

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

1. DARM - MS# 5500

2. Teresa Herot

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

PLEASE PREPARE REPLY FOR:

- SECRETARY'S SIGNATURE
- DIV/DIST DIR SIGNATURE
- MY SIGNATURE
- YOUR SIGNATURE
- DUE DATE \_\_\_\_\_

ACTION/DISPOSITION

- DISCUSS WITH ME
- COMMENTS/ADVISE
- REVIEW AND RETURN
- SET UP MEETING
- FOR YOUR INFORMATION
- HANDLE APPROPRIATELY
- INITIAL AND FORWARD
- SHARE WITH STAFF
- FOR YOUR FILES

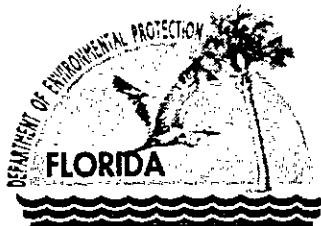
COMMENTS:

*File*  
*PSD-#1-153A*

FROM: NED-JAX  
Deneen - AIR

DATE: \_\_\_\_\_

SC *ext 233*  
PHONE: 880-4310



# Department of Environmental Protection

Jeb Bush  
Governor

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

David B. Struhs  
Secretary

September 05, 2000

RECEIVED

SEP 11 2000

CERTIFIED - RETURN RECEIPT

Mr. Gary V. Bishop, Plant Manager  
Metal Container Corporation  
5909 N. W. 18<sup>th</sup> Drive  
Gainesville, Florida 32653-1690

BUREAU OF AIR REGULATION

Re: PROPOSED Revision of Title V Air Operation Permit No.: 0010046-002-AV, Project 003  
Gainesville Lid Plant

Dear Mr. Bishop:

One copy of the "PROPOSED PERMIT DETERMINATION" for Metal Container Corporation at Gainesville Lid Plant located at 5909 N.W. 18th Drive, Gainesville, Alachua County, is enclosed. This letter is only a courtesy to inform you that the DRAFT permit revision has become a PROPOSED permit revision.

An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is <http://www.dep.state.fl.us/air>.

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED permit is made by the USEPA within 45 days, the PROPOSED permit will become a FINAL permit no later than 55 days after the date on which the PROPOSED permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED permit, the FINAL permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Hui Liang at (904)- 448-4310, extension 238.

Sincerely,

Christopher L. Kirts, P.E.  
District Air Program Administrator

CLK:HL  
Enclosures

Copy furnished to:

Robert George Kreutz, P. E. – Anheuser-Busch Companies  
Robert M. Lanham, P. E. – Metal Container Corporation  
Lalit Lalwani, NED – Air, GBO  
Teresa Heron, – BAR/DARM/NSR  
Ms. Carla E. Pierce, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)  
Ms. Gracy Danois, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)  
Barbara Boutwell, Bureau of Air Regulation (E-mail)

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## **PROPOSED PERMIT DETERMINATION**

PROPOSED Revision of Title V Permit No.: 0010046-002-AV

Project 003

Page 1 of 1

### **I. Public Notice.**

An "INTENT TO ISSUE A AIR CONSTRUCTION PERMIT and A TITLE V OPERATION PERMIT REVISION" to Metal Container Corporation at Gainesville Lid Plant located at 5909 N.W. 18th Drive, Gainesville, Alachua County was clerked on July 13, 2000. The "PUBLIC NOTICE OF INTENT TO ISSUE A AIR CONSTRUCTION PERMIT and A TITLE V OPERATION PERMIT REVISION" was published in the GAINESVILLE SUN on July 26, 2000. The DRAFT Revision of the Title V Air Operation Permit was available for public inspection at the Northeast District Office in Jacksonville. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A AIR CONSTRUCTION PERMIT and A TITLE V OPERATION PERMIT REVISION" was received on July 31, 2000.

### **II. Public Comment(s).**

Comments were received and the DRAFT Revision of the Title V Operation Permit was changed. The comments were not considered significant enough to reissue the DRAFT Revision of the Title V Permit and require another Public Notice.

#### **A. Letter from Mary Mahaffey, Metal Container Corporation, dated August 21, 2000.**

As a result of the comments, the description about the immersion cleaning system has been removed from the permit since it is no longer used by the facility.

The facility had also requested that the proposed quarterly reporting to demonstrate compliance with the 249 tons per year VOC emissions limit, be reduced to a semi-annual frequency instead. Based on guidance from the Division of Air Resources Management (DARM), the Department has determined the quarterly reporting requirement appropriate.

The facility had also requested the use of another method of determining the VOC content of the coating used by the facility instead of the previously permitted options of either EPA Method 24/24A or the methods stated in EPA Document EPA 450/3-84-019. The facility proposed the use of VOC content data provided by the manufacturer that would be based on product formulation or analysis. Based on guidance from the EPA and the Emission Monitoring Group in Tallahassee, either the facility or the manufacturer would need to use EPA Method 24/24A for the determination of compliance. Since generally, the facility does not have such documentation from the manufacturer, the Department believes the current requirement for the facility to use these methods (EPA Method 24/24A or that in EPA Document EPA 450/3-84-019) is appropriate.

The enclosed PROPOSED Revision of the Title V Air Operation Permit includes the aforementioned change to the DRAFT Revision of the Title V Air Operation Permit.

#### **Document(s) on file with the permitting authority:**

##### **A. Letter from Mary Mahaffey, Metal Container Corporation, dated August 21, 2000.**

### **III. Conclusion.**

The permitting authority hereby issues the PROPOSED Revision of the Permit No.: 0010046-002-AV, with any change noted above.

PROPOSED Permit Electronic Posting Courtesy Notification

Metal Container Corporation, Inc.  
Gainesville Lid Plant  
Facility ID No.: 0010046  
Alachua County

Title V Air Operation Permit  
Proposed Revision of Permit No.: 0010046-002-AV

The electronic version of the PROPOSED permit revision was posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review on September 05, 2000.

USEPA's review period ends on the 45th day after the permit posting date. Day 45 is October 20, 2000. If an objection (veto) is received from USEPA, the permitting authority will provide a copy of the objection to the applicant.

Provided an objection is not received from USEPA, the PROPOSED permit will become a FINAL permit by operation of law on the 55th day after the permit posting date. Day 55 is October 30, 2000.

The web site address is <http://www2.dep.state.fl.us/air>.

Metal Container Corporation, Inc.  
Gainesville Lid Plant

**Facility ID No.:** 0010046  
Alachua County

Title V Air Operation Permit  
**Proposed Revision of Permit No.:** 0010046-002-AV

**Project Description:**

Project No. 003, Permit Revision to Limit  
Annual VOC Emissions to 249 Tons

**Permitting Authority:**

Department of Environmental Protection  
Northeast District Air Program  
7825 Baymeadows Way, Suite B-200  
Jacksonville, Florida 32256-7590  
Telephone: 904/448-4310  
Fax: 904/448-4363

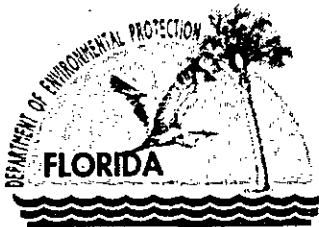
**Compliance Authority:**

Department of Environmental Protection  
Northeast District Branch Office  
101 NW 75 Street, Suite 3  
Gainesville, Florida 32607-1609  
Telephone: 352/333-2850  
Fax: 352/333-2856

Title V Air Operation Permit  
Proposed Revision of Permit No.: 0010046-002-AV  
Project No. 003

**Table of Contents**

<u>Section</u>	<u>Page Number</u>
Placard Page .....	1
I. Facility Information .....	2 - 3
A. Facility Description.	
B. Summary of Emissions Unit ID No(s). and Brief Description(s).	
C. Relevant Documents.	
II. Facility-wide Conditions .....	4 - 5
III. Emissions Unit(s) and Conditions	
A. Emissions Unit 001 Lid Module Nos. 4,5,6 & 7 and Off-line Conversion Presses .....	6 - 9



Jeb Bush  
Governor

# Department of Environmental Protection

Northeast District  
7825 Baymeadows Way, Suite B200  
Jacksonville, Florida 32256-7590

David B. Struhs  
Secretary

**Permittee:**  
Metal Container Corporation

**PROPOSED Revision of**  
**Permit No.:** 0010046-002-AV  
**Facility ID No.:** 0010046  
**SIC Nos.:** 34  
**Project:** Revise Title V Air Operation Permit to  
Limit Annual VOC Emissions to 249 tons

This permit is for the operation of the air sources at Metal Container Corporation., Gainesville Lid Plant. This facility is located at 5909 N.W. 18th Drive, Gainesville, Alachua County, Florida; UTM Coordinates: Zone 17, 369.4 km East and 3287.2 km North; Latitude: 29° 42' 05" North and Longitude: 82°20'53" West.

STATEMENT OF BASIS: This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

**Referenced attachments made a part of this permit:**

~~APPENDIX TV-1, TITLE V CONDITIONS (version dated 12/02/97)~~

~~APPENDIX TV-3, TITLE V CONDITIONS (version dated 4/30/99)~~

Appendix I-1, List of Insignificant Emissions Units and/or Activities

**Effective Date:** April 13, 1998

**Revision Date:** \_\_\_\_\_ \*

**Renewal Application Due Date:** February 13, 2003

**Expiration Date:** April 13, 2003

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**Christopher L. Kirts, P.E.**  
District Air Program Administrator

CLK: HL

\* To be inserted upon FINAL issuance

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**Section I. Facility Information**

**Subsection A. Facility Description.**

Metal Container Corporation manufactures lids that are used for beverage cans. The Gainesville Lid Plant consists of shell presses, end liners, conversion presses, scrap cyclones, and ancillary support equipment used in the manufacturing beverage lids.

Aluminum coil stock is punched and pressed into "shells". These shell rims are then curled and formed in the shell presses. End sealant compound is injected/applied into the curl to ensure that an adequate seal between the lid and can will be formed. Finishing steps occur at the conversion press. These steps include incising, scoring of the opening, tab fabrication and riveting of the finished tabs to the incised and scored ends.

The facility also utilizes a solvent (heptane) for cleaning metal surfaces during routine maintenance operations ~~and (1) immersion cleaning system for cleaning production line die-cots.~~ All solvent receptacles are equipped with covers that remain closed when not in use. ~~The immersion system has a liquid capacity of 200 gallons and uses mineral spirits as the cleaning solvent. One of the cold parts cleaning washers used mineral spirits as the solvent and the other uses heptane.~~ The facility has installed a solvent recovery distillation unit to purify heptane recovered from the manufacturing process.

A 7,000 gallon bulk storage tank and a 500 gallon day tank are used to store lid "End Sealant" compound. Both tanks are vented to the atmosphere.

Also included in this permit are miscellaneous insignificant emissions units and/or activities.

Based on the initial Title V permit application received June 14, 1996, this facility is not a major source of hazardous air pollutants (HAPs).

**Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).**

E.U. ID No.	Brief Description
-001	All production-related activities, including shell presses, end liner, conversion presses, and cleanup activities.

~~Equipment/Activities Regulated Under Clean Air Act Title VI:~~

E.U. ID No.	Brief Description
<del>xxx</del>	<del>Shell Press Chilled Water System: (2) units with 50 pound refrigerant charge.</del>

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit(s) ID No(s). on all correspondence, test report submittals, applications, etc.



**Subsection C. Relevant Documents**

The documents listed below are not a part of this permit; however, they are specifically related to this permitting action.

These documents are provided to the permittee for information purposes only:

Table 1-1, Summary of Air Pollutant Standards and Terms

Table 2-1, Summary of Compliance Requirements

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H-1, Permit History/ID Number Changes

These documents are on file with permitting authority:

Title V Air Operation Permit 0010046-002-AV

Permit Revision Request received 06-28-1999

Additional Information Request dated 07-26-1999, 10-26-1999 and 02-23-2000

Application for Permit Revision received 10-07-1999

Additional Information received 02-03-2000, 05-09-2000 and 06-02-2000

Letter from Mary Mahaffey received 08-25-2000

## Section II. Facility-wide Conditions.

### The following conditions apply facility-wide:

1. APPENDIX ~~TV-1~~ TV-3, TITLE V CONDITIONS, is a part of this permit.  
{Permitting note: APPENDIX ~~TV-1~~ TV-3, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}
2. [Not federally enforceable.] General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]
3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.  
[Rules 62-296.320(4)(b)1. & 4., F.A.C.]
- ~~4. Prevention of Accidental Releases (Section 112(r) of CAA). If required by 40 CFR 68, the permittee shall submit to the implementing agency:~~
  - ~~a. a risk management plan (RMP) when, and if, such requirement becomes applicable; and~~
  - ~~b. certification forms and/or RMPs according to the promulgated rule schedule.~~
4. Prevention of Accidental Releases (Section 112(r) of CAA).
  - a. The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable ; and
  - b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.  
[40 CFR 68]
5. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.  
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]
6. Not federally enforceable. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. At a minimum, the following procedures shall be followed to minimize pollutant emissions:
  - Maintain tightly fitting covers, lids, etc., on all containers of VOC when they are not being handled, tapped, etc.

- Where possible and practical, procure/fabricate a tightly fitting cover for any open trough, basin, bath, etc., of VOC so that it can be covered when not in use
- All fittings, valves, lines, etc., shall be properly maintained

All VOC spills shall be attended to immediately and the waste properly disposed of, recycled, etc.

[Rule 62-296.320(1)(a), F.A.C.; Air Construction permit AC01-265409/PSD-FL-153A]

7. [Not federally enforceable.] Reasonable precautions to prevent emissions of unconfined particulate matter at this facility are stated as follows:

Emissions Source Operations	Description & Control Measures
Vehicular traffic on paved roads.	_____
Wind-blown dust from yard areas.	Chemical or water application to unpaved yard areas. Paving and maintenance of roads, parking areas and yards. Landscaping or planting of vegetation. Other techniques, as necessary.

[Rule 62-296.320(4)(c)2., F.A.C.; Proposed by applicant in the Title V permit application additional submittal received November 13, 1997.]

8. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.  
[Rule 62-213.440, F.A.C.]

9. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Northeast District Branch Office, Air Section:

Department of Environmental Protection  
Northeast District Branch Office  
101 NW 75 Street, Suite 3  
Gainesville, Florida 32607-1609  
Telephone: 352/333-2850  
Fax: 352/333-2856

10. Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency  
Region 4  
Air, Pesticides & Toxics Management Division  
~~Operating Permits Section~~  
Air and EPCRA Enforcement Branch, Air Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303  
~~Telephone: 404/562-9099~~  
~~Fax: 404/562-9095~~  
Telephone: 404/562-9155, Fax: 404/562-9164

**Section III. Emissions Unit(s) and Conditions.**

**Subsection A. This section addresses the following emissions unit.**

**E.U.**

**ID No.    Brief Description**

001        Lid Module Nos. 1, 2, & 3 and Off-line Conversion Presses

Emission Unit 001 identifies Lid Module Nos. 1, 2, & 3, and Off-line Conversion Presses. Cleanup activities, including ~~the operation of the immersion system for production die sets,~~ maintenance solvent cleaning, the solvent recovery distillation unit, and the two end seal compound storage tanks. Process emissions associated with these activities are emitted to the atmosphere through the general building ventilation system that consists of a series of building stacks and vents.

This emissions unit is regulated in accordance with FAC Rule 62-212.400, Prevention of Significant Deterioration, which required a BACT determination approved August 23, 1995.

**The following specific conditions apply to the emissions unit(s) listed above:**

**Essential Potential to Emit (PTE) Parameters**

~~A.1. Permitted Capacity. The maximum production rate is 10,049 billion lids per consecutive 12 months.~~

~~[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C., Air Construction Permit AC01-265409/PSD-FL-153A]~~

~~A.2. Permitted Capacity - Maximum usage Rate. A maximum usage rate of all coatings and solvents shall not exceed 0.019 gallons per 1000 lids.~~

~~[Rule 62-213.410, F.A.C.; Air Construction permit AC01-265409/PSD-FL-153A]~~

A.1. Methods of Operation. VOC Content. The maximum VOC content of the coatings and solvents shall not exceed the following:

Material	VOC Content (pounds VOC/Gallon)
End Sealant	3.5 (excluding water)
Tab Lube	6.0 (excluding water)
Mineral Spirits	6.32
Heptane	5.84
Cleanup Solvents	6.6

[Air Construction permit AC01-265409/PSD-FL-153A]

A.2. The Permittee shall not use coatings with a VOC content greater than those stated in Specific Condition A.1.

[Air Construction permit AC01-265409/PSD-FL-153A.]

**A.3. Hours of Operation.** This emissions unit is allowed to operate continuously, i.e., 8,760 hours/year.

[Rule 62-210.200(PTE), F.A.C.; Air Construction permit AC01-265409/PSD-FL-153A]

**Emission Limitations and Standards**

Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**A.4. VOC.** Volatile Organic Compound emissions shall not exceed ~~78 pounds per hour and 319 tons~~ 249 tons per consecutive 12 months.

[Air Construction permit AC01-265409/PSD-FL-153A.]

**A.5. Odor.** The permittee shall not cause, suffer, allow or permit the discharge of air pollutants that cause or contribute to an objectionable odor from this emissions unit.

[Air Construction permit AC01-265409/PSD-FL-153A.]

~~**A.8. Ambient Reference Concentrations.** The ambient reference concentrations levels for the following pollutants shall not be exceeded:~~

Pollutant	Ambient Reference Concentrations (ug/m <sup>3</sup> )		
	8-hour	24-hour	Annual
n-hexane	1,760	419	200
Toluene	1,880	448	400
Benzene	30	7	0.12

[Air Construction permit AC01-265409/PSD-FL-153A.]

**Monitoring of Operations**

**A.6. Determination of Process Variables.**

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

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

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

**Test Methods and Procedures**

Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

A.7. VOC Content. Compliance with the VOC content of each coating stated in Specific Condition A.1., shall be determined by either EPA Method 24 or 24A as described in 40 CFR 60 Appendix A and adopted by reference in Rule 62-297, F.A.C. The methods outlined in EPA Document EPA 450/3-84-019 may be used to determine compliance in lieu of the Method 24 or 24A tests.

[Air Construction permit AC01-265409/PSD-FL-153A.]

A.8. New coatings or those supplied by another manufacturer shall be tested via the methods stated in Specific condition A.7. prior to initial use in production.

[Air Construction permit AC01-265409/PSD-FL-153A.]

A.9. Each coating shall be tested after dilution with the maximum amount of solvent used by the permittee for production.

[Air Construction permit AC01-265409/PSD-FL-153A.]

~~A.13. Compliance with ambient reference concentrations stated in Specific Condition A.8. shall be demonstrated with calculations based on actual operating conditions. These calculations shall be certified by a Professional Engineer registered in the State of Florida.~~

**Recordkeeping and Reporting Requirements**

A.10. The Permittee shall provide prior written notification to the Northeast District Office of the proposed use of any coating or solvent that was not included in the AC01-265409 permit application with a VOC content greater than that is permitted. The notification shall include the VOC content test results as outlined in Specific Condition A.7.

[Air Construction permit AC01-265409/PSD-FL-153A.]

A.11. Material Safety and Data Sheets shall be maintained for all materials that are used by the facility.

[Air Construction permit AC01-265409/PSD-FL-153A.]

A.12. The permittee shall maintain a record of the clean-up solvents used at the facility on a twelve-month basis.

[Air Construction permit AC01-265409/PSD-FL-153A.]

A.13. Compliance shall be determined by recording VOC emissions in ~~lb/hr (monthly average), lb/day (monthly average),~~ lb/month and ton/yr for each material used that contains VOC. This shall be based on material balance reports.

A.14. A DEP Form No. 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility" including the Emissions Report, shall be completed for each calendar year on or before March 1 of the following calendar year and submitted to the air compliance section of this office. The report shall also include the following at a minimum:

- Material balance reports
- Quantity of lids processed by the facility
- VOC emissions [lb/month and ton/yr]
- Manufacturer's certification of VOC content of coating
- Coating and solvent usage records
- Hours of operation
- Compliance test results [VOC content of dilution]

[Rule 62-210.370(3), F.A.C.; Air Construction permit AC01-265409/PSD-FL-153A]

A.15. A report of the data required by Specific Condition A.13. shall be submitted to the Northeast District Branch Office on a quarterly basis. All quarterly reports shall be postmarked no later than the 45th day following the end of the reporting period defined below:

<u>Reporting Period</u>	<u>Report Due Date</u>
<u>January - March</u>	<u>May 15</u>
<u>April - June</u>	<u>August 15</u>
<u>July - September</u>	<u>November 15</u>
<u>October - December</u>	<u>March 1<sup>1</sup></u>

<sup>1</sup>The annual operating report for that calendar year shall be submitted in lieu of the October-December quarterly report. The fourth quarterly report shall be due on March 1 of the following calendar year (Same date as the AOR).

[Rules 62-4.070(3); 62-213.440, F.A.C.; Air Construction Permit 0010046-004-AC]

## STATEMENT OF BASIS

Metal Container Corporation  
Gainesville Lid Plant  
Facility ID No.: 0010046  
Alachua County

Title V Air Operation Permit  
Proposed Revision of Permit No.: 0010046-002-AV

### Project Description:

Project No. 003, Permit Revision to Limit  
Annual VOC Emissions to 249 Tons

This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Metal Container Corporation manufactures lids that are used for beverage cans. The Gainesville Lid Plant consists of shell presses, end liners, conversion presses, scrap cyclones, and ancillary support equipment used in the manufacturing beverage lids.

Aluminum coil stock is punched and pressed into "shells". These shell rims are then curled and formed in the shell presses. End sealant compound is injected/applied into the curl to ensure that an adequate seal between the lid and can will be formed. Finishing steps occur at the conversion press. These steps include incising, scoring of the opening, tab fabrication and riveting of the finished tabs to the incised and scored ends.

The facility also utilizes a solvent (heptane) for cleaning metal surfaces during routine maintenance operations ~~and (1) immersion cleaning system for cleaning production line die sets.~~ All solvent receptacles are equipped with covers that remain closed when not in use. ~~The immersion system has a liquid capacity of 200 gallons and uses mineral spirits as the cleaning solvent.~~ The facility has installed a solvent recovery distillation unit to purify heptane recovered from the manufacturing process.

A 7,000-gallon bulk storage tank and a 500-gallon day tank are used to store lid "end" compound. Both tanks are vented to the atmosphere. Process emissions associated with these activities are emitted to the atmosphere through the general building ventilation system that consists of a series of building stacks and vents. Also included in this permit are miscellaneous unregulated/exempt emissions units and/or activities.

Project 003 is an amendment to the existing Title V permit, 0010046-002-AV, that became effective on April 13, 1998. On June 28, 1999, the facility requested a permit modification to increase the production rate. The construction permit No. 0190011-004-AC was issued at the same time with this Title V permit revision. The construction permit was for the modification of Air Construction Permit AC01-265409/PSD-FL-153A to remove the production rate limitations



and reclassify the facility as a PSD Synthetic Minor Source by limiting annual VOC emissions to 249 tons. This amendment is to incorporate the construction permit modification.

Based on the initial Title V permit application received June 14, 1996, this facility is not a major source of hazardous air pollutants (HAPs).

## Appendix H-1, Permit History/ID Number Changes

Metal Container Corporation  
Gainesville Lid Plant

Facility ID No.: 0010046

**Permit History (for tracking purposes):**

E.U. <u>ID No.</u>	<u>Description</u>	<u>Permit No.</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Extended Date</u> <sup>1,2</sup>	<u>Revised Date(s)</u>
-xxx	Lid Module No. 1	AC01-48261	01/20/82	08/01/83		
	Lid Module No. 2	AC01-48262	01/20/82	08/01/83		
	Lid Module No. 3	AC01-48263	01/20/82	08/01/83		
	Lid Module Nos 1 -3	AO01-68876	05/23/83	05/01/88		05/09/86
	Lid Module No. 4	AC01-100439	02/20/85	05/30/86		
	Lid Module No. 5	AC01-146396	05/17/88	10/28/88		
	Lid Module No. 6	AC01-159304		07/31/91		
	Lid Module Nos. 1 - 4	AO01-144728	04/20/88	05/01/93		09/23/88
	Lid Module Nos. 4 - 7	AC01-185835/ PSD153		01/30/93		
	Lid Module No. 4 - 7	AO01-220792	03/19/93	01/30/98		07/02/93; 08/24/93
	Lid Module No. 4 - 7	AC01-265409/ PSD153A	08/24/95	07/30/96		09/01/00
		0010046-002-AV	04/13/98	04/13/03		
		0010046-004-AC	09/01/00	03/01/01		
		0010046-002-AV	04/13/98	04/13/03		

**(if applicable) ID Number Changes (for tracking purposes):**

From: Facility ID No.: 31GVL010046  
To: Facility ID No.: 0010046

Notes:

- 1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.
- 2 - AC permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.  
{Rule 62-213.420(1)(b)2., F.A.C., effective 03/20/96, allows Title V Sources to operate under existing valid permits}

**Table 1-1, Summary of Air Pollutant Standards and Terms**

Metal Container Corporation  
Gainesville Lid Plant

**PROPOSED Revision of**  
Permit No.: 0010046-002-AV  
Facility ID No.: 0010046 Project No: 003

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No.      Brief Description**  
001: Lid Module Nos. 4,5,6,& 7 and Off-line Conversion Presses

Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See permit condition(s)
			Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
VOC		8,760			249.0				III.A.4.

Notes:  
\* The "Equivalent Emissions" listed are for informational purposes only.

[electronic file name: 00100461.xls]

**Table 2-1, Summary of Compliance Requirements**

Metal Container Corporation  
Gainesville Lid Plant

**PROPOSED Revision of**  
**Permit No.: 0010046-002-AV**  
**Facility ID No.: 0010046 Project No.: 003**

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

**E.U. ID No.      Brief Description**

001: Lid Module Nos. 4,5,6,& 7 and Off-line Conversion Presses

Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time	Frequency	Min. Compliance Test	CMS**	See permit condition(s)
			Frequency	Base Date *	Duration		
VOC		Recordkeeping EPA 24 or 24A or EPA 450/3-84-019	quarterly	monthly	n/a		III A.15.
VOC Content			annually				III A.9; A.14

Notes:

\* The frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C.

\*\*CMS [=] continuous monitoring system

[electronic file name: 00100462.xls]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99)

[Note: This attachment includes "canned conditions" developed from the "Title V Core List."]

{Permitting note: APPENDIX TV-3, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

Chapter 62-4, F.A.C.

1. Not federally enforceable. General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit.

[Rule 62-4.030, Florida Administrative Code (F.A.C.); Section 403.087, Florida Statute (F.S.)]

2. Not federally enforceable. Procedure to Obtain Permits; Application.

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.

(2) All applications and supporting documents shall be filed in quadruplicate with the Department.

(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except when the application is for renewal of an air pollution operation permit at a minor facility as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

(4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C.

(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.

(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin.

(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.

(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.

(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this Subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application.

[Rule 62-4.050, F.A.C.]

3. Standards for Issuing or Denying Permits. Except as provided at Rule 62-213.460, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.

[Rule 62-4.070(7), F.A.C.]

4. Modification of Permit Conditions.

(1) For good cause 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. For the purpose of this section, good cause shall include, but not be limited to, any of the following: (also, see Condition No. 38)

- (a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.
- (b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.
- (c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.
- (e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

(2) A permittee may request a modification of a permit by applying to the Department.

(3) A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation. For all other permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that the extended permit will comply with the standards and conditions applicable to the original permit. A permit for which the permit application fee was prorated in accordance with Rule 62-4.050(4)(1), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule.

[Rule 62-4.080, F.A.C.]

5. Renewals. Prior to one hundred eighty (180) days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 180 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of Rules 62-213.420(1)(b)3. and 4., F.A.C.

[Rule 62-4.090(1), F.A.C.]

6. Suspension and Revocation.

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.

(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

(3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or the permit holder's agent:

- (a) Submitted false or inaccurate information in application or operational reports.
- (b) Has violated law, Department orders, rules or permit conditions.
- (c) Has failed to submit operational reports or other information required by Department rules.
- (d) Has refused lawful inspection under Section 403.091, F.S.

[Rule 62-4.100, F.A.C.]

7. Not federally enforceable. Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules.

[Rule 62-4.110, F.A.C.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

8. Transfer of Permits.

- (1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee.
- (2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.
- (3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.
- (4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.
- (5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

[Rule 62-4.120, F.A.C.]

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. (also, see Condition No. 10)

[Rule 62-4.130, F.A.C.]

10. For purposes of notification to the Department pursuant to Condition No. 9, Condition No. 12(8), and Rule 62-4.130, F.A.C., Plant Operation-Problems, "immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of 40 CFR 70.6(a)(3)(iii)(B), "prompt" shall have the same meaning as "immediately". [also, see Conditions Nos. 9 and 12(8)]

[40 CFR 70.6(a)(3)(iii)(B)]

11. Not federally enforceable. Review. Failure to request a hearing within 14 days of receipt of notice of proposed or final agency action on a permit application or as otherwise required in Chapter 62-103, F.A.C., shall be deemed a waiver of the right to an administrative hearing.

[Rule 62-4.150, F.A.C.]

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:

- (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 403.087(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.

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

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- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- (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 F.S. 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 reasonable 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: (also, see Condition No. 10)
- (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 F.S. 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 F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, 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.
- (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 five (5) 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; and,
    - 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.

[Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]



APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

13. Construction Permits.

(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air or water pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable:

- (a) A completed application on forms furnished by the Department.
- (b) An engineering report covering:
  - 1. plant description and operations,
  - 2. types and quantities of all waste material to be generated whether liquid, gaseous or solid,
  - 3. proposed waste control facilities,
  - 4. the treatment objectives,
  - 5. the design criteria on which the control facilities are based, and,
  - 6. other information deemed relevant.

Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S.

- (c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S. and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

(2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.

(3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.

[Rule 62-4.210, F.A.C.]

14. Not federally enforceable. Operation Permit for New Sources. To properly apply for an operation permit for new sources, the applicant shall submit certification that construction was completed noting any deviations from the conditions in the construction permit and test results where appropriate.

[Rule 62-4.220, F.A.C.]

Chapters 28-106 and 62-110, F.A.C.

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rule 62-110.106 and Rule 62-210.350, F.A.C.

[Rules 62-110.106, 62-210.350 and 62-213.430(1)(b), F.A.C.]

16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.

[Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.]

Chapter 62-204, F.A.C.

17. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.

[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

Chapter 62-210, F.A.C.

18. Permits Required. The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., an air construction permit shall be obtained by the owner or operator of any proposed new or modified facility or emissions unit prior to the beginning of construction or modification, in accordance with all applicable provisions of this chapter, Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of this chapter, Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction or modification of the facility or emissions unit and operation while the new or modified facility or emissions unit is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

(b) Notwithstanding the expiration of an air construction permit, all limitations and requirements of such permit that are applicable to the design and operation of the permitted facility or emissions unit shall remain in effect until the facility or emissions unit is permanently shut down, except for any such limitation or requirement that is obsolete by its nature (such as a requirement for initial compliance testing) or any such limitation or requirement that is changed in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C. Either the applicant or the Department can propose that certain conditions be considered obsolete. Any conditions or language in an air construction permit that are included for informational purposes only, if they are transferred to the air operation permit, shall be transferred for informational purposes only and shall not become enforceable conditions unless voluntarily agreed to by the permittee or otherwise required under Department rules.

1. Except for those limitations or requirements that are obsolete, all limitations and requirements of an air construction permit shall be included and identified in any air operation permit for the facility or emissions unit. The limitations and requirements included in the air operation permit can be changed, and thereby superseded, through the issuance of an air construction permit, federally enforceable state air operation permit, federally enforceable air general permit, or Title V air operation permit; provided, however, that:

a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;

b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(10)(d)2., F.A.C., 62-212.400 or 62-212.500, F.A.C., as appropriate.

2. The force and effect of any change in a permit limitation or requirement made in accordance with the provisions of Rule 62-210.300(1)(b)1. F.A.C., shall be the same as if such change were made to the original air construction permit.

3. Nothing in Rule 62-210.300(1)(b), F.A.C., shall be construed as to allow operation of a facility or emissions unit without a valid air operation permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification and demonstration of initial compliance with the conditions of the construction permit for any new or modified facility or emissions unit, or as otherwise provided in Chapter 62-210 or Chapter 62-213, the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, Chapter 62-213, and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;

2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.
- a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.
  - b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:
    - (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
    - (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
    - (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.
  - c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.
  - d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.
4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

[Rules 62-210.300(1) & (2), F.A.C.]

19. Not federally enforceable. Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit and which has been shut down more than one (1) year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of sixty (60) days prior to the intended startup date.

- (a) The notification shall include the planned startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.
- (b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

[Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

(a) Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

(b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.  
[Rule 62-210.300(6), F.A.C.]

21. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

1. An air construction permit;
2. An air operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C., (i.e., a FESOP), except as provided in Rule 62-210.300(2)(b)1.b., F.A.C.; or
3. An air operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C.

(b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-110.106, F.A.C. A public notice under Rule 62-210.350(1)(a)1., F.A.C., for an air construction permit may be combined with any required public notice under Rule 62-210.350(1)(a)2. or 3., F.A.C., for air operation permits. If such notices are combined, the public notice must comply with the requirements for both notices.

(c) Except as otherwise provided at Rules 62-210.350(2) and (5), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

(2) Additional Public Notice Requirements for Emissions Units Subject to Prevention of Significant Deterioration or Nonattainment - Area Preconstruction Review.

(a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and,
3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.

(b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.

(d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.

(e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.

(f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.

(g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

(h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:

1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.

(3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.

(a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and,
2. A 30-day period for submittal of public comments.

(b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(c) The notice shall identify:

1. The facility;
2. The name and address of the office at which processing of the permit occurs;
3. The activity or activities involved in the permit action;
4. The emissions change involved in any permit revision;
5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;
6. A brief description of the comment procedures required by Rule 62-210.350(3), F.A.C.;
7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and,
8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

[Rule 62-210.350, F.A.C.]

22. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) A change requiring more frequent monitoring or reporting by the permittee;
- (d) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (e) Changes listed at 40 CFR 72.83(a)(11), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(d), F.A.C.; and
- (f) Any other similar minor administrative change at the source.

(2) Upon receipt of any such notification the Department shall within 60 days correct the permit and provide a corrected copy to the owner.

(3) After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rule 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.

(4) For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

**APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)**

(5) The Department shall incorporate requirements resulting from issuance of a new or revised construction permit into an existing Title V source permit, if the construction permit or permit revision incorporates requirements of federally enforceable preconstruction review, and if the applicant requests at the time of application that all of the requirements of Rule 62-213.430(1), F.A.C., be complied with in conjunction with the processing of the construction permit application.

[Rule 62-210.360, F.A.C.]

**23. Reports.**

(3) Annual Operating Report for Air Pollutant Emitting Facility.

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

(c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

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

24. **Circumvention.** No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.650, F.A.C.]

25. **Forms and Instructions.** The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) Application for Air Permit - Title V Source, Form and Instructions (Effective 2-11-99).

(a) Acid Rain Part (Phase II), Form and Instructions (Effective 7-1-95).

1. Repowering Extension Plan, Form and Instructions (Effective 7-1-95).

2. New Unit Exemption, Form and Instructions (Effective 7-1-95).

3. Retired Unit Exemption, Form and Instructions (Effective 7-1-95).

4. Phase II NOx Compliance Plan, Form and Instructions (Effective 1-6-98).

5. Phase II NOx Averaging Plan, Form (Effective 1-6-98).

(b) Reserved.

(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 2-11-99).

[Rule 62-210.900, F.A.C.]

**Chapter 62-213, F.A.C.**

26. **Annual Emissions Fee.** Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in accordance with Rule 62-213.205, F.A.C., and the appropriate form and associated instructions.

[Rules 62-213.205 and 62-213.900(1), F.A.C.]

27. **Annual Emissions Fee.** Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.

[Rule 62-213.205(1)(g), F.A.C.]

28. **Annual Emissions Fee.** Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.

[Rule 62-213.205(1)(j), F.A.C.]

29. **Annual Emissions Fee.** A completed DEP Form 62-213.900(1), F.A.C., "Major Air Pollution Source Annual Emissions Fee Form", must be submitted by the responsible official with the annual emissions fee.

[Rule 62-213.205(1)(k), F.A.C.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

30. Air Operation Permit Fees. After December 31, 1992, no permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

[Rule 62-213.205(4), F.A.C.]

31. Permits and Permit Revisions Required. All Title V sources are subject to the permit requirements of Chapter 62-213, F.A.C.

(1) No Title V source may operate except in compliance with Chapter 62-213, F.A.C.

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:

- (a) Constitutes a modification;
- (b) Violates any applicable requirement;
- (c) Exceeds the allowable emissions of any air pollutant from any unit within the source;
- (d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;
- (e) Requires a case-by-case determination of an emission limitation or other standard or a source specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapters 62-212 or 62-296, F.A.C.;
- (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
- (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.
- (h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C
- (i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1),(2),or (3),(b)(1) or (b)(3), hereby incorporated by reference;
- (j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source.
- (k) Is a request for exemption pursuant to Rule 62-214.340, F.A.C.

[Rule 62-213.400(1) & (2), F.A.C.]

32. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation in each alternative method of operation:

- (1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;
- (2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;
  - (a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;
  - (b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.; and,
  - (c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;
- (3) A permitted source may implement operating changes after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
  - (a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
  - (b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
- (4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

[Rule 62-213.410, F.A.C.]

33. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision in accordance with this section, provided the change:

- (a) Does not violate any applicable requirement;
- (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;

- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
  - (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.
- (2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.
- (3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action until all the requirements of Rule 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.
- (4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit.
- (5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.
- (6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.
- [Rule 62-213.412, F.A.C.]

**34. Permit Applications.**

- (1) **Duty to Apply.** For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, 62-4.050(1) & (2), and 62-210.900, F.A.C.
- (a) **Timely Application.**
    - 3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.
  - (b) **Complete Application.**
    - 1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.
    - 2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4. F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.



APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

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3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

[Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

35. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (also, see Condition No. 50.)  
[Rule 62-213.420(2), F.A.C.]

36. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C.  
[Rule 62-213.420(3), F.A.C.]

37. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.  
[Rule 62-213.420(4), F.A.C.]

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate.

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes subject to any condition listed at 40 CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause. (also, see Condition No. 4)

(1) This section contains provisions from 40 CFR 70.7(f) that specify the conditions under which a Title V permit shall be reopened prior to the expiration of the permit. A Title V permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under 40 CFR 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

[Rules 62-213.430(3) & (4), F.A.C.; and, 40 CFR 70.7(f)]

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

(a) All requests for determination of insignificant emissions units or activities made pursuant to Rule 62-213.420(3)(m), F.A.C., shall be processed in conjunction with the permit, permit renewal or permit revision application submitted pursuant to Chapter 62-213, F.A.C. Insignificant emissions units or activities shall be approved by the Department consistent with the provisions of Rule 62-4.040(1)(b), F.A.C. Emissions units or activities which are added to a Title V source after issuance of a permit under Chapter 62-213, F.A.C., shall be incorporated into the permit at its next renewal, provided such emissions units or activities have been exempted from the requirement to obtain an air construction permit and also qualify as insignificant pursuant to Rule 62-213.430(6), F.A.C.

(b) An emissions unit or activity shall be considered insignificant if:

1. Such unit or activity would be subject to no unit-specific applicable requirement;
2. Such unit or activity, in combination with other units or activities proposed as insignificant, would not cause the facility to exceed any major source threshold(s) as defined in Rule 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s); and
3. Such unit or activity would not emit or have the potential to emit:
  - a. 500 pounds per year or more of lead and lead compounds expressed as lead;
  - b. 1,000 pounds per year or more of any hazardous air pollutant;
  - c. 2,500 pounds per year or more of total hazardous air pollutants; or
  - d. 5.0 tons per year or more of any other regulated pollutant.

[Rule 62-213.430(6), F.A.C.]

40. Permit Duration. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five (5) years.

[Rule 62-213.440(1)(a), F.A.C.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

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41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses.  
[Rule 62-213.440(1)(b)2.a., F.A.C.]

42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
[Rule 62-213.440(1)(b)2.b., F.A.C.]

43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports.  
[Rule 62-213.440(1)(b)3.a., F.A.C.]

44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., any deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.  
[Rule 62-213.440(1)(b)3.b., F.A.C.]

45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.  
[Rule 62-213.440(1)(b)3.c., F.A.C.]

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.  
[Rule 62-213.440(1)(d)1., F.A.C.]

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.  
[Rule 62-213.440(1)(d)3., F.A.C.]

48. A Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C.  
[Rule 62-213.440(1)(d)4., F.A.C.]

49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference.  
[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (also, see Condition No. 35.)  
[Rule 62-213.440(1)(d)6., F.A.C.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

51. Statement of Compliance. The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statements shall be submitted to the Department and EPA annually, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement. Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. The statement of compliance shall include all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C.

o 40 CFR 70.6(c)(5)(iii). The compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required under 40 CFR 70.6(a)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in paragraph (c)(5)(iii)(B) of this section. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred; and

(D) Such other facts as the permitting authority may require to determine the compliance status of the source.

The statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C. The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.

[Rule 62-213.440(3), F.A.C.]

52. Permit Shield. Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall be deemed compliance with any applicable requirements in effect as of the date of permit issuance, provided that the source included such applicable requirements in the permit application. Nothing in Rule 62-213.460, F.A.C., or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.

{Permitting note: The permit shield is not in effect until the effective date of the permit.}

[Rule 62-213.460, F.A.C.]

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority.

(1) Major Air Pollution Source Annual Emissions Fee (AEF) Form.

[Rule 62-213.900(1), F.A.C.]

Chapter 62-256, F.A.C.

54. Not federally enforceable. Open Burning. This permit does not authorize any open burning nor does it constitute any waiver of the requirements of Chapter 62-256, F.A.C. Source shall comply with Chapter 62-256, F.A.C., for any open burning at the source.

[Chapter 62-256, F.A.C.]

Chapter 62-281, F.A.C.

55. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Rule 62-281.100, F.A.C. Those requirements include the following restrictions:

(1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;

- (2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34 and 40 CFR 82.40, and properly uses equipment approved pursuant to 40 CFR 82.36 and 40 CFR 82.38, and complies with 40 CFR 82.42;
- (3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(b), 40 CFR 82.42, and/or 40 CFR 82.166;
- (4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair unless the person has been properly trained and certified pursuant to 40 CFR 82.161 and unless the person uses equipment certified for that type of appliance pursuant to 40 CFR 82.158 and unless the person observes the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
- (5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
- (6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.  
[40 CFR 82; and, Chapter 62-281, F.A.C. (Chapter 62-281, F.A.C., is not federally enforceable)]

Chapter 62-296, F.A.C.

56. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

- (a) Open burning is determined by the Department to be the only feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; or
- (b) An emergency exists which requires immediate action to protect human health and safety; or
- (c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.

[Rule 62-296.320(3), F.A.C.]

58. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any emissions unit 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.

3. Reasonable precautions may include, but shall not be limited to the following:

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

4. In determining what constitutes reasonable precautions for a particular facility, the 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.

[Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

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