9/21/07

From:

Harvey, Mary

Sent:

Friday, September 21, 2007 3:59 PM

To:

'Penny Manuel, Gulf Power Company'; 'Mr. Glenn Waters, Gulf Power Company'; 'Mr. Tom

Davis, ECT, Inc.'; 'Ms. Kathleen Forney, EPA Region 4'; Bradburn, Rick

Cc:

Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject:

Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL`

Attachments: 0050014-012-AC - FINAL Transmittal Memo.PDF; 0050014-012-AC Appendix - AC -Minor-FINAL.PDF; 0050014-012-AC Final Determination.PDF; 0050014-012-AC Final Permit.PDF; 0050014-012-AC Notice of Final Permit.PDF; Signed Documents - Facility 0050014-012-

FINAL.pdf

Tracking:

Recipient

Delivery

Read

'Penny Manuel, Gulf Power Company

'Mr. Glenn Waters, Gulf Power Company'

'Mr. Tom Davis, ECT, Inc.'

'Ms. Kathleen Forney, EPA Region 4'

Bradburn, Rick Branum, Corrie Delivered: 9/21/2007 3:59 PM Read: 9/21/2007 4:00 PM

Delivered: 9/21/2007 3:59 PM Read: 9/21/2007 4:05 PM

Read: 9/21/2007 4:03 PM Adams, Patty Read: 9/21/2007 4:00 PM Gibson, Victoria

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Thank you,

DEP, Bureau of Air Regulation

From:

Waters, G. Dwain [GDWATERS@southernco.com]

· To:

undisclosed-recipients

Sent:

Subject:

Friday, September 21, 2007 3:59 PM Read: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Your message

To:

GDWATERS@southernco.com

Subject:

was read on 9/21/2007 3:59 PM.

From:

Bradburn, Rick

To:

Harvey, Mary

Sent:

Friday, September 21, 2007 4:00 PM

Subject:

Read: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

#### Your message

To:

'Penny Manuel, Gulf Power Company'; 'Mr. Glenn Waters, Gulf Power Company'; 'Mr. Tom Davis, ECT, Inc.'; 'Ms. Kathleen Forney,

EPA Region 4'; Bradburn, Rick

Cc:

Subject:

Branum, Corrie; Adams, Patty; Gibson, Victoria Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Sent:

9/21/2007 3:59 PM

was read on 9/21/2007 4:00 PM.

From:

Gibson, Victoria

To:

Harvey, Mary

Sent:

Friday, September 21, 2007 4:00 PM

Subject:

Read: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

#### Your message

To:

'Penny Manuel, Gulf Power Company'; 'Mr. Glenn Waters, Gulf Power Company'; 'Mr. Tom Davis, ECT, Inc.'; 'Ms. Kathleen Forney,

EPA Region 4'; Bradburn, Rick

Cc:

Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject:

Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Sent:

9/21/2007 3:59 PM

was read on 9/21/2007 4:00 PM.

From: Waters, G. Dwain [GDWATERS@southernco.com]

Sent: Friday, September 21, 2007 4:00 PM

To: Harvey, Mary; Manuel, Penny Morris; Mr. Tom Davis, ECT, Inc.; Ms. Kathleen Forney, EPA Region

4; Bradburn, Rick

Cc: Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject: RE: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Gulf Power has received the above reference permit. Thanks for your quick response. Dwain Waters

G. Dwain Waters, Q.E.P.

Special Projects and Environmental Assets Coordinator

Gulf Power Company One Energy Place

Pensacola, Florida 32520-0328

Phone. (850) 444-6527 Cell: (850) 336-6527 Fax: (850) 444-6217 gdwaters@southernco.com

**From:** Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]

Sent: Friday, September 21, 2007 2:59 PM

To: Manuel, Penny Morris; Waters, G. Dwain; Mr. Tom Davis, ECT, Inc.; Ms. Kathleen Forney, EPA Region

4; Bradburn, Rick

Cc: Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

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The Bureau of Air Regulation is issuing electronic documents for permits, notices and

From:

Adams, Patty

To:

Harvey, Mary

Sent:

Friday, September 21, 2007 4:03 PM

Subject:

Read: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

# Your message

To:

'Penny Manuel, Gulf Power Company'; 'Mr. Glenn Waters, Gulf Power Company'; 'Mr. Tom Davis, ECT, Inc.'; 'Ms. Kathleen Forney,

EPA Region 4'; Bradburn, Rick

Cc:

Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject:

Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Sent:

9/21/2007 3:59 PM

was read on 9/21/2007 4:03 PM.

From: To:

Branum, Corrie

Sent:

Harvey, Mary

Friday, September 21, 2007 4:06 PM

Subject:

Read: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

#### Your message

To:

'Penny Manuel, Gulf Power Company'; 'Mr. Glenn Waters, Gulf Power Company'; 'Mr. Tom Davis, ECT, Inc.'; 'Ms. Kathleen Forney,

EPA Region 4'; Bradburn, Rick

Cc:

Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject:

Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

Sent:

9/21/2007 3:59 PM

was read on 9/21/2007 4:05 PM.

From: Tom Davis [tdavis@ectinc.com]

Sent: Friday, September 21, 2007 4:30 PM

To: Harvey, Mary

Subject: RE: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

**From:** Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]

Sent: Friday, September 21, 2007 3:59 PM

To: Penny Manuel, Gulf Power Company; Mr. Glenn Waters, Gulf Power Company; Mr. Tom Davis, ECT, Inc.; Ms.

Kathleen Forney, EPA Region 4; Bradburn, Rick **Cc:** Branum, Corrie; Adams, Patty; Gibson, Victoria

Subject: Gulf Power Company - Lansing Smith Plant - Facility #0050014-012-AC-FINAL

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Thank you,

DEP, Bureau of Air Regulation

# Florida Department of **Environmental Protection**

TO:

Joseph Kahn, Division of Air Resource Management

THRU:

Trina Vielhauer, Bureau of Air Regulation Jeff Koerner, Air Permitting North Section

FROM:

Corrie Branum, Air Permitting North Section CB

DATE:

September 20, 2007

SUBJECT:

Project No. 0050014-012-AC

**Gulf Power Company Lansing Smith Plant** 

SNCR/HERT and MOBOTEC Projects

The Final Permit for this project is attached for your approval and signature, which authorizes Gulf Power Company to perform two demonstration projects to evaluate control technologies intended to reduce nitrogen oxides and mercury emissions. The existing power plant is located in Bay County at 4300 County Road 2300 in Lynn Haven, Florida. The project results in a minor source air construction permit and is not subject to PSD preconstruction review.

I recommend your approval of the attached Final Permit for this project.

Attachments

#### FINAL DETERMINATION

#### **PERMITTEE**

Gulf Power Company One Energy Place Pensacola, FL 32520-0328

#### PERMITTING AUTHORITY

Florida Department of Environmental Protection Division of Air Resource Management Bureau of Air Regulation, Air Permitting North Section 2600 Blair Stone Road, MS #5505 Tallahassee, Florida 32399-2400

#### **PROJECT**

Air Permit No. 0050014-012-AC Lansing Smith Plant

Gulf Power Company operates an existing electrical generating power plant (SIC No. 4911) located in Bay County at 4300 County Road 2300 in Lynn Haven, Florida. The UTM coordinates are Zone 16, 625.03 km east and 3349.08 km north. This air construction permit authorizes Gulf Power Company to perform two demonstration projects to evaluate control technologies for Units 1 and 2: SNCR/HERT for nitrogen oxides (NOx) and MOBOTEC with MinPlus for mercury.

#### NOTICE AND PUBLICATION

The Department distributed an Intent to Issue Permit package on August 15, 2007. The applicant published the Public Notice of Intent to Issue in <u>The News Herald</u> on September 3, 2007. The Department received the proof of publication on September 17, 2007.

#### **COMMENTS**

No comments were received from the Department's NWD Office, EPA Region 4 or the public.

#### **Applicant**

On September 11, 2007, the Department received comments from the applicant. The following summarizes the comments and the Department's response.

- 1. *Comment*: In Section 3, Subsection A, Condition No. 5, the applicant requests that the 14 day test window be extended to 30 days. *Response*: The Department agrees and incorporates this change.
- 2. *Comment*: In Section 3, Subsection B, Condition No. 4, the applicant requests that the test method description be revised, to allow methods other than a sorbent trap to determine mercury emissions. *Response*: The Department agrees and revised the condition to allow other equivalent methods.
- 3. *Comment*: In Section 3, Subsection B, Condition No. 6, the applicant requests that the report deadline date be extended to 60 days instead of 45 days after completing the MOBOTEC with MinPlus tests. *Response*: The Department agrees and revised accordingly.

#### CONCLUSION

The final action of the Department is to issue the permit with the corrections as described above.

# STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### NOTICE OF FINAL PERMIT

In the Matter of an Application for Permit by:

Gulf Power Company One Energy Place Pensacola, FL, 32520-0328 Authorized Representative:

Penny Manuel, Vice President and SPO

Air Permit No. 0050014-012-AC Lansing Smith Plant SNCR/HERT and MOBOTEC Projects Bay County

Enclosed is the final air construction permit, which authorizes Gulf Power Company to perform two demonstration projects to evaluate control technologies intended to reduce nitrogen oxides and mercury emissions. The proposed work will be conducted at the Lansing Smith Plant, which is located in Bay County at 4300 County Road in Lynn Haven, Florida. As noted in the attached Final Determination, only minor changes and clarifications were made to the permit as drafted. This permit is issued pursuant to Chapter 403, Florida Statutes.

Any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Tries of Vulhauer

Trina Vielhauer, Chief Bureau of Air Regulation

#### **CERTIFICATE OF SERVICE**

Ms. Penny Manuel, Gulf Power Company (pmmanuel@southernco.com)

Mr. Glenn Waters, Gulf Power Company (gdwaters@southernco.com)

Mr. Tom Davis, ECT, Inc. (tdavis@ectinc.com)

Ms. Kathleen Forney, EPA Region 4 (Forney, Kathleen@epa.gov)

Mr. Rick Bradburn, NWD Office (Rick.Bradburn@dep.state.fl.us)

Clerk Stamp

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

(Clerk)

#### FACILITY AND PROJECT DESCRIPTION

The purpose of this project is to authorize Gulf Power Company to conduct two temporary projects to evaluate control technologies intended to reduce NOx and mercury emissions for the Lansing Smith Plant. This facility is affected by the Clean Air Interstate Rule (CAIR) which regulates nitrogen oxides (NOx) emissions beginning in year 2009. Gulf Power's CAIR strategy for the Lansing Smith Plant includes the installation of a selective non-catalytic reduction (SNCR) system for Units 1 and 2. To determine the optimal urea injection locations for the SNCR system, Gulf Power will hire Advanced Combustion Technology to install a temporary SNCR rig and conduct high energy reagent technology (HERT) demonstration tests on Units 1 and 2 to assist in the development of the future control technologies.

The Lansing Smith Plant is also affected by the Clean Air Mercury Rule (CAMR), which requires statewide reductions in mercury emissions beginning in year 2010. Gulf Power is currently evaluating alternative mercury control technologies, including sorbent injection to increase mercury collection efficiencies from the existing pollution control equipment. Gulf Power has selected Reaction Engineering International to conduct a temporary demonstration project of MOBOTEC with MinPlus on Unit 2 to test the effectiveness for mercury collection. The test will be conducted to evaluate the best injection locations and furnance temperatures to achieve the maximum mercury reduction levels, so that an effective mercury reduction system can be designed.

This project affects the following existing emissions units.

EU No.	Description
001	Emissions Unit 001 is a tangentially fired, dry bottom boiler. It is rated at a maximum heat input of 1,944.8 MMBtu per hour when firing pulverized coal and 153 million British thermal units (MMBtu) per hour when firing distillate fuel oil. Pulverized coal is the primary fuel for the boiler and distillate fuel oil is used as a back-up fuel. This is a Phase II Acid Rain Unit which requires the installation and operation of continuous emissions monitors. Particulate matter emissions are controlled by a hot side (Buell Model # BAL 2X34N333-4-3P) and a cold side (General Electric Model # BE1.2X21(12)30-1.5-1.5-4.2P) electrostatic precipitator.
002	Emissions Unit 002 is a tangentially fired, dry bottom boiler. It is rated at a maximum heat input of 2,246.2 MMBtu per hour when firing pulverized coal and 76 MMBtu per hour when firing distillate fuel oil. Pulverized coal is the primary fuel for the boiler and distillate fuel oil is used as a back-up fuel. This is a Phase II Acid Rain Unit which requires the installation and operation of continuous emissions monitors. Particulate matter emissions are controlled by a hot side (Buell Model # BAL 2X34N333-4-3P) and a cold side (GE-ESI Model # BE2.1X(2-12's)(12)-30-111-4.3P) electrostatic precipitator.

#### REGULATORY CLASSIFICATION

- The facility is a major source of hazardous air pollutants.
- The facility has units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400 (PSD), F.A.C.



# Florida Department of Environmental Protection

Bob Martinez Center 2600 Blair Stone Road Tallahassee, Florida 32399-2400 Charlie Crist Governor

Jeff Kottkamp Lt. Governor

Michael W. Sole Secretary

9/21/2007

#### **PERMITTEE**

Gulf Power Company One Energy Place Pensacola, FL 32520-0328

Authorized Representative: Penny Manuel, Vice President and SPO Air Permit No. 0050014-012-AC Permit Expires: November 1, 2008

Lansing Smith Plant ARMS ID No. 0050014 SNCR/HERT and MOBOTEC Projects

#### PROJECT AND LOCATION

This permit authorizes Gulf Power Company to perform two demonstration projects to evaluate control technologies intended to reduce nitrogen oxides and mercury emissions. The proposed work will be conducted at the Lansing Smith Plant, which is an existing electrical generating power plant (SIC No. 4911). The facility is located in Bay County at 4300 County Road 2300 in Lynn Haven, Florida. The UTM coordinates are Zone 16, 625.03 km east, and 3349.08 km north.

#### STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department.

#### CONTENTS

Section 1. General Information

Section 2. Administrative Requirements

Section 3. Emissions Unit Specific Conditions

Section 4. Appendices

Executed in Tallahassee, Florida

Joseph Kahn, Director

Division of Air Resource Management

# **SECTION 2. ADMINISTRATIVE REQUIREMENTS**

- Permitting Authority: The permitting authority for this project is the Bureau of Air Regulation, Division of Air Resource Management, Florida Department of Environmental Protection (DEP). The Bureau of Air Regulation's mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. All documents related to applications for permits to operate an emissions unit shall be submitted to the Compliance Authority.
- Compliance Authority: All documents related to compliance activities such as reports, tests, and
  notifications shall be submitted to the Northwest District Office. The mailing address and phone number of
  the Northwest District Office is: 160 Governmental Center, Pensacola, Florida 32505 and Phone number
  (850) 595-8300.
- 3. <u>Appendices</u>: The following Appendices are attached as part of this permit: Appendix A. (Citation Formats and Glossary of Common Terms) and Appendix B. (General Conditions).
- 4. <u>Applicable Regulations, Forms and Application Procedures</u>: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application and current Title V air operation permit. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
- 5. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
- 6. <u>Modifications</u>: The permittee shall notify the Compliance Authority upon commencement of construction. No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
- 7. <u>Title V Permit</u>: The scope of this temporary project is to develop information in support of a permanent project. A future request for permanent authorization would require a new air construction permit and subsequent revision to the Title V air operation permit. [Rule 62-213.400, F.A.C.]

#### **SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

# A. SNCR/HERT Project

This section of the permit addresses the following emissions unit.

ID	Emission Unit Description
001	Boiler Number 1 (Phase II Acid Rain Unit)
002	Boiler Number 2 (Phase II Acid Rain Unit)

- 1. Other Permits: This permit supplements all other air construction and operation permits for the affected emissions units and does not alter any requirements from such previously issued air permits. The permittee shall comply with all applicable requirements in the current Title V air operation permit.
- 2. <u>Authorization</u>: The permittee is authorized to conduct the temporary demonstration project to evaluate the SNCR/HERT system for EU-001 and EU-002. Temporary equipment associated with this project includes a selective non-catalytic reduction system. [Application No. 0050014-012-AC]
- 3. <u>Compliance Authority</u>: At least 5 days prior to conducting the tests, the permittee shall provide a schedule of the test program to the Compliance Authority. The Compliance Authority may waive the 5-day advance notice requirement. The schedule may be updated as necessary.
- 4. NOx Emissions: Based on existing continuous emissions monitoring system (CEMS) data, the permittee shall determine the baseline NOx emissions before the demonstration project. During the tests, the permittee shall record the reagent injection rate for each injector location and load configuration. Based on CEMS data, the permittee shall determine the NOx emissions and control efficiencies for the demonstration equipment and each injector/load configuration.
- 5. <u>Test Schedule</u>: Once started, the test shall be completed within 30 days. If the permit has not expired, the permittee may request additional time to complete the testing program from the Bureau of Air Regulation.
- 6. Report: Within 45 days of completing the testing program, the permittee shall submit a report summarizing the following: test program and procedures, data collection methods, tested configurations, reagent injection rates and NOx reductions achieved. A copy of the report shall be submitted to the Compliance Authority.

#### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### B. MOBOTEC with MinPlus

This section of the permit addresses the following emissions unit.

IĐ	Emission Unit Description	
002	Boiler Number 2 (Phase II Acid Rain Unit)	

- 1. Other Permits: This permit supplements all other air construction and operation permits for the affected emissions units and does not alter any requirements from such previously issued air permits. The permittee shall comply with all applicable requirements in the current Title V air operation permit.
- 2. <u>Authorization</u>: The permittee is authorized to conduct the temporary demonstration project to evaluate the MOBOTEC with MinPlus system. Temporary equipment associated with this project includes a modified furnance/burner design and a dry sorbent injection consisting of a sorbent storage bin, a positive displacement blower, and rotary feeders. [Application No. 0050014-012-AC]
- 3. <u>Compliance Authority</u>: At least 5 days prior to conducting the tests, the permittee shall provide a schedule of the test program to the Compliance Authority. The Compliance Authority may waive the 5-day advance notice requirement. The schedule may be updated as necessary.
- 4. <u>Mercury Emissions</u>: The permittee shall determine the baseline mercury emissions prior to the demonstration project. During the tests, the permittee shall record the sorbent injection rate for each MOBOTEC/load configuration using the sorbent trap method or other equivalent methods. The permittee shall determine the mercury emissions and reductions for each configuration.
- 5. <u>Test Schedule</u>: Once stared, the tests shall be completed within 30 days. If the permit has not expired, the permittee may request additional time to complete the testing program from the Bureau of Air Regulation.
- 6. Report: Within 60 days of completing the MOBOTEC with MinPlus testing program, the permittee shall submit a report to the Bureau of Air Regulation summarizing the following: the test program and procedures data collection methods, tested configurations, sorbent injection rates, and mercury reductions achieved.

# **SECTION 4. APPENDICES**

# CONTENTS

Appendix A. Citation Formats and Glossary of Common Terms

Appendix B. General Conditions

#### SECTION 4. APPENDIX A

#### CITATION FORMATS AND GLOSSARY OF COMMON TERMS

#### CITATION FORMATS

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

#### Old Permit Numbers

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

Where: "AC" identifies the permit as an Air Construction Permit

"AO" identifies the permit as an Air Operation Permit "123456" identifies the specific permit project number

**New Permit Numbers** 

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

Where: "099" represents the specific county ID number in which the project is located

"2222" represents the specific facility ID number for that county

"001" identifies the specific permit project number

"AC" identifies the permit as an air construction permit

"AF" identifies the permit as a minor source federally enforceable state operation permit

"AO" identifies the permit as a minor source air operation permit

"AV" identifies the permit as a major Title V air operation permit

#### **PSD Permit Numbers**

Example: Permit No. PSD-FL-317

Where: "PSD" means issued pursuant to the preconstruction review requirements of the Prevention of Significant

Deterioration of Air Quality

"FL" means that the permit was issued by the State of Florida

"317" identifies the specific permit project number

#### Florida Administrative Code (F.A.C.)

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

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

#### Code of Federal Regulations (CFR)

Example: [40 CRF 60.7]

Means: Title 40, Part 60, Section 7

#### SECTION 4. APPENDIX B

#### **GENERAL CONDITIONS**

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

- 1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 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 and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- 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 or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- 7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
  - a. Have access to and copy and records that must be kept under the conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

- 8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - a. A description of and cause of non-compliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

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 403.73 and 403.111, F.S.. Such evidence

#### **SECTION 4. APPENDIX B**

#### GENERAL CONDITIONS

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