

# Department of Environmental Protection

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

## CERTIFIED MAIL

In the Matter of an Application  
for Permit by:

DEP File No.: AC14-244330  
OGC No.: 94-3613  
County: ~~Citrus~~ *DeSoto*

Mr. Dwight Daughtrey, Owner  
Dwight Daughtrey Construction, Inc.  
Route 3, Box 915  
Arcadia, Florida 33821

## INTENT TO ISSUE

The Department of Environmental Protection gives notice of its intent to issue a permit (copy attached) for the proposed project as detailed in the application specified above, for the reasons stated below. **Note, this Intent to Issue amends the previous Intent to Issue dated November 2, 1994 and is re-issued only to address a change in the manufacturer of the air curtain incinerator.**

The applicant, Dwight Daughtrey Construction, Inc., requested the Department on June 13, 1995, to change the manufacturer of the air curtain incinerator to be located at approximately 2 miles north of C.R. 769 and C.R. 761, southwest of Arcadia.

The Department has permitting jurisdiction under 403.087, Florida Statutes (F.S.). The project is not exempt from permitting procedures. The Department has determined that a construction permit is required for the proposed work.

The Department intends to issue this permit based on the belief reasonable assurances have been provided to indicate the proposed project will comply with the appropriate provisions of Florida Administrative Code (F.A.C.) Chapters 62-200 through 62-297 & 62-4.

Pursuant to Section 403.815, F.S. and Rule 62-103.150, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Notice of Intent to Issue Permit. The notice will be published one time only within 30 days, in the legal ad section of a newspaper of general circulation in the area affected. For the purposes of this rule "publication in a newspaper of general circulation in the affected area" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a

Page 1 of ~~4~~  
4

newspaper meets these requirements, please contact the Department at the address or telephone number listed above. The applicant shall provide proof of publication to the Department, at 3804 Coconut Palm Drive, Tampa Florida 33619 within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit.

The Department will issue the permit with the attached conditions unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S.

A person whose substantial interests are affected by this permit may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this intent. Petitions filed by other persons must be filed within 14 days of publication of the public notice or within 14 days of their receipt of this intent, whichever first occurs. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under section 120.57 Florida Statutes.

The Petition shall contain the following information;

- (a) The name, address, and the telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrants reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

P 079 948 260

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

P 079 948 262

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

**MS BARBARA BUCK  
ROUTE 3, BOX 910H  
ARCADIA FL 33821**

**MR & MRS ROBERT BARNWELL  
PO BOX 575  
NOCATEE FL 33864**

PS Form 3800, June 1985

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <b>JUL 06 1995</b>	

PS Form 3800, June 1985

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <b>JUL 06 1995</b>	

P 079 948 261

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(See Reverse)

P 079 948 263

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

**MS SUE ANN EAGLETON  
3230 E FORREST LAKE DR  
SARASOTA FL 34232**

**MR JOHN MARIN  
6957 SW COUNTY ROAD 769  
ARCADIA FL 33821**

PS Form 3800, June 1985

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <b>JUL 06 1995</b>	

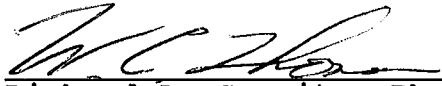
PS Form 3800, June 1985

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If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice, in the Office of General Counsel at the above address of the Department. Failure to petition within the allotted time frame constitutes a waiver of any rights such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

Executed in Tampa, Florida

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
For Richard D. Garrity, Ph.D.  
Director of District Management

Attachments

cc: Mr. J. Mark Privette, P.E.  
Cyrix Engineering, Inc.  
5899 Whitfield Avenue, Suite #200-A  
Sarasota, FL 34239

Mr. Don Cameron  
Charlotte Citizens Against Pollution, Inc.  
34951 Washington Loop Road  
Punta Gorda, FL 33982

Ms. Barbara Buck  
Route 3, Box 910 H  
Arcadia, FL 33821

Ms. Sue Ann Eagleton  
3220 East Forrest Lake Drive  
Sarasota, FL 34232

Mr. & Mrs. Robert Barnwell  
P.O. Box 575  
Nocatee, FL 33864

Mr. John Marin  
6957 S.W. County Road 769  
Arcadia, FL 33821

Mr. Douglas M. Wyckoff, Esq.  
Charlotte County Administration Center  
18500 Murdock Circle  
Port Charlotte, FL 33948-1094

Mr. W. Douglas Beason, Esq.  
Florida Department of Environmental Protection  
Office of General Counsel  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this INTENT TO ISSUE and all copies were mailed by certified mail before the close of business on JUL 06 1995 to the listed persons.

P 079 948 264

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

MR DOUGLAS WYCKOFF, ESQ  
CHARLOTTE CO ADMIN CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE FL 33948

FILING AND ACKNOWLEDGEMENT FILED, on this date, pursuant to Section 120.52(11), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Sharilyn Quispe  
Clerk

JUL 06 1995

Date

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	JUL 06 1995

P 079 948 258

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

Z 175 923 514



**Receipt for Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

MR J. MARK PRIVETTE  
CYRIX ENGINEERING INC  
5899 WHITFIELD AVENUE  
SUITE 200-A  
SARASOTA FL 34239

MR DWIGHT DAUGHTREY  
DWIGHT DAUGHTREY  
CONSTRUCTION INC  
ROUTE 3, BOX 915  
ARCADIA FL 33821

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
<b>JUL 06 1995</b>	

PS Form 3800, June 1985

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	
<b>JUL 27 1995</b>	

PS

P 079 948 257

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

MR DWIGHT DAUGHTREY  
D. DAUGHTREY CONST INC  
ROUTE 3, BOX 915  
ARCADIA FL 33821

P 079 948 259

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

MR DON CAMERON  
CHARLOTTE CITIZENS  
AGAINST POLLUTION INC  
34951 WASHINGTON LOOP RD  
PUNTA GORDA FL 33982

Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
<b>JUL 06 1995</b>	

PS Form 3800, June 1985

Special Delivery Fee	
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Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
<b>JUL 06 1995</b>	

PS Form 3800, June 1985

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives re-notice of its intent to issue an air pollution permit (Permit File No. AC14-244330) to Dwight Daughtrey Construction, Inc. for the construction of an air curtain incinerator to burn a maximum of 4.5 tons/hr. at approximately 2 miles north of the intersection of C.R. 769 & C.R. 761 and on the west side of C.R. 761, southwest of Arcadia. This re-notice addresses only a change in the manufacturer of the air curtain incinerator. The original NOTICE OF INTENT TO ISSUE PERMIT was published in The Tampa Tribune's Heartland edition on November 13, 1994. MAILING ADDRESS - Route 3, Box 915, Arcadia, Florida 33821 to the attention of Mr. Dwight Daughtrey.

A Best Available Control Technology (BACT) determination was not required.

A person whose substantial interests are affected by this proposed permitting decision may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of publication of this notice. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57 Florida Statutes.

The Petition shall contain the following information; (a) The name, address, and the telephone number of each petitioner, the applicant's name and address, the Department Permit File Number and the county in which the project is proposed; (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrants reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit. Persons whose substantial interests will be affected by any decision of the Department with regard to

the application have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice, in the Office of General Counsel at the above address of the Department. Failure to petition within the allotted time frame constitutes a waiver of any rights such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 8407 Laurel Fair Boulevard, Tampa, Florida.





# Department of Environmental Protection

Lawton Chiles  
Governor

# DRAFT

Southwest District  
80 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

**PERMITTEE:**

Dwight Daughtrey Construction, Inc.  
Route 3, Box 915  
Arcadia, FL 33821

**PERMIT/CERTIFICATION:**

Permit No.: AC14-244330  
County: DeSoto  
Expiration Date: 09/07/97  
Project: Air Curtain  
Incinerator

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-200 through 62-297 & 62-4. 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 department and made a part hereof and specifically described as follows:

For the construction of an Air Burners, Inc., Model T-359, air curtain incinerator with a 10' wide X 11' deep X 35' long clay strata burning pit. The incinerator has a maximum charging rate of 4.5 tons/hour of wood waste (trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets). Emissions are controlled by forced air at a very high static pressure over and around the pit. Power to the fan is supplied by a diesel engine. The air flow (air curtain) is delivered to the burning pit by a 35' air manifold. Fires will be started only with virgin oil, natural gas, or liquified petroleum gas.

Location: Approximately 2 miles north of the intersection of C.R. 769 and C.R. 761, southwest of Arcadia

UTM: 17-402.0E 3001.2N NEDS No.: 0011 POINT ID: 01

Replaces Permit No.: N/A

PERMITTEE:  
Dwight Daughtrey Construction, Inc.

PERMIT No.: AC14-244330  
PROJECT: Air Curtain  
Incinerator

**DRAFT**

SPECIFIC CONDITIONS:

1. A part of this permit is the attached 15 General Conditions. [Rule 62-4.160, F.A.C.]
2. All applicable rules of the Department and design discharge limitations specified in the application must be adhered to. The permit holder may also need to comply with county, municipal, federal, or other state regulations prior to construction. [Rule 62-4.070(7), F.A.C.]
3. At the request of the permittee dated October 3, 1994, the maximum charging rate to the incinerator shall not exceed 4.5 tons/hr. (daily average).
4. At the request of the permittee dated October 3, 1994, the operating (charging) hours shall not exceed 1,088 hrs./yr.
5. Outside of start-up periods, no visible emissions (5% opacity) shall be allowed except that visible emissions up to 20% opacity will be allowed for up to three minutes in any one hour, pursuant to Rule 62-296.401(6)(a), F.A.C.
6. During the start-up periods, which shall not exceed the first thirty (30) minutes of operation, an opacity of up to 35 percent, averaged over a six minute period, shall be allowed, pursuant to Rule 62-296.401(6)(b), F.A.C.
7. The general excess emissions rule of Rule 62-210.700, F.A.C., to handle start-ups, shutdowns, and malfunctions, shall not apply to this air curtain incinerator, pursuant to Rule 62-296.401(6)(c), F.A.C.
8. The only materials that can be burned are wood waste consisting of trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets. [Rule 62-296.401(6)(e), F.A.C.]
9. The burning of sawdust, paper, trash, tires, garbage, plastics, liquid wastes, chemically treated or painted wood, and other similar materials is expressly prohibited pursuant to Rule 62-296.401(6)(f), F.A.C.
10. Only virgin oil, natural gas, or liquified petroleum gas may be used to start the fire. The use of waste oil, chemicals, gasoline or tires is prohibited, pursuant to Rule 62-296.401(6)(g), F.A.C.

# DRAFT

PERMITTEE:  
Dwight Daughtrey Construction, Inc.

PERMIT No.: AC14-244330  
PROJECT: Air Curtain  
Incinerator

11. In no case shall the air curtain incinerator be started before sunrise and all charging must be completely stopped before sunset, pursuant to Rule 62-296.401(6)(h), F.A.C.
12. The pit shall be no longer than the length of the air curtain incinerator manifold (35 ft.), pursuant to Rule 62-296.401(6)(d), F.A.C.
13. The incinerator must be located at least three hundred (300) feet from any pre-existing occupied building located off site, pursuant to Rule 62-296.401(6)(j), F.A.C.
14. Air curtain incinerators used at landfills may not be operated within 1000 feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gate or check-in station [Rule 62-296.401(6)(k), F.A.C.].
15. The material shall not be loaded into the air curtain incinerator such that it will protrude above the air curtain, pursuant to Rule 62-296.401(6)(l), F.A.C.
16. Ash shall not be allowed to build up in the pit to higher than  $\frac{1}{3}$  the pit depth or to the point where the ash begins to impede combustion, whichever occurs first, pursuant to Rule 62-296.401(6)(m), F.A.C.
17. A detailed operation and maintenance (O & M) guide must be available to the operators at all times and the permittee must provide the proper training to all operators before they work at the incinerator, pursuant to Rule 62-296.401(6)(n), F.A.C. Each trained operator will receive a certificate demonstrating that the operator has successfully passed the training required by the O & M guide. A copy of this certificate will be kept on file and be made available to the Department upon request pursuant to Rule 62-4.070(3), F.A.C.
18. No objectionable odors will be allowed, as per Rule 62-296.401(1)(b), F.A.C.

# DRAFT

PERMITTEE:  
Dwight Daughtrey Construction, Inc.

PERMIT No.: AC14-244330  
PROJECT: Air Curtain  
Incinerator

19. Pursuant to Rule 62-4.070(3), F.A.C., a daily operating log shall be kept and at a minimum contain the following:

- A. Date
- B. Total charges
- C. Total material (in tons) charged
- D. Daily operating hours which includes the start of initial combustion to the time of last charging the incinerator. (Start and Stop Times)
- E. At the end of each month provide a calendar year cumulative total for the hours of operation to ensure the 1088 hrs./yr. limitation is not exceeded.
- F. Daily average hourly charging rate
- G. Type of Maintenance Performed
- H. Comments
- I. Operator's signature

The log shall be maintained at the facility for at least 2 years and shall be made available to the Department at all times.

20. All reasonable precautions shall be taken to prevent and control generation of unconfined emissions of particulate matter in accordance with the provision in Rule 62-296.310(3), F.A.C. These provisions are applicable to any source, including, but not limited to vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. Reasonable precautions shall include the following:

- Ash will be moved from the pit bottom using a front-end loader. Prior to removal, the ash will be wetted with water.
- Water will be applied as necessary to the plant grounds.

21. In order to ensure the visible emission limitations are not exceeded and objectionable odors are not generated, the air curtain incinerator's fan shall continue to operate after the last charge of each day until all combustion has ceased. For the purposes of this condition, "combustion" means the presence of any flames or smoke. [Rule 62-4.070(3), F.A.C.]

22. The permittee shall notify this office in writing of the date the incinerator is placed in operation within 7 calendar days of that date. [Rule 62-4.070(3), F.A.C.]

# DRAFT

PERMITTEE:  
Dwight Daughtrey Construction, Inc.

PERMIT No.: AC14-244330  
PROJECT: Air Curtain  
Incinerator

23. The incinerator shall be tested for visible emissions within 30 days after it is placed in operation. The test report shall be submitted within 45 days of testing to the Southwest District Office of the Department in conjunction with an operating permit application. [Rules 62-297.340(1)(a) and 62-297.570(2), F.A.C.]

24. Testing of emission must be conducted within 90-100% of the maximum allowable charging rate\* of 4.5 tons/hr. A compliance test submitted at a rate less than 90% of the maximum permitted charging rate will automatically constitute an amended permitted charging rate at that lesser rate, plus 10%. Within 30 days of that lower amended permitted charging rate being exceeded by more than 10%, a new compliance test shall be conducted at the higher rate. The test results shall be submitted to the Southwest District Office of the Department within 45 days of testing. Acceptance of the test by the Department will automatically constitute an amended permit at the higher charging tested rate, plus 10%, but in no case shall the maximum permitted charging rate of 4.5 tons/hr. be exceeded. The emission limitations in Specific Condition Nos. 5 and 6 shall not change. [Rule 62-4.070(3), F.A.C.]

\* Charging rate is defined as the time from the initial combustion to the time of the last material placed in the incinerator for the first 60-minute period and the amount of material placed in the incinerator for any 60-minute period thereafter.

25. Testing of emissions must be accomplished when the air curtain incinerator is charged with a mixture of materials as listed in Specific Condition No. 8. The visible emission test report shall include the charging rate, description of material burned, starter fuel used, and a copy of the daily operating log for the test day. The DEP Method No. 9 test interval on this source shall be at least 90 minutes. The visible emission test shall begin upon initial combustion and include the first 90 minutes of the burn (30 minutes start-up and 60 minutes normal operation). [Rule 62-4.070(3), F.A.C.]

26. The permittee shall notify the Southwest District Office of the Department at least 15 days prior to the date on which each formal compliance test is to begin of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted. [Rule 62-297.340(1)(i), F.A.C.]

# DRAFT

PERMITTEE:  
Dwight Daughtrey Construction, Inc.

PERMIT No.: AC14-244330  
PROJECT: Air Curtain  
Incinerator

27. An application for an operating permit shall be submitted to the Southwest District Office of the Department within 45 days of testing or at least 180 days prior to the expiration date of this permit, whichever occurs first. To properly apply for an operation permit, the applicant shall submit the appropriate application form, fee, certification that construction was completed (noting any deviations from the construction permit application), and compliance test reports as required by this permit. [Rules 62-4.220 and 62-297.340(1)(a), F.A.C.]

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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Richard D. Garrity, Ph.D.  
Director of District Management

# DRAFT

## ATTACHMENT - 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, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
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 the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgement 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 Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed 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:

# DRAFT

## GENERAL CONDITIONS:

- a. Have access to and copy any 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 Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 17-4.120 and 17-730.300, 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.



# DRAFT

## GENERAL CONDITIONS:

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
  - ( ) Determination of Best Available Control Technology (BACT)
  - ( ) Determination of Prevention of Significant Deterioration (PSD)
  - ( ) Compliance with New Source Performance Standards (NSPS)
14. The permittee shall comply with the following:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - the date, exact place, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements;
    - the dates analyses were performed;
    - the person responsible for performing the analyses;
    - the analytical techniques or methods used; and
    - 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.