

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Rick Scott**

Governor

Celeste Philip, MD, MPH

State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation*10/18/2018**Sent by Electronic mail – Received Receipt Requested***tsargent@rybovich.com**

Mr. Timothy Sargent
Rybovich Boat Company, LLC
4200 North Flagler Drive
West Palm Beach, FL 33407

Re: Project No. 0990718-001-AC
Site name: Rybovich Riviera Beach
Initial Air Construction Permit – INTENT TO ISSUE

Dear Mr. Sargent:

On September 17, 2018, you submitted an application for an initial air construction permit for a boat coating facility. This new facility is located in Palm Beach County at 2010 Avenue B in Riviera Beach, Florida.

Enclosed are the following documents: the Written Notice of Intent to Issue Air Permit; the Public Notice of Intent to Issue Air Permit; the Technical Evaluation and Preliminary Determination; and the Draft Permit with Appendices.

The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. If you have any questions, please contact the project engineer, Daria Olejniczak, at (561) 837 5944 or by email daria.olejniczak@flhealth.gov.

Executed in West Palm Beach, Florida.

A handwritten signature in blue ink that reads "Laxmana Tallam" with a horizontal line underneath.

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

Florida Department of Health, Palm Beach County

Division of Environmental Public Health

P.O. Box 29, 800 Clematis Street, West Palm Beach, FL 33402

PHONE: 561-837-5900 • FAX: 561-837-5294

FloridaHealth.gov, Flhealthpalmbeach.org**Accredited Health Department**
Public Health Accreditation Board

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

*In the Matter of an
Application for Air Permit by:*

Rybovich Boat Company, LLC
4200 North Flagler Drive
West Palm Beach, FL 33407

Project No. 0990718-001-AC
Initial Air Construction Permit

Authorized Representative:
Timothy Sargent, Chief Financial Officer

Site name: Rybovich Riviera Beach
Palm Beach County, Florida

Facility Location: RBY, LLC proposes to operate a new boat surface coating facility, located in Palm Beach County at 2010 Avenue B in Riviera Beach, Florida.

Project: The applicant applied on September 17, 2018 to the Department for an initial Air Construction Permit.

The facility is engaged in surface coating of the steel boats up to 165 feet in length out of the water and 300 feet on the water, in an enclosed manner with incidental boat repairing, and out of the water storage and dockage activities. A temporary plastic cover is set up around the boat prior to surface coating of the boat. Incidental activities at this facility include minor fiberglass work and surface coating of the boat parts in enclosed paint booths, and emergency diesel power generators. At this time the Applicant does not plan any fiberglass activity at this facility. The facility recycles used solvents with a Minimizer III Recycling System which removes paints waste, pigments, solids and other impurities for used lacquer thinner, as well as other approved waste streams.

The applicant requests the emissions of Volatile Organic Compounds (VOCs), total Hazardous Air Pollutants (HAPS), Individual HAP be limited to 80 tons per year, 20 tons per years, and 8 tons per year, respectively. Based on these emissions limitations, this facility will be classified as a Synthetic Non- Title V source.

Details of the project are provided in the application and the enclosed Technical Evaluation and Preliminary Determination.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Health Palm Beach County is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 800 Clematis Street, 4th Floor, West Palm Beach, Florida 33401. The Permitting Authority's mailing address is: 800 Clematis Street, P.O. Box 29, West Palm Beach 33402-0029. The Permitting Authority's telephone number is (561) 837-5900.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the draft permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

Notice of Intent to Issue Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the draft permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

(Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S. in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at above address or phone number. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Comments: The Permitting Authority will accept written comments concerning the draft permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of the 14-day period. If written comments received result in a significant change to the draft permit, the Permitting Authority shall revise the draft permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this written notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this written notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Health Department's Legal Office, located at 800 Clematis Street in West Palm Beach, Florida and the phone number is (561) 671-4007 before the deadline. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any email address, telephone number and any facsimile number of the petitioner; the name, address any email address, telephone number, and any facsimile number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

Executed in West Palm Beach, Florida.



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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this written notice of Intent to Issue Air Permit package (including the Public Notice of Intent to Issue Air Permit, the Technical Evaluation and Preliminary Determination and the draft permit with Appendices) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Timothy Sargent, Chief Financial Officer:
Lynn Robinson P.E. Montrose Air Quality Service, LLC:
Diane Pupa, FDEP, SED, Southeast District Office- DEP:

tsargent@huizenga.com
lrobinson@montrose-env.com
diana.pupa@dep.state.fl.us

Clerk Stamp

FILING AND ACKNOWLEDGMENT FILED, on this date,
10/18/2017 pursuant to Section 120.52(7), Florida Statutes, with the
designated agency clerk, receipt of which is hereby acknowledged.


Signature

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Health Palm Beach County (Health Department)
Draft Air Permit No. 0990718-001-AC
RBY, LLC
Palm Beach County, Florida

Applicant: The applicant for this project is RBY, LLC. The applicant's authorized representative and mailing address are: Timothy Sargent, Chief Financial Officer, Rybovich Boat Company, LLC, Riviera Beach, 4200 North Flagler Drive, Florida 33407.

Facility Location: RBY, LLC proposes to operate a new boat surface coating facility, located in Palm Beach County at 2010 Avenue B in Riviera Beach, Florida.

Project: The applicant applied on September 17, 2018 to the Department for an initial Air Construction Permit.

The facility is engaged in surface coating of the steel boats up to 165 feet in length out of the water and 300 feet on the water, in an enclosed manner with incidental boat repairing, and out of the water storage and dockage activities. A temporary plastic cover is set up around the boat prior to surface coating of the boat. Incidental activities at this facility include minor fiberglass work and surface coating of the boat parts in enclosed paint booths, and emergency diesel power generators. At this time the Applicant does not plan any fiberglass activity at this facility. The facility recycles used solvents with a Minimizer III Recycling System which removes paints waste, pigments, solids and other impurities for used lacquer thinner, as well as other approved waste streams.

The applicant requests the emissions of Volatile Organic Compounds (VOCs), total Hazardous Air Pollutants (HAPS), Individual HAP be limited to 80 tons per year, 20 tons per years, and 8 tons per year, respectively. Based on these emissions limitations, this facility will be classified as a Synthetic Non- Title V source.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210 and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Florida Department of Health Palm Beach County (Health Department). The Permitting Authority's physical address is: 800 Clematis Street, 4th Floor, West Palm Beach, Florida 33401. The Permitting Authority's mailing address is: 800 Clematis Street, P.O. Box 29, West Palm Beach 33402-0029. The Permitting Authority's telephone number is (561) 837-5900.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the physical address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application and information submitted by the applicant (exclusive of confidential records under Section 403.111, F.S.). Interested persons may contact the Permitting Authority's project engineer for additional information at the address and phone number listed above. In addition, electronic copies of these documents are available on the following web site: <http://www.dep.state.fl.us/air/emission/apds/default.asp>.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air construction permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the proposed Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be received by the Permitting Authority by close of business (5:00 p.m.) on or before the end of this 14-day period. If written comments received result in a significant change to the Draft Permit, the Permitting Authority shall revise the

(Public Notice to be Published in the Newspaper)

Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. A petition for administrative hearing must contain the information set forth below and must be filed (received) with the Health Department's Legal Office, located at 800 Clematis Street in West Palm Beach, Florida and the phone number is (561) 671-4007, before the deadline. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, any email address, telephone number and any facsimile number of the petitioner; the name, address any email address, telephone number, and any facsimile number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation: Mediation is not available in this proceeding.



TECHNICAL EVALUATION

APPLICANT

RBV, LLC
4200 North Flagler Drive
Riviera Beach, Florida 330407

Site name: Rybovich Riviera Beach
Facility Location: 2010 Avenue B, Riviera Beach, FL 3404
Facility ID No. 0990718

PROJECT

Project No. 0990718-001-AC
Application for Initial Air Construction Permit

COUNTY

Palm Beach County, Florida

PERMITTING & COMPLIANCE AUTHORITY

Florida Department of Health Palm Beach County
Division of Environmental Public Health
Air & Waste Section
800 Clematis St., 4th Floor
West Palm Beach, FL. 33401

10/18/2018

1. GENERAL PROJECT INFORMATION

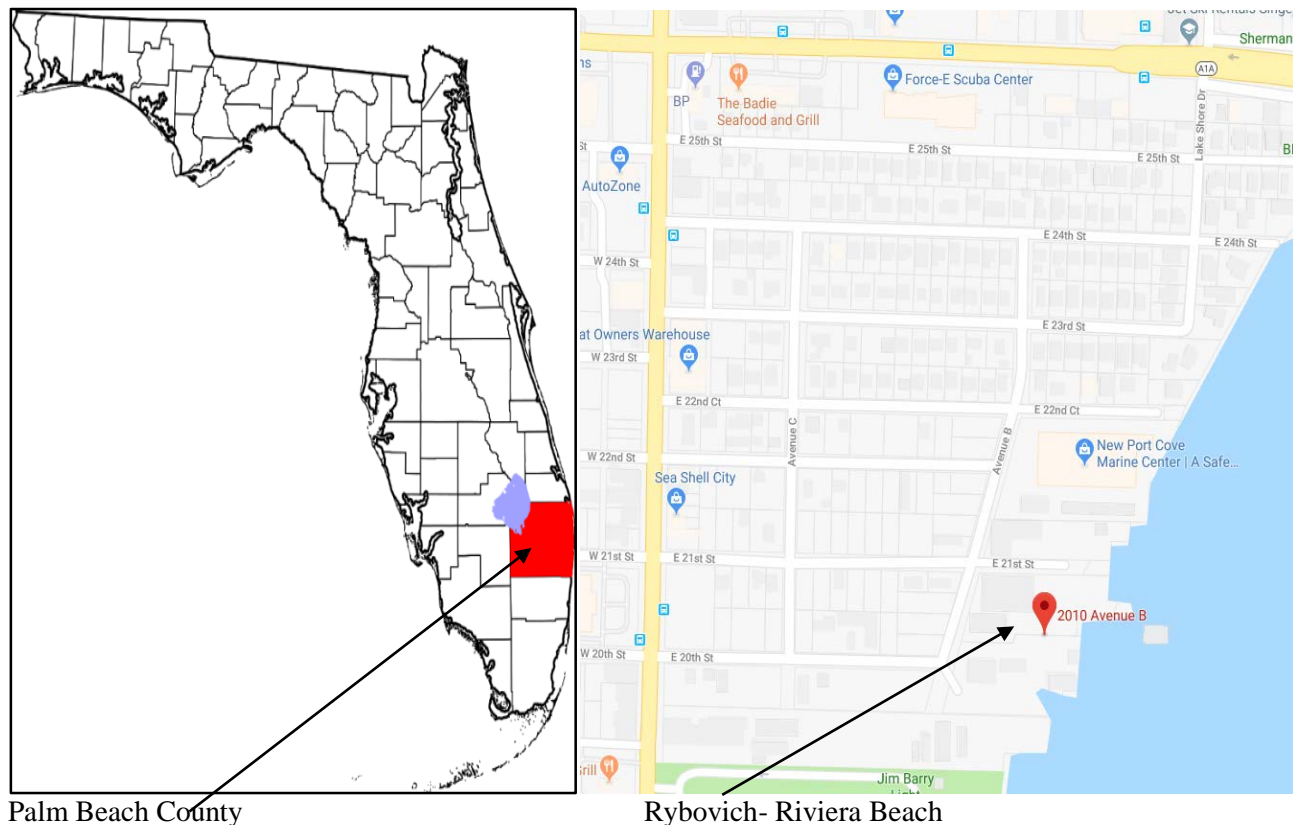
Air Pollution Regulations

Projects at stationary sources with the potential to emit air pollution are subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The statutes authorize the Department of Environmental Protection (Department) to establish regulations regarding air quality as part of the Florida Administrative Code (F.A.C.), which includes the following applicable chapters: 62-4 (Permits); 62-204 (Air Pollution Control – General Provisions); 62-210 (Stationary Sources – General Requirements); 62-212 (Stationary Sources – Preconstruction Review); 62-213 (Operation Permits for Major Sources of Air Pollution); 62-296 (Stationary Sources - Emission Standards); and 62-297 (Stationary Sources – Emissions Monitoring). Specifically, air construction permits are required pursuant to Chapters 62-4, 62-210 and 62-212, F.A.C.

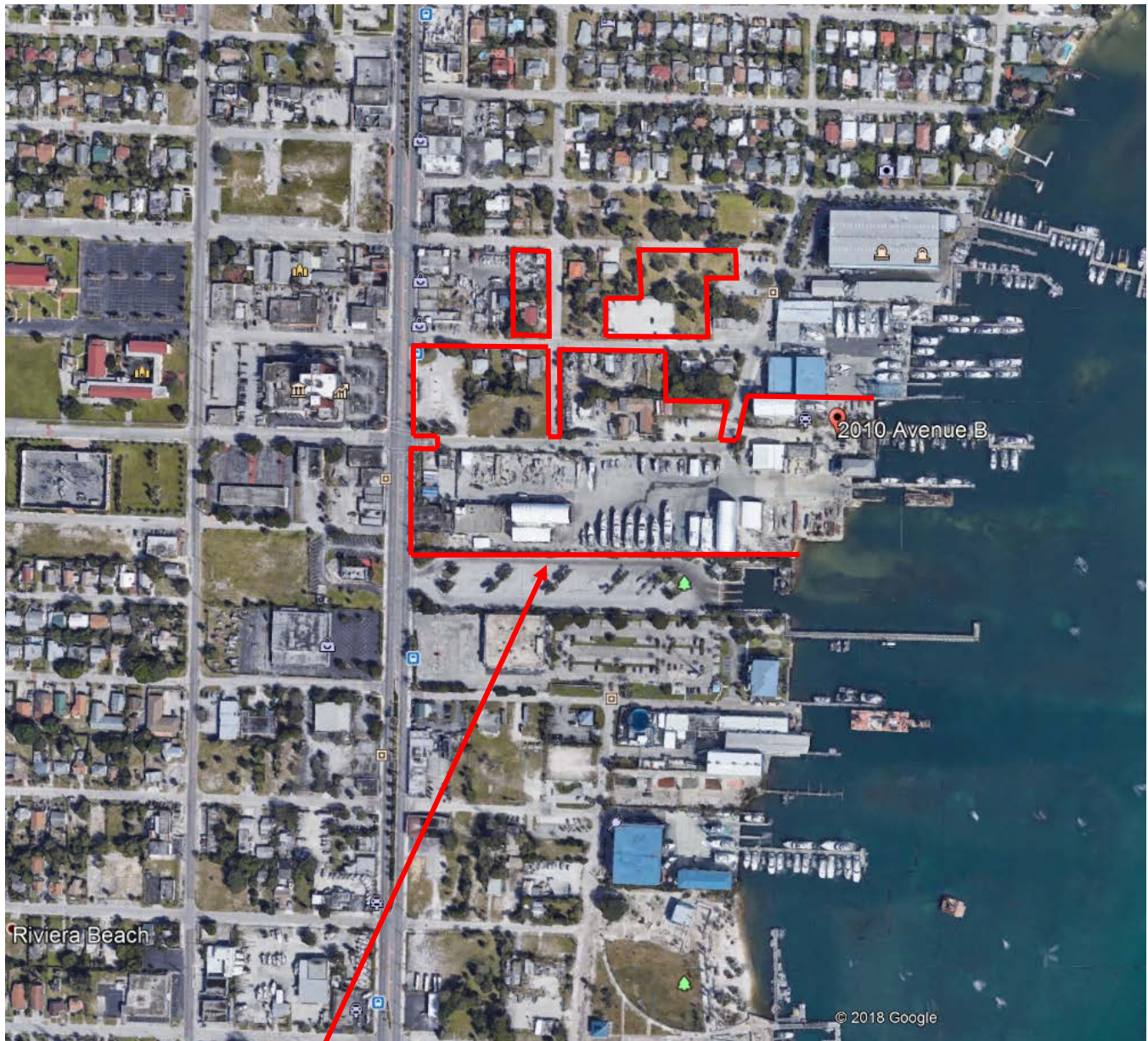
In addition, the U. S. Environmental Protection Agency (EPA) establishes air quality regulations in Title 40 of the Code of Federal Regulations (CFR). Part 60 specifies New Source Performance Standards (NSPS) for numerous industrial categories. Part 61 specifies National Emission Standards for Hazardous Air Pollutants (NESHAP) based on specific pollutants. Part 63 specifies NESHAP based on the Maximum Achievable Control Technology (MACT) for numerous industrial categories. The Department adopts these federal regulations in Rule 62-204.800, F.A.C.

Facility Description and Location

RBV, LLC is categorized under Standard Industrial Classification Code No. 3732 (NAICS Code: 336612). The new Rybovich- Riviera Beach Site is located in Palm Beach County at 2010 Avenue B in Riviera Beach, Florida. The UTM coordinates of the new facility are Zone 17, 594.30km East, and 2962.28 km North. This site is in an area that is in attainment (or designated as unclassifiable) for all air pollutants subject to Ambient Air Quality Standards (AAQS).



TECHNICAL EVALUATION



Rybovich Riviera Beach

Facility Regulatory Categories

- The facility **is not** a major source of hazardous air pollutants (HAP).
- The facility **does not operate** units subject to the acid rain provisions of the Clean Air Act.
- The facility **is not** a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility **is not** a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- The facility **is** a Synthetic Non- Title V source (for HAPs) in accordance with Rule 62-210.300(2)(b)

TECHNICAL EVALUATION

Project Description

The Facility consists of the following emissions units:

EU. ID No.	Emissions Unit Description
001 ACTIVE	Surface Coating Operation
002 EXEMPT	Two (2) Emergency Diesel Power Generators: a) FG Wilson, 2003, Model P35E1S, Serial #: FGWPEP03LD0A20514, 35 KVA, 52 HP. Used to supply power to the second floor only of the East building only. b) SDMO, 2004, Model J100UC, Serial #: P0606210033, 100 KVA, 99 HP Used for support power for the dry dock only.

On September 17, 2018, RBY, LLC. applied to the Florida Department of Health Palm Beach County (Department) for an Air Construction Permit (AC) for the facility located at 2010 Avenue B in Riviera Beach, Florida.

Facility Description: The facility is engaged in surface coating of the steel boats up to 165 feet in length out of the water and 300 feet on the water, in an enclosed manner with incidental boat repairing, and out of the water storage and dockage activities. A temporary plastic cover is set up around the boat prior to surface coating of the boat. Incidental activities at this facility include minor fiberglass work and surface coating of the boat parts in enclosed paint booths, and emergency diesel power generators. At this time the Applicant does not plan any fiberglass activity at this facility.

The facility recycles used solvents with a Minimizer III Recycling System which removes paints waste, pigments, solids and other impurities for used lacquer thinner, as well as other approved waste streams.

The facility has two emergency power generators (EU002):

- a) FG Wilson, 2003, Model P35E1S, Serial #: FGWPEP03LD0A20514, 35 KVA, 52 HP.
Used to supply power to the second floor only of the East building only.
- b) SDMO Baldor, 2004, Model J100UC, Serial #: P0606210033, 100 KVA, 99 HP
Used for support power for the dry dock only.

The engines in these two generators are exempt from Florida DEP air permitting pursuant to Rule 62-210.300(3)(a)35, F.A.C. and collectively will not use more than 64,000 gallons of diesel fuel annually.

Emissions Limitations: The applicant requests emissions of Volatile Organic Compounds (VOCs), total Hazardous Air Pollutants (HAPs), Individual HAP, be limited to 80 tons per year, 20 tons per year, and 8 tons per year, respectively.

Based on this limitations and the specific conditions in the draft AC Permit, this facility is classified as a Synthetic Non- Title V source of air pollution.

Standard Industrial Classification Code (SIC # 3732)

Major Group Number	37	Boat Building and Repairing
Group Number	373	Ship And Boat Building And Repairing
Industry Number	3732	Boat Building and Repairing

Processing Schedule

9/17/2018: Received the application for a synthetic minor source air pollution construction permit with the sufficient fee.

2. DEPARTMENT REVIEW

State Rule Applicability

The proposed facility shall comply with all applicable provisions of the Florida Administrative Code and, specifically, the following chapters and rules:

Chapter 62-4, F.A.C	– Permits
<i>Chapter 62-4.030, F.A.C</i>	– <i>General Prohibition</i>
Chapter 62-204, F.A.C	– Air Pollution Control- General Provisions
Chapter 62-210, F.A.C	– Stationary Source- General Requirements
<i>Chapter 62-210.300, F.A.C</i>	– <i>Permits Required</i>
Chapter 62-296, F.A.C	– Stationary Sources- Emission Standards
<i>Chapter 62-296.320 (1) and (2), F.A.C</i>	– <i>General Pollution Emission Limiting Standards</i>
<i>Chapter 62-296.320 (4)(b), F.A.C</i>	– <i>General Pollution Emission Limiting Standards</i>

Federal Rule Applicability

40 CFR 63, Subpart ZZZZ- National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE).

FG Wilson generator is classified as an existing commercial emergency generator. Rule 40 CFR 63.6585(f)(2) exempts commercial emergency RICE from 40 CFR 63 Subpart ZZZZ. EPA's "Guidance Regarding Definition of Residential, Commercial, and Institutional Emergency Stationary RICE in the NESHAP for Stationary RICE" provides that facilities like RBY, LLC that fall under North American Industrial Classification System (NAICS) code (551114) are considered "commercial" for purposes of Subpart ZZZZ. The existing 52 bhp emergency generator meets the definition of emergency commercial RICE, and is exempt from Subpart ZZZZ.

The second diesel engine (SDMO Baldor) for electric generator is subject to 40 CFR 63, Subpart ZZZZ "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines" as an existing emergency engine since this unit is manufactured before 6/12/2006.

40 CFR Part 60, Subpart IIII- Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

These engines at this facility were manufactured before April 1, 2006, and hence they are not subject to this subpart.

- FG Wilson model year: 2003
- SDMO model year: 2004

TECHNICAL EVALUATION

Emission Unit Description		
Engine Characteristics	EU No.	EU No.
Manufacturer	FG Wilson	Baldor Trailer Mounted
Model No.	P35E1	Model TS80T
Serial No.	FGWPEP03LD0A20514	P0606210033
Major/ Area Source	Area	Area
CI/SI	CI	CI
Emergency or Non-Emergency	Emergency	Emergency
Construction Commenced Date		
Is the engine Reconstructed?	No	No
Reconstruction Date		
Is the engine Certified by the Manufacturer?	No	No
What is the KW?	35	65
What is the HP?	52	99
Engine Displacement (liter/cylinder)	3.99	4.5
No. of cylinders	4	4
What is maximum fuel consumption per hour?		
Is it Fire Pump?	No	No
Manufacture Date	2003	2004
Tested at the stationary ICE test cell/stand?	No	No
40 CFR 63 Subpart ZZZZ Classification	EXISTING Source	EXISTING Source
40 CFR 60 SUBPART III CLASSIFICATION		
Existing/New Source	Not Subject to IIII (Mfg. Before 4/1/06)	Not Subject to IIII (Mfg. Before 4/1/06)
Reconstructed Source	Not Subject to IIII (Reconstructed Before 7/1/05)	Not Subject to IIII (Reconstructed Before 7/1/05)

4. CONCLUSION

Based on the information provided by the applicant, the Health Department has a reasonable assurance that the proposed project, as described in the Technical Evaluation, and subject to the conditions in the proposed draft permit, will not cause or contribute to a violation of any air quality standard or any other technical provision of Chapter 62-4 through 62-297 of the Florida Administrative Code.

Mission:
To protect, promote & improve the health
of all people in Florida through integrated
state, county & community efforts .



Vision: To be the **Healthiest** State in the Nation

Rick Scott
Governor

Celeste Philip, MD, MPH
State Surgeon General & Secretary

PERMITTEE

Rybovich Boat Company, LLC
4200 North Flagler Drive
Riviera Beach, Florida 33407

Air Permit No. 0990718-001-AC
Permit Expires: **DRAFT**

Authorized Representative:
Timothy Sargent, Chief Financial Officer

Rybovich Riviera Beach
Project: Initial Air Construction
Permit for a new site Rybovich-
Riviera Beach

PROJECT

This is the **DRAFT** Air Construction Permit, which authorizes RBY, LLC to construct the new facility at the Rybovich Riviera Beach Site, which is categorized under Standard Industrial Classification No. 3732. The facility is located in Palm Beach County at 2010 Avenue B in Riviera Beach, Florida. The UTM coordinates are Zone 17, 594.30 km East and 2962.28 km North.

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

STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this **DRAFT** permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Health Palm Beach County, Legal Section, 800 Clematis St. (P.O. Box 29), 4th Floor, West Palm Beach, Florida 33401, Telephone: (561) 837-5900, Fax (561) 837-5295 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 must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in West Palm Beach, Florida.

DRAFT

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

DRAFT PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Air Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Timothy W. Sargent, Rybovich Boat Company
Diane Pupa, DEP/SED
Jaime Morales, Health Department
Paul Kalamaras, Health Department

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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.

Dania Oleyniczak
(Clerk)

10/18/2018
(Date)

SECTION 1. GENERAL INFORMATION (DRAFT)

PERMIT HISTORY

9/17/2018 Health Department received application for an initial Air Construction Permit (0990718-001-AC).

9/17/2018 Health Department received sufficient fee.

PROPOSED PROJECT

The facility is engaged in surface coating of the boats up to 165 feet in length out of the water and 300 feet on the water, in an enclosed manner with incidental boat repairing, and out of the water storage and dockage activities. A temporary plastic cover is set up around the boat prior to surface coating of the boat. Incidental activities at this facility include minor fiberglass work and surface coating of the boat parts in enclosed paint booths, and emergency power generators. At this time the applicant does not plan any fiberglass work at this facility. The boats are made from steel.

The facility recycles the used solvents at the facility. The Minimizer III Recycling System removes paint waste, pigments, solids and other impurities for used lacquer thinner, as well as other approved waste streams. The Minimizer III is the next level of solvent recycling with a unique water-cooled condenser that controls ambient temperatures, providing unequalled recover rates.

The applicant requested the emissions of Volatile Organic Compounds (VOCs), total Hazardous Air Pollutants (HAPs), Individual HAP be limited to 80 tons per year (tpy), 20 tpy, and 8 tpy, respectively. Based on these emissions limitations, this facility is classified as a Synthetic Non-Title V source.

The source is classified as a synthetic minor (for HAPs) source of air pollution. This Federally Enforceable State Operation Permit issued in accordance with the Rule 62-210.300(2)(a), F.A.C.

This project will add the following emissions units.

ID No.	Emission Unit Description
001	Surface Coating Operation

Exempt Emission Units/ Activities

Status	Emission Units Description
002 EXEMPT	Two (2) Emergency Diesel Power Generators: <ul style="list-style-type: none">• FG Wilson, 2003, Model P35E1S, Serial #: FGWPEP03LD0A20514, 35 KVA, 52 HP. Used to supply power to the second floor only of the East building only.• SDMO, 2004, Model J100UC, Serial #: P0606210033, 100 KVA, 99 HP Used for support power for the dry dock only.

FACILITY REGULATORY CLASSIFICATION

- The facility **is not** a major source of hazardous air pollutants (HAP).
- The facility **does not operate** units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility **is not** a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility **is not** a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.
- The facility **is** a Synthetic Non- Title V source (for HAPs) in accordance with Rule 62-210.300(2)

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

1. Permitting & Compliance Authority: The permitting authority for this project is Florida Department of Health Palm Beach County (Health Department). The mailing address is Division of Environmental Health, 800 Clematis Street, 4th Floor, P.O. Box 29, West Palm Beach, FL 33402-0029, and telephone number (561) 837-5900.
2. Appendices: The following Appendices are attached as a part of this permit: **Appendix A** (Citation Formats and Glossary of Common Terms); **Appendix B** (General Conditions); **Appendix C** (Common Conditions); and **Appendix D** (Common Testing Requirements).
3. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
4. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
5. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
6. Construction and Expiration. The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(4), 62-4.080 & 62-210.300(1), F.A.C.]

EMISSION LIMITING AND PERFORMANCE STANDARDS

7. General VOC Standards: The permittee 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:
 - (a) 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.
 - (b) When not in use, directing solvent-containing materials to containers that prevent evaporation.**[Rule 62-296.320(1), F.A.C.]**
8. Objectionable Odors: The permittee shall not cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor. **[Rule 62-296.320(2), F.A.C.]**

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

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

9. Facility- Wide Emissions Limitations:

- a) Volatile Organic Compounds (VOCs) Emissions Limit: Emissions of VOCs from the facility shall not exceed 80.00 tons in any consecutive 12 months, rolling total. **[Facility's request to escape Title V regulations & Rule 62-210.200 F.A.C.]**
- b) Single HAP Limit: Emissions of any single hazardous air pollutant (HAP) from the facility shall not exceed 8.00 tons in any consecutive 12 months, rolling total. **[Facility's request to escape Title V regulations & Rule 62-210.200 F.A.C.]**
- c) Total HAP Limit: Emission of all combined hazardous air pollutants (HAPs) from the facility shall not exceed 20.00 tons in any consecutive 12 months, rolling total. **[Facility's request to escape Title V regulations & Rule 62-210.200 F.A.C.]**

{Permitting Note: Facility requested the above emissions limitations to escape Title III and Title V of Clean Air Act Amendments. Compliance with the above emission limiting shall establish this facility as a synthetic non-Title V source of air pollution.}

10. General Visible Emission Standard: Unless otherwise specified by permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere any 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.]**

11. Unconfined Emissions of Particulate Matter: The owner or operators shall not cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any source whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission. Reasonable precautions shall include the following: **[Rule 62-296.320(4)(c), F.A.C.]**

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

Permitting 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 source, the Health Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

OPERATION AND MAINTENANCE REQUIREMENTS

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

SECTION 2. ADMINISTRATIVE REQUIREMENTS (DRAFT)

COMPLIANCE MONITORING REQUIREMENTS

13. Duration: All records and reports required by this permit shall be kept for at least 5 years from the date the information is recorded. [Rule 62-4.070(3), F.A.C.]

REPORTS AND RECORDKEEPING REQUIRED

14. Annual Operating Report: The annual operating report shall be submitted to the 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 hard copy to the Health Department.
[Rule 62-210.370(3), F.A.C.]

WASTE REQUIREMENTS

15. 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 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

A. EU 001 Surface Coating Operation

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
001	Surface Coating Operation

AIR POLLUTION CONTROL EQUIPMENT AND METHODS

1. Air Filters: The permit shall maintain the in-line filters of the spray booths and the filters of the enclosed membranes according to the manufacturer's specifications. [Rule 62-4.070(3), F.A.C.]

EMISSIONS LIMITING STANDARDS

2. Volatile Organic Compounds (VOCs) Limit: The permittee shall operate the facility so that the facility-wide emissions limit of VOCs, as specified in Section II, [specific condition 9](#), shall not be exceeded. [Permittee's request to escape Title III and Title V of Clean Air Act Amendments]
3. Individual Hazardous Air Pollutant (HAP) Emissions Limit: The permittee shall operate the facility so that the facility-wide emissions limit of individual HAP, as specified in Section II, [specific condition 9](#), shall not be exceeded. [Permittee's request to escape Title III and Title V of Clean Air Act Amendments]
4. Total HAPS Emissions Limit: The permittee shall operate the facility so that the facility-wide emissions limit of total HAPs, as specified in Section II, [specific condition 9](#), shall not be exceeded. [Permittee's request to escape Title III and Title V of Clean Air Act Amendments]

COMPLIANCE MONITORING REQUIREMENTS

5. Emissions Inventory: [Rule 62-4.070(3), F.A.C.]

The permittee shall maintain a current emissions inventory for the source in order to ensure compliance with the emission caps specified in **specific conditions 2, 3, and 4** of this Section. As a minimum, the emissions inventory shall be reviewed and updated monthly, as needed. The emissions inventory shall include the following:

- a) Products Inventory: The permittee shall develop and maintain an inventory of the products (i.e., paints, solvents, thinners, and cleaners, etc.) used at the facility. The inventory shall contain, as a minimum, the raw material name, the density (lb/gal), the VOC content (lb/gal), the individual and total HAP contents (lb/gal), and the identified HAPs. The inventory shall be supported by Material Safety Data Sheets supplied by the manufacturer.

{Permitting Note: The permittee can use average content of the HAP for a product, if the content of the HAP is expressed in a wide range.}

- b) Emission Factor Inventory: The permittee shall maintain a current emission factor inventory for determining monthly emissions of VOC, HAP, and total HAPs.

6. Compliance Monitoring System: The permittee shall develop and implement a monthly compliance monitoring system in conjunction with the Emissions Inventory (Specific Condition 13 of this Section). As a minimum, the Compliance Monitoring System shall include calculations of 12-month rolling total emissions of VOC, individual HAP, and total HAP emissions. The system shall be updated on or before the 15th day of next month by compiling the daily records into the system. [Rule 62-297.310(7)(b), F.A.C.]
7. Monthly Log: By the 15th day of each month, the operator shall record the following information regarding the previous month of operation in a log:
 - Month of operation.
 - Amount of individual products used during the month.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS (DRAFT)

A. EU 001 Surface Coating Operation

- VOC, HAP, total HAPs emissions shall be determined from the monthly usage of each VOC/HAP-containing material.
- Amount of VOC, HAP and total HAPs (including total HAPs) emissions for previous month of operation (in tons to the nearest hundredth of a ton).
- Amount of VOC, HAP, and total HAPs (including total HAPs) emissions for previous consecutive (12) months of operation (in tons to the nearest hundredth of a ton). The permittee shall certify that the products, purchased during the previous 12-month period, were consumed.
- The status of the in-filters and details of any maintenance performed as required by the manufacturer's specifications.

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

{Permitting Note: The permittee allows the purchased amounts, instead of used amounts, in calculating the emissions, since the facility provided reasonable assurance that the purchased products are used with 1-2 weeks of the purchase. The permittee can use average content of the HAP for a product, if the content of the HAP is expressed in a wide range.}

RECORD KEEPING AND REPORTING REQUIREMENTS:

8. Record Keeping: Facility records must be readily available in a form that can be easily inspected and reviewed.

- The permittee shall keep each record for 5 years following the date that each record is generated.
- The permittee shall keep each record on site for at least 2 years after the date that each record is generated. The permittee can keep the records offsite for the remaining 3 years.
- The permittee may keep the records on paper or an alternative media, such as microfilm, computer, computer disks, magnetic tapes, or on microfiche.

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

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Emergency Generators (EU 002)

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
002 EXEMPT	Two (2) Emergency Diesel Power Generators: <ul style="list-style-type: none">• FG Wilson, 2003, Model P35E1S, Serial #: FGWPEP03LD0A20514, 35 KVA, 52 HP. Used to supply power to the second floor of the East building only.• SDMO BALDOR, 2004, Model J100UC, Serial #: P0606210033, 100 KVA, 99 HP Used for support power for the dry dock only.

These generators are not subject to 40 CFR part 60 Subpart IIII "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines." They were manufactured in 2003 (FG Wilson) and 2004 (SDMO)-- before the regulatory applicability date- 6/12/2006.

FG Wilson generator: This generator engine is classified as existing commercial emergency generator. 40 CFR 63.6585(f)(2) exempts commercial emergency RICE from 40 CFR 63 Subpart ZZZZ- National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. EPA's "Guidance Regarding Definition of Residential, Commercial, and Institutional Emergency Stationary RICE in the NESHAP (National Emissions Standards for Hazardous Air Pollutants) for Stationary RICE" provides that facilities like Rybovich Boat Company, LLC that fall under North American Industrial Classification System (NAICS) code (551114) are considered "commercial" for purposes of Subpart ZZZZ. This engine meets the definition of emergency commercial RICE.

SDMO Baldor engine is subject to the regulations of 40 CFR 63 Subpart ZZZZ as an existing emergency engine.

Emission Unit Description
FG Wilson , 2003, Model P35E1S, Serial #: FGWPEP03LD0A20514, 35 KVA, 52 HP. Used to supply power to the second floor of the East building only.

NESHAP REQUIREMENTS

1. Commercial Emergency RICE: This generator engine is classified as a Commercial Emergency Engine RICE pursuant to 40 CFR 63. 6585(f)(2).

The engine must meet the definition of an emergency RICE in 40 CFR 63.6675. This engine does not operate or are not contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 CFR 63 6640(f)(2)(ii) and (iii) and that do not operate for the purpose of, supplying power as part of a financial arrangement with another entity, as identified in 40 CFR 63.6640(f)(4)(ii)

[40 CFR 6585(f)(3)]

RECORDS AND REPORTS

2. Within the first 15 days of each month, the permittee shall record in a written log the following information:

- Gallons of diesel fuel consumed for the previous month of operation;
- Gallons of diesel fuel consumed for the previous consecutive 12 months of operation; and
- Hours of operation for each generator for the previous month of operation.

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Emergency Generators (EU 002)

Emission Unit Description
SDMO Baldor , 2004, Model J100UC, Serial #: P0606210033, 100 KVA, 99 HP Used for support power for the dry dock only.

3. Rule Applicability: This diesel engine is subject to 40 CFR 63, Subpart ZZZZ “National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)” as an “Existing Emergency” emission unit. The above referenced emission unit shall comply with all applicable requirements of the 40 CFR 63, Subpart ZZZZ.
[40 CFR 63 subpart ZZZZ]
4. Fuel Usage: The permittee is authorized to use only diesel fuel that meets the following requirements of 40 CFR 80.510(b).
[40 CFR 63.6604 (b)]
(1) *Maximum Sulfur content of 15 ppm.*
(2) *Cetane index or aromatic content, as follows:*
(i) *A minimum cetane index of 40; or*
(ii) *A maximum aromatic content of 35 volume percentage.*

EMISSION STANDARDS

5. Emission Limitations: The permittee shall meet the following requirement, except during the periods of startup:
- (a) Change oil and filter every 500 hours of operation or annually, whichever comes first;
 - (b) Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first; and
 - (c) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the management practice shown above, or if performing the management practice on the required schedule would otherwise pose an unacceptable risk under Federal, State, or local law, the management practice can be delayed until the emergency is over or the unacceptable risk under Federal, State, or local law has abated. The management practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under Federal, State, or local law has abated. Sources must report any failure to perform the management practice on the schedule required and the Federal, State or local law under which the risk was deemed unacceptable.

[40 CFR 63.6603(a), Table 2d to 40 Part 63 Subpart ZZZZ]

6. The permittee has the option to utilize an oil analysis program as described herein in order to extend the specified oil change requirement in the **Specific Condition 5** of this section of permit. The oil analysis must be performed at the same frequency specified for changing the oil in this permit. The analysis program must at a minimum analyze the following three parameters: Total Base Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Base Number is less than 30 percent of the Total Base Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of these condemning limits are not exceeded, the permittee is not required to change the oil. If any of the limits are exceeded, the permittee must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the permittee must change the oil within 2 days or before commencing operation, whichever is later. The permittee must keep records of the parameters that are

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Emergency Generators (EU 002)

analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine. [40 CFR 63.6625(i)]

COMPLIANCE MONITORING REQUIREMENTS

7. Diesel Engines – Operating Hours: The owner or operator shall monitor the operating hours of this diesel engine on monthly basis. Monthly records shall be used in computing the operating hours in twelve month consecutive period.
[Rule 62-4-070(3), F.A.C.]
8. The permittee shall develop a maintenance plan which shall provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions. [40 CFR 63.6625(e)]
9. The permittee shall install a non-resettable hour meter if one is not already installed.
[40 CFR 63.6625(f)]
10. The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup as specified in the **Specific Condition 3** of this section. [40 CFR 63.6625(h)]
11. At all times the permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation 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, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.6605 (b)]
12. The permittee must operate the emergency stationary RICE according to the requirements in paragraphs (1) through (4) of this condition. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (1) through (4) of this condition, is prohibited. If the permittee does not operate the engine according to the requirements in paragraphs (1) through (4) of this condition, the engine will not be considered an emergency engine under 40 CFR 63 Subpart ZZZZ and must meet all requirements for non-emergency engines.
 - (1) There is no time limit on the use of emergency stationary RICE in emergency situations.
 - (2) The permittee may operate the emergency stationary RICE for any combination of the purposes specified in paragraphs (2) (i) through (iii) of this condition for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (3) and (4) of this condition counts as part of the 100 hours per calendar year allowed by this paragraph (2).
 - (i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the permittee

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Emergency Generators (EU 002)

maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

(ii) **Not applicable**

(iii) **Not applicable**

{Permit Note: On May 2, 2016, 40 CFR 63.6640 (f) (2) (ii) - (iii) was vacated in the U.S. Court of Appeals District of Columbia Circuit Court.}

(3) **Not applicable**

(4) These generator engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (2) of this condition. Except as provided in paragraphs (4) (i) and (ii) of this condition, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) **Not applicable**

(ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine.

The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

[40 CFR 63.6640(f)]

RECORDS AND REPORTS

13. The owner or operator shall prepare the monthly records by 30th of the following month. All records required by this permit shall be maintained for a period of five (5) years.

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

14. The permittee shall maintain the recordkeeping for the following items listed below. The recordkeeping shall be maintained in a form suitable and readily available for expeditious inspection and review for the followings. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report of record. At a minimum, the most recent 2 years of data shall be retained on site. The remaining 3 years of data may be retained off site. Such files may be maintained on microfilm, on a computer, on computer floppy disks, on magnetic tape disks, or on microfiche.

(a) Records of all required maintenance performed on the air pollution control and monitoring equipment. **[40 CFR 63.6655(a) (4)]**

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

B. Emergency Generators (EU 002)

15. The permittee shall keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the permittee operated and maintained the stationary RICE and after-treatment control device (if any) according to the maintenance plan. **[40 CFR 63.6655(e)]**
16. The permittee shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the permittee must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response. **[40 CFR 63.6655(f)]**

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SECTION 4. APPENDICES

Contents

Appendix A. Citation Formats and Glossary of Common Terms

Appendix B. General Conditions

Appendix C. Common Conditions

Appendix D. Common Testing Requirements

SECTION 4. APPENDIX A
Citation Formats and Glossary of Common Terms

CITATION FORMATS

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

Old Permit Numbers

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

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

New Permit Numbers

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

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

PSD Permit Numbers

Example: Permit No. PSD-FL-317

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

Florida Administrative Code (F.A.C.)

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

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

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

GLOSSARY OF COMMON TERMS

° F: degrees Fahrenheit

µg: microgram

AAQS: Ambient Air Quality Standard

acf: actual cubic feet

acfm: actual cubic feet per minute

ARMS: Air Resource Management System
(Department’s database)

BACT: best available control technology

bhp: brake horsepower

Btu: British thermal units

CAM: compliance assurance monitoring

CEMS: continuous emissions monitoring system

cfm: cubic feet per minute

CFR: Code of Federal Regulations

CAA: Clean Air Act

CMS: continuous monitoring system

CO: carbon monoxide

CO₂: carbon dioxide

SECTION 4. APPENDIX A

Citation Formats and Glossary of Common Terms

COMS: continuous opacity monitoring system
DARM: Division of Air Resource Management
DEP: Department of Environmental Protection
Department: Department of Environmental Protection
dscf: dry standard cubic feet
dscfm: dry standard cubic feet per minute
EPA: Environmental Protection Agency
ESP: electrostatic precipitator (control system for reducing particulate matter)
EU: emissions unit
F: fluoride
F.A.C.: Florida Administrative Code
F.A.W.: Florida Administrative Weekly
F.D.: forced draft
F.S.: Florida Statutes
FGD: flue gas desulfurization
FGR: flue gas recirculation
ft²: square feet
ft³: cubic feet
gpm: gallons per minute
gr: grains
HAP: hazardous air pollutant
Hg: mercury
I.D.: induced draft
ID: identification
kPa: kilopascals
lb: pound
MACT: maximum achievable control technology
MMBtu: million British thermal units
MSDS: material safety data sheets
MW: megawatt
NESHAP: National Emissions Standards for Hazardous Air Pollutants
NO_x: nitrogen oxides

NSPS: New Source Performance Standards
O&M: operation and maintenance
O₂: oxygen
Pb: lead
PM: particulate matter
PM₁₀: particulate matter with a mean aerodynamic diameter of 10 microns or less
ppm: parts per million
ppmv: parts per million by volume
ppmvd: parts per million by volume, dry basis
QA: quality assurance
QC: quality control
PSD: prevention of significant deterioration
psi: pounds per square inch
PTE: potential to emit
RACT: reasonably available control technology
RATA: relative accuracy test audit
RBLC: EPA's RACT/BACT/LAER Clearinghouse
SAM: sulfuric acid mist
scf: standard cubic feet
scfm: standard cubic feet per minute
SIC: standard industrial classification code
SIP: State Implementation Plan
SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)
SO₂: sulfur dioxide
TPD: tons/day
TPH: tons per hour
TPY: tons per year
TRS: total reduced sulfur
UTM: Universal Transverse Mercator coordinate system
VE: visible emissions
VOC: volatile organic compounds

SECTION 4. APPENDIX B

General Conditions

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

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - a. Have access to and copy any records that must be kept under conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department

SECTION 4. APPENDIX B

General Conditions

rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.

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

SECTION 4. APPENDIX C
Common Conditions

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

EMISSIONS AND CONTROLS

1. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. **Circumvention:** The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. **Excess Emissions Allowed:** Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed 2 hours in any 24-hour period unless specifically authorized by the Department for longer duration. Pursuant to Rule 62-210.700(5), F.A.C., the permit subsection may specify more or less stringent requirements for periods of excess emissions. Rule 62-210-700(Excess Emissions), F.A.C., cannot vary or supersede any federal NSPS or NESHAP provision. [Rule 62-210.700(1), F.A.C.]
4. **Excess Emissions Prohibited:** Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]
5. **Excess Emissions - Notification:** In case of excess emissions resulting from malfunctions, the permittee shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]
6. **VOC or OS Emissions:** No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. [Rule 62-296.320(1), F.A.C.]
7. **Objectionable Odor Prohibited:** No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. **General Visible Emissions:** No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. **Unconfined Particulate Emissions:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

RECORDS AND REPORTS

10. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least 5 years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rule 62-213.440(1)(b)2, F.A.C.]
11. **Emissions Computation and Reporting:**
 - a. *Applicability.* This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission

SECTION 4. APPENDIX C
Common Conditions

limitations of any air permit. [Rule 62-210.370(1), F.A.C.]

- b. *Computation of Emissions.* For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.
- (1) *Basic Approach.* The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
- (a) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
- (b) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- (c) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- (2) *Continuous Emissions Monitoring System (CEMS).*
- (a) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
- 1) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or
- 2) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
- (b) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
- 1) A calibrated flow meter that records data on a continuous basis, if available; or
- 2) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
- (c) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.
- (3) *Mass Balance Calculations.*
- (a) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
- 1) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and
- 2) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the

SECTION 4. APPENDIX C
Common Conditions

process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.

- (b) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
 - (c) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.
- (4) Emission Factors.
- (a) An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
 - 1) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
 - 2) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
 - 3) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
 - (b) If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
- (5) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.
- (6) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
- (7) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.
- (8) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

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

SECTION 4. APPENDIX C
Common Conditions

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

- (1) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year for the following facilities:
 - (a) All Title V sources.
 - (b) All synthetic non-Title V sources.
 - (c) All facilities with the potential to emit ten (10) tons per year or more of volatile organic compounds or twenty-five (25) tons per year or more of nitrogen oxides and located in an ozone nonattainment area or ozone air quality maintenance area.
 - (d) All facilities for which an annual operating report is required by rule or permit.
- (2) Notwithstanding paragraph 62-210.370(3)(a), F.A.C., no annual operating report shall be required for any facility operating under an air general permit.
- (3) By April 1 of the year following each calendar year, an annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office. However, if the annual operating report is submitted using the DEP's electronic annual operating report software, there is no requirement to submit DEP Form No. 62-210.900(5) to any DEP or local air program office. Each Title V Source shall submit the annual operating report using the DEP's electronic annual operating report software, unless the Title V source claims a technical or financial hardship. A technical or financial hardship is claimed by submitting DEP Form No. 62-210.900(5) to the DEP Division of Air Resource Management at:

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

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

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

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

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

SECTION 4. APPENDIX D
Common Testing Requirements

EMISSIONS TESTING REQUIREMENTS

1. Applicability: Unless otherwise stated in a specific rule, permit, or other order, the general requirements set forth in subsections 62-297.310(2) through (10), F.A.C., shall be used for regulated stationary sources' emissions tests for comparison with air pollution emission-limiting standards that are enforceable under state law. An emissions test is an emissions rate test, a concentration test, or an opacity test. [Rule 62-297.310(1), F.A.C.]
2. Required Number of Test Runs: For emission rate or concentration limitations, an emissions test shall consist of three valid test runs to determine the total air pollutant emission rate or concentration through the test section of the stack or duct. A valid test run is a test run that meets all requirements of the applicable test method. An emissions test shall also consist of three distinct determinations of any applicable process parameters corresponding to the three distinct test run time periods during which the emission rate or concentration was measured when such data are needed in conjunction with emissions data to compare the emissions test results with the applicable emission limiting standards. Such data shall be obtained pursuant to subsection 62-297.310(6), F.A.C. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, results of the two valid runs shall be accepted, provided that the arithmetic mean of the results of the two valid runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(2), F.A.C.]
3. Operating Conditions during Emissions Testing: Testing of emissions shall be conducted with the emissions unit operating at the testing capacity as defined below. If it is impracticable to test at the testing capacity, an emissions unit may be tested at less than the testing capacity. If an emissions unit is tested at less than the testing capacity, another emissions test shall be conducted and completed no later than 60 days after the emissions unit operation exceeds 110% of the capacity at which its most recent emissions test was conducted. Testing capacity is defined as at least 90% of the maximum operation rate specified by the permit. [Rule 62-297.310(3), F.A.C.]
4. Calculation of Emission Rate or Concentration: The emission rate or concentration used for comparison with the relevant standard shall be the arithmetic average of the emission rate or concentration determined by each of the three valid test runs unless otherwise specified in an applicable rule or test method. Data collected during periods of soot blowing shall not be excluded from any calculation of emission rate or concentration. [Rule 62-297.310(4), F.A.C.]
5. Required Sampling Times and Observation Periods: Unless otherwise specified in an applicable test method, rule, permit, or other order, the owner or operator shall conduct emissions tests in accordance with the following procedures:
 - a. *Emission Rate or Concentration Tests*. The required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes, except that for operations that are typically completed within less than the minimum required sampling time, the duration of each test run shall include each occurrence of the operation during the minimum required sampling time. The test period shall include the period of typical operation during which the highest representative emissions are expected to occur.
 - b. *Opacity Tests*. When EPA Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a visible emissions test shall be 60 minutes for emissions units that are subject to a multiple-valued opacity standard, and 30 minutes for all other emissions units, except that for batch, cyclical processes, or other operations that are typically completed within less than the minimum observation period, the period of observation shall include each occurrence of the operation during the minimum observation period. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.[Rule 62-297.310(5), F.A.C.]
6. Determination of Process Parameters:
 - a. *Required Process Equipment*. The owner or operator of an emissions unit for which emissions tests are required shall install, operate, and maintain equipment or instruments necessary to determine process parameters, when such data are needed in conjunction with emissions data to compare emissions test results with applicable emission limiting standards.
 - b. *Accuracy of Process Measurement Equipment*. Equipment or instruments used to directly or indirectly determine process parameters shall be calibrated and adjusted so as to determine the value of the process parameter to within

SECTION 4. APPENDIX D
Common Testing Requirements

10% of its true value.

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

7. Required Emissions Testing Facilities:

- a. The owner or operator of an emissions unit, for which an emissions test other than a visible emissions test is required, shall provide emissions testing facilities that meet the requirements of 40 CFR 60.8(e), adopted and incorporated in Rule 62-204.800, F.A.C.
- b. *Permanent Emissions Testing Facilities.* The owner or operator of an emissions unit, for which an emissions test other than a visible emissions test is required on at least an annual basis, shall install and maintain permanent emissions testing facilities.
- c. *Temporary Emissions Testing Facilities.* The owner or operator of an emissions unit that is not required to conduct an emissions test on at least an annual basis may use permanent or temporary emissions testing facilities. If the owner or operator chooses to use temporary emissions testing facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.

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

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

a. *Annual Emissions Tests Required.*

- (1) Where used in Rules 62-210.310, 62-297.310, or Chapter 62-296, F.A.C., to refer to frequency of required emissions tests, the terms “annual,” “annually,” and “annually thereafter” shall mean no less frequently than once every calendar year (January 1 – December 31).
- (2) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually for each of the following pollutants that has an emissions-limiting standard for which emissions testing is required:
 - (a) Each hazardous air pollutant regulated by 40 CFR Part 61, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and
 - (b) Any other regulated air pollutant, as defined at Rule 62-210.200, F.A.C., or a pollutant designated as a surrogate to a regulated air pollutant by an applicable rule or order, if allowable emissions equal or exceed 100 tons per year.
- (3) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually for visible emissions, if there is an applicable standard other than the general opacity standard of subparagraph 62-296.320(4)(b)1., F.A.C.
- (4) Unless exempted by subparagraph 62-297.310(8)(a)5., F.A.C., the owner or operator shall have an emissions unit tested annually if a rule, permit or other order issued after March 9, 2015, requires an initial emissions test but is silent as to the frequency of additional testing. A rule, permit, or other order that states that no further testing is required after an initial test, or which expressly lists or describes the tests that shall be conducted annually, is not considered silent as to the frequency of additional testing. Annual testing is not required where a permit or other order issued prior to March 9, 2015, is silent as to the frequency of additional testing.
- (5) Exemptions from subparagraphs 62-297.310(8)(a)2., 3., and 4., F.A.C.
 - (a) An annual emissions test shall not be required for any pollutant for which a rule, permit, or other order requires emissions testing at some other specific frequency. If multiple applicable rules, permits, or other orders, other than subparagraphs 62-297.310(8)(a)2., 3., and 4., F.A.C., require different testing frequencies, testing must comply with the frequency requirements of each such rule, permit, or order.
 - (b) An annual emissions test shall not be required for any pollutant for which a rule, permit, or other order requires that the pollutant emissions be measured by a continuous emission monitoring system and, either that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., or that system meets the performance

SECTION 4. APPENDIX D
Common Testing Requirements

specifications and quality assurance and quality control measures of 40 CFR part 75, adopted and incorporated in Rule 62-204.800, F.A.C.

- (c) An annual emissions test shall not be required for visible emissions for which a rule, permit, or other order requires that emissions be measured by a continuous opacity monitoring system, and that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., and the manufacturer's recommended quality assurance and quality control measures.
 - (d) An annual emissions test shall not be required for any emissions unit that operated for 400 hours or less (including during startup and shutdown) during the calendar year. If an emission unit operates for more than 400 hours during the calendar year, an emissions test shall be completed no later than 60 days after the emissions unit's annual operation exceeds 400 hours, or by the end of the calendar year, whichever is later.
 - (e) An annual emissions test shall not be required for any emissions unit with emissions generated solely from the combustion of fuel, provided that the emissions unit does not burn any liquid fuel or solid fuel or fuel blend for more than 400 hours combined, other than during startup, during the calendar year. If an emissions unit's liquid fuel or solid fuel or fuel blend burning exceeds 400 hours combined during the calendar year, other than during startup, an emissions test shall be completed no later than 60 days after the emissions unit's liquid fuel or solid fuel or fuel blend burning exceeds 400 hours combined, or by the end of the calendar year, whichever is later.
 - (f) An annual emissions test shall not be required for each fuel-specific emissions limit, provided the fuel or fuel blend subject to a fuel-specific limit was not burned for more than 400 hours, other than during startup, during the calendar year. If an emissions unit burns a fuel or fuel blend subject to a fuel-specific emission limit for more than 400 hours, other than during startup, during the calendar year, an emissions test for that fuel or fuel blend shall be completed no later than 60 days after the unit's burning of that fuel or fuel blend exceeds 400 hours, or by the end of the calendar year, whichever is later.
 - (g) An emissions unit shall not be required to start up for the sole purpose of conducting an emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after the emissions unit next starts up.
 - (h) An emissions unit permitted to burn multiple fuels or fuel blends shall not be required to switch fuels for the sole purpose of conducting an annual emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after a switch is made to burn the fuel or fuel blend for which testing is required.
 - (i) An annual emissions test for visible emissions shall not be required for emissions units exempted from air permitting pursuant to paragraphs 62-210.300(3)(a) or (b), F.A.C.; emissions units determined to be insignificant pursuant to paragraph 62-213.430(6)(b), F.A.C.; or emissions units authorized pursuant to the general permit provisions in subsection 62-210.300(4), F.A.C., unless the general permit specifically requires such testing.
- b. *Emissions Tests Prior to Obtaining an Air Operation Permit.*
- (1) Unless exempted by subparagraph 62-297.310(8)(b)3., F.A.C., prior to obtaining an initial or renewal air operation permit for any emissions unit that is subject to any emission-limiting standard, the owner or operator shall have an emissions test conducted for each such standard to assist in providing reasonable assurance, per Rule 62-4.070, F.A.C., that the emission-limiting standard can be met and shall submit the test report as specified in subsection 62-297.310(10), F.A.C. For an emissions unit at a Title V source, such prior emissions testing is not required provided that an emissions testing compliance plan is included in the Title V permit.
 - (2) For the purpose of renewal of an air operation permit, the owner or operator may satisfy the requirements of subparagraph 62-297.310(8)(b)1., F.A.C., for any emissions unit by submitting the most recent emissions test, as specified in subsection 62-297.310(10), F.A.C., provided such test occurred within the term of the current operating permit.
 - (3) Exemptions from subparagraph 62-297.310(8)(b)1., F.A.C.
 - (a) An emissions test shall not be required for any pollutant for which a rule, permit, or other order requires that the emissions be measured by a continuous emission monitoring system and, either that system meets

SECTION 4. APPENDIX D
Common Testing Requirements

the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., or that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 75, adopted and incorporated in Rule 62-204.800, F.A.C.

- (b) An emissions test shall not be required for visible emissions for which a rule, permit, or other order requires that emissions be measured by a continuous opacity monitoring system, and that system meets the performance specifications and quality assurance and quality control measures of 40 CFR part 60, adopted and incorporated in Rule 62-204.800, F.A.C., and the manufacturer's recommended quality assurance and quality control measures.
 - (c) For the purpose of renewal of an air operation permit, an emissions test shall not be required for any emissions unit that, in the previous five-year period of permitted operation, operated for 400 hours or less (including during startup and shutdown) during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently exceeds 400 hours of operation during a calendar year, emissions must be tested no later than 60 days after 400 hours of operation is exceeded in that calendar year, or by the end of that calendar year, whichever is later.
 - (d) For the purpose of renewal of an air operation permit, an emissions test shall not be required for any emissions unit with emissions generated solely from the combustion of fuel provided that, in the previous five-year period of permitted operation, the emissions unit did not burn any liquid fuel or solid fuel or fuel blend for more than 400 hours combined, other than during startup, during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently burns any liquid fuel or solid fuel or fuel blend for more than 400 hours combined during a calendar year, emissions must be tested no later than 60 days after the emissions unit's combined burning of any liquid fuel or solid fuel or fuel blend exceeds 400 hours in that calendar year, or by the end of that calendar year, whichever is later.
 - (e) An emissions test shall not be required for each fuel-specific emissions limit prior to the renewal of an air operation permit for an emissions unit provided that, in the previous five-year period of permitted operation, the fuel or fuel blend subject to a fuel-specific limit was not burned for more than 400 hours, other than during startup, during each calendar year included in the five-year period of permitted operation. The first time an emissions unit subsequently burns a fuel or fuel blend subject to a fuel-specific emission limit for more than 400 hours, other than during startup, during any calendar year, an emissions test for that fuel or fuel blend must be completed no later than 60 days after the emissions unit's burning of that fuel or fuel blend exceeds 400 hours in that calendar year, or by the end of that calendar year, whichever is later.
 - (f) An emissions unit shall not be required to start up for the sole purpose of conducting an emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after the emissions unit starts up.
 - (g) An emissions unit permitted to burn multiple fuels or fuel blends shall not be required to switch fuels for the sole purpose of conducting the emissions test to meet the frequency requirements of subsection 62-297.310(8), F.A.C. In such a case, an emissions test shall be completed no later than 60 days after a switch is made to burn the fuel or fuel blend for which testing is required.
 - (h) An emissions test for visible emissions shall not be required for emissions units exempted from air permitting pursuant to paragraphs 62-210.300(3)(a) or (b), F.A.C.; emissions units determined to be insignificant pursuant to paragraph 62-213.430(6)(b), F.A.C.; or emissions units authorized pursuant to the general permit provisions in subsection 62-210.300(4), F.A.C., unless the general permit specifically requires such testing.
- c. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit, unless the Department obtains other information sufficient to demonstrate compliance. The owner or operator of the emissions unit shall provide a report on the results of said tests to the Department in accordance with the provisions of subsection 62-297.310(10), F.A.C.

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

SECTION 4. APPENDIX D
Common Testing Requirements

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

REPORTS

10. **Test Reports:**

- a. The owner or owner's authorized agent of an emissions unit for which an emissions test is required shall submit a written test report to the compliance authority specified by permit, on the results of each such test as soon as practicable but no later than 45 days after the last run of each test is completed. Test reports may be submitted electronically.
- b. If the owner or owner's authorized agent of an emissions unit for which an emissions test is required submits the results of each such test electronically using the EPA Electronic Reporting Tool (ERT), the written report specified in paragraph 62-297.310(10)(a), F.A.C., need not be submitted, provided the conditions of subparagraphs 62-297.310(10)(b)1. through 3., F.A.C., are met:
 - (1) The owner or owner's authorized agent shall submit the test information using the ERT as soon as practicable but no later than 45 days after the last run of each test is completed;
 - (2) The test information shall provide, as a minimum, the information specified in subparagraphs 62-297.310(10)(c)1. through 24., F.A.C.; and
 - (3) The compliance authority specified by permit must receive written notification, no later than 45 days after the last run of each test is completed, of the date that the test data was submitted using the ERT.
- c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA Method 9 test, shall provide the following information.
 - (1) The type, location, and identification number of the emissions unit tested.
 - (2) The facility at which the emissions unit is located.
 - (3) The owner and, if other than the owner, operator of the emissions unit.
 - (4) The type and amount of fuels and materials typically used and processed, and the actual types and amounts of fuels used and material processed during each test run.
 - (5) If necessary in order to compare the emissions test results with an applicable emission limiting standard, the means, raw data, and computations used to determine the amount of fuels used and materials processed.
 - (6) The type of air pollution control devices installed on the emissions unit, their general condition, their typical operating parameters, and their actual operating parameters during each test run.
 - (7) A diagram of the sampling location, including the distance to any upstream and downstream bends or other flow disturbances.
 - (8) The date, starting time, and duration of each sampling run.
 - (9) The test procedures, including any authorized alternative procedures, used.
 - (10) The number of points sampled, and the configuration and location of the sampling plane.
 - (11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack or duct, temperatures, average meter temperatures, and sample time per point.
 - (12) The type, manufacturer, and configuration of the sampling equipment used.

SECTION 4. APPENDIX D
Common Testing Requirements

- (13) Data related to the required calibration of the test equipment.
- (14) Data on the identification, processing, and weights of all filters used.
- (15) Data on the types and amounts of any chemical solutions used.
- (16) For each sampling run, data on the amount of pollutant collected from each sampling probe.
- (17) For each sampling run, data on the amount of pollutant collected from the filters.
- (18) For each sampling run, data on the amount of pollutant collected from the impingers.
- (19) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
- (20) All measured and calculated data required to be determined by each applicable test procedure for each run.
- (21) The detailed calculations for one run that relate the collected data to the calculated emission rate or concentration, as applicable.
- (22) The applicable emission standard, and the resulting maximum allowable emission rate or concentration for the emissions unit, as applicable, plus the test result in the same form and unit of measure.
- (23) When an emissions test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or owner's authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his or her knowledge.
- (24) For non-Title V sources, a certification by the owner or owner's authorized agent that, to his or her knowledge, all data submitted are true and correct.
- (25) Any report submitted for a Title V source shall contain certification by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

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