR 6 & 63

### EMISSIONS UNIT SUMMARY

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
002	400 Tons per Hour Hot Drum Mix Asphalt Plant
003	Asphalt Cement Heater
004	Up to 450 Tons per Hour Portable RAP Crusher and Screening Operation
005	Materials Handling and Storage Operations

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

### 1.0 ADMINISTRATIVE

- 1.1** Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the Palm Beach County Health Department (Health Department) at P.O. Box 29 (800 Clematis Street), West Palm Beach, Florida, 33402-0029, and phone number (561) 837-5900. **[Specific Operating Agreement (SOA)]**
- 1.2** General Permit Conditions: The owner and operators shall be aware of, and operate under, the attached General Permit Conditions listed in *Appendix A* of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. **[Rule 62-4.160, F.A.C.]**
- 1.3** Citation Format: The format for citing applicable regulations is provided in *Appendix B* of this permit.
- 1.4** Application for Operation Permit: The permittee shall apply for a renewal permit at least 60 days prior to the expiration of this operation permit. The application shall include: the Application Form *[DEP Form No. 62-210.900(4)]*; the correct application processing fee; all required test reports; and a summary of any changes or substitutions to the original equipment, processes, fuels, controls, etc. When the renewal application is timely and sufficient, the existing permit shall remain in effect until final action is taken by the Health Department. **[Rules 62-4.090 and 62-210.900, F.A.C.]**
- 1.5** Applicable Regulations: This facility is subject to the following regulations: Chapters 62-4, 62-210, 62-212, 62-296, and 62-297, F.A.C. Specifically, the emissions units are subject to: *Cite Rule Number and Name*. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting requirements or regulations. **[Rule 62-210.300(2), F.A.C. and the SOA]**

### 2.0 EMISSION LIMITING AND PERFORMANCE STANDARDS

- 2.1** 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.
- 2.2** 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(200), F.A.C.]*
- 2.3** 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.]**
- 2.4** 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 re-entrainment, 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.*

**2.5 Facility-Wide Operating Restrictions: The facility is subject to the following operating restrictions on a 12-month rolling total. [Rule 62-210.300(3)(c)1, F.A.C.]**

- (a) **Fuel Oil Usage shall not exceed 1,200,000 gallons per year (12-month rolling total).**
- (b) **Asphalt Concrete Production shall not exceed 500,000 tons per year (12-month rolling total).**
- (c) **Fuel oil sulfur content shall not exceed the following.**
  - 1. **Drum Dryer - 1.00% by weight as fired.**
  - 2. **Asphalt Cement Heater – 0.50 % by weight as fired.**

**3.0 OPERATION AND MAINTENANCE REQUIREMENTS**

**3.1 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.]**

**3.2 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.]**

**4.0 COMPLIANCE MONITORING REQUIREMENTS**

**4.1 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.]**

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

**4.3 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.]**

***{Permitting Note: According to the initial compliance test performed on October 07, 2008, the asphalt mix plant operated at 225 tons per hour, and consequently the operating capacity of the unit is limited to 247.5 tons per hour (110% of 225) until the additional stack test is performed to regain the authority to operate at 400 tons per hour}***

- 4.4** 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 C* of this permit.
- 4.5** 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.]**
- 4.6** 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.]**

## **5.0 REPORTS REQUIRED**

- 5.1** Annual Operations Report: The annual operating report shall be submitted to the Palm Beach County Health Department by April 1 of the following year. If the report is submitted using the Department's electronic annual operating report software, there is no requirement to submit a copy to any DEP or local air program office. **[Rule 62-210.370(3), F.A.C.]**
- 5.2** 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.]**
- 5.3** 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 C* 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.]**

## **6.0 WASTE REQUIREMENTS**

- 6.1** 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. **[Rule 62-4.070(3), F.A.C.]**

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

**GROUP A. This portion of the permit addresses the following emissions unit:**

<b>002</b>	<b>400 TPH Hot Drum Mix Asphalt Plant</b> consisting of: an Astec Model No. RDB-9640 8’ X 40’ double barrel drum mixer with asphalt cement heater; an Astec primary dry cyclone separator; and an Astec Model No. RBH-68 baghouse with 68,194 CFM pulse-jet cleaning. The manufacturer’s maximum rated asphalt production rate is 400 tons per hour.
<i>Permitting Note: The emissions unit is subject to the visible emissions and particulate matter emission limiting standards of 40 CFR 60 Subpart I, Standards of Performance for Hot Mix Asphalt Facilities (adopted by reference Rule 62-204.800, F.A.C. See Appendix D).</i>	

**EMISSION LIMITING STANDARDS**

- III.A.1. 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, and 62-296.320(4)(b)1, F.A.C.]
- III.A.2. 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**

- III.A.3. Hours of Operation: The permittee is authorized to operate the dryer 24 hours per day, 7 days per week, but no more than 4,000 hours per year (12-month rolling total). [Rule 62-210.300(3)(c)1., F.A.C.]
- III.A.4. Fuel Oils: The permittee is authorized to fire the following fuels, alone or in combination, within the dryer:
  - (a) Natural gas,
  - (b) Residual distillate oil (no. 5)
  - (c) Virgin Fuel Oil (no. 2); and
  - (d) On-Specification Used Fuel Oil ( with a PCB concentration of less than 49 ppm)

*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.*
- III.A.5. 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. ]
- III.A.6. 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. [and 40 CFR 279, Subpart B]

## COMPLIANCE/PERIODIC MONITORING REQUIREMENTS

- III.A.7.** Visible Emissions: 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 opacity limitation. **[Rule 62-297.310(7)(a)4.a, F.A.C., and Permit No. 0990530-008-AC]**

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.]**

- III.A.8.** Particulate Matter: 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 III.A.2. **[Rule 62-297.310(7)(a)4.a, F.A.C., and Permit No. 0990530-008-AC].**

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)]**

- III.A.9.** Fuel Oil Sulfur Content: The permittee shall sample and monitor fuel oil sulfur content during each federal fiscal year (October 1 – September 30). The permittee shall collect a sample of the as-fired fuel oil in accordance with the following:

- a. Annual sampling shall be conducted simultaneously with the annual particulate matter testing and 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:
  - ASTM D 4057-88. Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
  - ASTM D 129-91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).
  - ASTM D 2622-94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.
  - ASTM D 4294-90. Standard Test Method for Sulfur in Petroleum Products by Energy-Dispersive X-Ray Fluorescence Spectroscopy. **[Rules 62-297.310(7)(b), and 62-297.440, F.A.C., and Permit No. 0990530-008-AC]**

- III.A.10.** 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. 0990530-003-AC]**

- III.A.11.** Note that a claim that used 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. 0990530-003-AC and Rule 62-4.070, F.A.C.]**

Used fuel oil – Analysis Required: If the owner or operator does not receive certification from the marketer as described above, the owner or operator shall sample and analyze each load of used oil received 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 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 above parameters. [F.A.C. Rule 62-4.070]

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 Department of Environmental Protection, Southeast District Office, Air Program 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. 0990530-003-AC]**

**III.A.12.** Operating Records: The permittee shall maintain the following records for at least three (3) years:

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

- Date of operation and operator's name.
- Total hours of asphalt production for each day.
- Total tons of asphalt produced for each day.
- Average asphalt production for the day.
- Total Gallons of each fuel oil fired.
- Total MMCF of Natural Gas fired.
- Note any repairs or maintenance performed on the baghouse.

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

- Month of operation.
- Total hours of operation.
- Total tons of asphalt produced.
- Total Gallons of each fuel oil fired.
- Total MMCF of Natural Gas fired.
- Vendor Certificates on Fuel Oil/On-Specification Used Oil.

**[Permit No. 0990530-003-AC]**

**GROUP B. This portion of the permit addresses the following emissions unit:**

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
003	<u>Asphalt cement heater</u> 2.5 MMBtu/hour Asphalt cement heater (Heatec Model No. HC-200) firing No. 2 fuel oil containing no more than 0.5% sulfur by weight.

**III.B.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) F.A.C., emission units that do not emit or have the potential to emit 5 tons per year or more of a regulated pollutant other than a hazardous air pollutant or lead, are exempted from the permitting requirements of Rule 62-4, 62-210, and 62-212, FAC.

The potential emissions from this unit were estimated based on restricted operations (4000 hr/yr) and the combustion of No.2 Fuel Oil containing no more than 0.50% sulfur by weight. 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 Palm Beach County Health Department’s Air Pollution Control 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.*

**GROUP C. This portion of the permit addresses the following emissions units:**

EMISSION UNIT NO.	EMISSIONS UNIT DESCRIPTION
004	<b>Up to 450 tons per year (TPH) Portable RAP Crusher and Screening Operation:</b> The facility is allowed to operate any portable crusher of capacity up to 450 tons per hour. 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 000 -- adopted and incorporated by reference in Rule 62-204.800(7)(b)64., F.A.C.
005	<b>Materials Handling &amp; Storage Operation:</b> Includes storage piles, storage bins, conveyors, and transfer operations. <b>[Exempt Unit]</b>

Permitting Notes:

- *There are no stacks associated with any transfer points of belt conveyors, crushers, grinding mills, screening operations, bucket elevators, storage bins, or loading stations.*
- *There is no railcar loading stations.*
- *No buildings enclose any transfer points.*
- *There are no crushers at this facility with capture systems.*
- *There are no wet scrubbers used to control particulate matter.*

**EMISSION LIMITING STANDARDS AND OPERATION RESTRICTIONS**

- III.C.1** Rule Applicability: The crusher and the affected facilities are subject to 40 CFR 60 Subpart 000 “Standards for Nonmetallic Mineral Processing Plants” as included in Appendix E.
- III.C.2.** Hours of Operation: The permittee is authorized to operate the referenced emission units for 24 hours per day, 7 days per week, and 52 weeks per year. **[Permit No. 0990530-003-AC]**
- III.C.3** Visible Emission (VE) Standards: The VE Standards for the crushers and the affected facilities are presented in the table below. **[40 CFR 60.676, TABLE 3]**

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 <b>after August 31, 1983 but before April 22, 2008</b>	10 percent opacity	15 percent opacity	An initial performance test according to <b>40 CFR 60.11</b> and <b>40 CFR 60.675</b> .

Affected facilities (as defined in 40 CFR 60.670 and 60.671) that commence construction, modification, or reconstruction <b>on or after April 22, 2008</b>	7 percent opacity	12 percent opacity	An initial performance test according to <b>40 CFR 60.11</b> and <b>40 CFR 60.675</b> ; and Periodic inspections of water sprays according to <b>40 CFR 60.674(b)</b> and <b>40 CFR 60.676(b)</b> .
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**COMPLIANCE/PERIODIC MONITORING REQUIREMENTS**

**III.C.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 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.]**

**III.C.5** VE Observations: In determining compliance with the standards in specific condition III.C.3, 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, when possible, shall 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), and 60-4.070(3), F.A.C.]**

**III.C.6** When determining compliance with the fugitive emissions standard for any affected facility specified in the condition III.C.3, 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 specified in condition III.C.3 shall be based on the average of the five 6-minute averages.

**[40 CFR 60.675 (c)(3)]**

**III.C.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.

**[Permit No. 0990530-003-AC, and Rule 62-4.070(3), F.A.C.]**

**III.C.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.

- (1) An owner or operator complying with paragraph above shall submit the information required in the specific condition III.C.9.
- (2) 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.
- (3) An affected facility that commences construction, modification, or reconstruction after August 31, 1983, is subject to the requirements of 40 CFR 60 Subpart OOO.

**[40 CFR 60.670(d)]**

**III.C.9** Each owner or operator seeking to comply with the specific condition III.C.8 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)]**

**III.C.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)]**

**III.C.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, by themselves, shall not 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.  
**[Rule 62-4.070(3), F.A.C. and 40 CFR 60.14(e)]**

**III.C.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)]**

**III.C.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)]**

**III.C.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.]**

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

<b>40 CFR 60 Subpart A reference</b>	<b>Applies to 40 CFR Subpart OOO</b>	<b>Explanation</b>
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

**PART IV.**  
**LIST OF APPENDICES**

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<b>APPENDIX</b>	<b>DESCRIPTION</b>
A	General Permit Conditions
B	Citation Format
C	Summary of General Testing Requirements (Chapter 62-297, F.A.C.) & NSPS General Requirements
D	Standards of Performance for Hot Mix Asphalt Plants [40 CFR 60 Subpart I]
E	Standards of Performance for Nonmetallic Mineral Processing Plants [40 CFR 60 Subpart OOO]

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**PART IV. APPENDIX A**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. 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.
- G.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 or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and 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 or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does 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.
- G.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.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or 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.
- G.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 a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit.
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit.
  - (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.

- G.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 non-compliance.
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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.

- G.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 403.73 and 403.111, Florida Statutes. Such

**PART IV. APPENDIX A**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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

- G.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.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code 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.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology. (BACT does not apply)
  - (b) Determination of Prevention of Significant Deterioration. (PSD does not apply)
  - (c) Compliance with New Source Performance Standards. (NSPS subpart I applies)
- G.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 or 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.
- G.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 that 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.

**PART IV. APPENDIX B  
CITATION FORMAT**

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**CITATION FORMAT**

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

Guidance Memorandums from the Bureau of Air Regulation, Florida Department of Environmental Protection:

*Example:*    **[DARM-PER/GEN-12]**    *(Refers to a specific, numbered guidance memorandum.)*

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

*Example:*    **[F.A.C. 62-4.070]**

*Where:*     62            - Title 62  
              62-4         - Chapter 62-4  
              62-4.070   - Rule 62-4.070

Code of Federal Regulations:

*Example:*    **[40 CFR 60.334]**

*Where:*     40            - Title 40  
              CFR         - Code of Federal Regulations  
              60           - Part 60  
              60.334      - Rule 60.334

New Permit Numbers:

*Example:*    099-0333-002-AC, or  
              099-0333-001-AO

*Where:*     AC           - Air Construction Permit  
              AO           - Air Operation Permit  
              099          - Number code identifying the facility is located in Palm Beach County  
              0333         - 4-digit facility identification number assigned by the permit tracking database  
              001 or 002   - 3-digit sequential file number assigned by the permit tracking database

Old Air Permit Numbers:

*Example:*    AC50-123456

*Where:*     AC           - Air Construction Permit  
              AO           - Air Operation Permit  
              123456      - 6-digit sequential file number assigned by the permit tracking database.

**PART IV. APPENDIX C**  
**Summary of General Testing Requirements (Chapter 62-297, F.A.C.)**  
**& NSPS General Requirements**

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**62-297.310 General Compliance Test Requirements.**

The focal point of a compliance test is the stack or duct which vents process and/or combustion gases and air pollutants from an emissions unit into the ambient air.

(1) Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. 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, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard.

(2) Operating Rate During Testing. Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity as defined below. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

(a) Combustion Turbines. (Reserved)

(b) All Other Sources. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit.

(3) Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

(4) Applicable Test Procedures.

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, 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.

2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

**PART IV. APPENDIX C**  
**Summary of General Testing Requirements (Chapter 62-297, F.A.C.)**  
**& NSPS General Requirements**

- (d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1.
- (e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

**TABLE 297.310-1**  
**CALIBRATION SCHEDULE**

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/-0.001" men of at least three Readings. Max. deviation between readings .004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

**PART IV. APPENDIX C**  
**Summary of General Testing Requirements (Chapter 62-297, F.A.C.)**  
**& NSPS General Requirements**

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(5) Determination of Process Variables.

(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

(b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

(6) Required Stack Sampling Facilities. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must meet any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

(a) Permanent Test Facilities. The owner or operator of an emissions unit for which a compliance test, other than a visible emissions test, is required on at least an annual basis, shall install and maintain permanent stack sampling facilities.

(b) Temporary Test Facilities. The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling 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.

(c) Sampling Ports.

1. All sampling ports shall have a minimum inside diameter of 3 inches.

2. The ports shall be capable of being sealed when not in use.

3. The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.

4. For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.

5. On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

(d). Work Platforms.

1. Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.

2. On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.

3. On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.

4. All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toeboard, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

(e). Access to Work Platform.

1. Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.

2. Walkways over free-fall areas shall be equipped with safety rails and toeboards.

(f). Electrical Power.

1. A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform within 20 feet of each sampling port.

2. If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.

(g). Sampling Equipment Support.

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**Summary of General Testing Requirements (Chapter 62-297, F.A.C.)**  
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1. A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.
    - a. The bracket shall be a standard 3 inch x 3 inch x one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.
    - b. A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.
    - c. The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.
  2. A complete monorail or dualrail arrangement may be substituted for the eyebolt and bracket.
  3. When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.
- (7) Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.
- (a) General Compliance Testing.
    1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
    2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.
    3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
      - a. Did not operate; or
      - b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.
    4. During each federal fiscal year (October 1 -- September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
      - a. Visible emissions, if there is an applicable standard;
      - b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
      - c. Each NESHAP pollutant, if there is an applicable emission standard.
    5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.
    6. For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.
    7. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to Rule 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.
    8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.

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9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

10. An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to Rule 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to Rule 62-213.300(2)(a)1., F.A.C., or Rule 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in Rule 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.

(b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

(c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

(8) Test Reports.

(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.

(b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.

(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 or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.

7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, 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 used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.

10. The number of points sampled and 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, 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. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.

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

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

19. The detailed calculations for one run that relate the collected data to the calculated emission rate.

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20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.

21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance 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 his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

Specific Authority: 403.061, FS.

Law Implemented: 403.031, 403.061, 403.087, FS.

History: Formerly 17-2.700(1)(b); Formerly 17-297.310; Amended 11-23-94, 3-13-96, 10-28-97, 3-2-99.

**62-297.620 Exceptions and Approval of Alternate Procedures and Requirements.**

(1) The owner or operator of any emissions unit subject to the provisions of this chapter may request in writing a determination by the Secretary or his/her designee that any requirement of this chapter (except for any continuous monitoring requirements) relating to emissions test procedures, methodology, equipment, or test facilities shall not apply to such emissions unit and shall request approval of an alternate procedures or requirements.

(2) The request shall set forth the following information, at a minimum:

(a) Specific emissions unit and permit number, if any, for which exception is requested.

(b) The specific provision(s) of this chapter from which an exception is sought.

(c) The basis for the exception, including but not limited to any hardship which would result from compliance with the provisions of this chapter.

(d) The alternate procedure(s) or requirement(s) for which approval is sought and a demonstration that such alternate procedure(s) or requirement(s) shall be adequate to demonstrate compliance with applicable emission limiting standards contained in the rules of the Department or any permit issued pursuant to those rules.

(3) The Secretary or his/her designee shall specify by order each alternate procedure or requirement approved for an individual emissions unit source in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be final agency action, reviewable in accordance with Section 120.57, Florida Statutes.

(4) In the case of an emissions unit which has the potential to emit less than 100 tons per year of particulate matter and is equipped with a baghouse, the Secretary or the appropriate Director of District Management may waive any particulate matter compliance test requirements for such emissions unit specified in any otherwise applicable rule, and specify an alternative standard of 5% opacity. The waiver of compliance test requirements for a particulate emissions unit equipped with a baghouse, and the substitution of the visible emissions standard, shall be specified in the permit issued to the emissions unit.

If the Department has reason to believe that the particulate weight emission standard applicable to such an emissions unit is not being met, it shall require that compliance be demonstrated by the test method specified in the applicable rule.

Specific Authority: 403.061, FS.

Law Implemented: 403.021, 403.031, 403.061, 403.087, FS.

History: Formerly 17-2.700 (3); Amended 6-29-93; Formerly 17-297.620; Amended 11-23-94.

**NSPS GENERAL REQUIREMENTS**

**PERFORMANCE TESTS FOR SOURCES SUBJECT TO NSPS [40 CFR 60.8]**

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(a) 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 of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when

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necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

- (c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present.
- (e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
  - (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test 1 methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
  - (2) Safe sampling platform(s).
  - (3) Safe access to sampling platform(s).
  - (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

**COMPLIANCE WITH STANDARDS AND MAINTENANCE REQUIREMENTS [40 CFR 60.11]**

- (a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by §60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section . For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive- type emission sources subject only to an opacity standard).
- (c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

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- (e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in §60.8 unless one of the following conditions apply. If no performance test under §60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under §60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in §60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under §60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.
- (2) Except as provided in paragraph (e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph (b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under §60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.
- (3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in §60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph (e)(1) of this section shall apply.
- (4) An owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by §60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and §60.8 performance test results.
- (5) An owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under §60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under §60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under §60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under §60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under §60.8. The owner

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or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in §60.13(c) of this part, that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.

- (6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by §60.8, the opacity observation results and observer certification required by §60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by §60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with §60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.
  - (7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.
  - (8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the FEDERAL REGISTER.
- (f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.

**PART IV. APPENDIX D**  
**Standards of Performance for Hot Mix Asphalt Plants**  
**[40 CFR 60 Subpart I]**

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**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.

**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 60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

**60.92 Standard for particulate matter.**

- (a) On and after the date on which the performance test required to be conducted by 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.

**60.93 Test methods and procedures.**

- (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 Appendix A of this part or other methods and procedures as specified in this section, except as provided in 60.8(b).
- (b) The owner or operator shall determine compliance with the particulate matter standards in 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 60.11 shall be used to determine opacity.

**PART IV. APPENDIX E**  
**Standards of Performance for Nonmetallic Mineral Processing Plants**  
**[40 CFR 60 Subpart OOO]**

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**Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants**

**Source:** 74 FR 19309, Apr. 28, 2009, unless otherwise noted.

**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.

**PART IV. APPENDIX E**  
**Standards of Performance for Nonmetallic Mineral Processing Plants**  
**[40 CFR 60 Subpart OOO]**

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*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.
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- (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

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(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.

**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]**

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(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  $\pm 250$  pascals  $\pm 1$  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  $\pm 5$  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 expeditiously 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.

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- (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;
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- (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.

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(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<sub>2</sub>O (0.05 in. H<sub>2</sub>O)] 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.

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

Where:

$v_e$  = average building vent velocity (feet per minute);

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$Q_f$ = 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;

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- (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).
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**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**

<b>Subpart A reference</b>	<b>Applies to subpart OOO</b>	<b>Explanation</b>
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.

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**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**

<b>For</b>	<b>The owner or operator must meet a PM limit of</b>	<b>And the owner or operator must meet an opacity limit of</b>	<b>The owner or operator must demonstrate compliance with these limits by conducting</b>
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) <sup>a</sup>	7 percent for dry control devices <sup>b</sup>	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) <sup>a</sup>	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).

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

<sup>b</sup>The stack opacity limit and associated opacity testing requirements do not apply for affected facilities using wet scrubbers.

**PART IV. APPENDIX E**  
**Standards of Performance for Nonmetallic Mineral Processing Plants**  
**[40 CFR 60 Subpart OOO]**

**Table 3 to Subpart OOO—Fugitive Emission Limits**

**Table 3 to Subpart OOO—Fugitive Emission Limits**

<b>For</b>	<b>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)</b>	<b>The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used</b>	<b>The owner or operator must demonstrate compliance with these limits by conducting</b>
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.