



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

July 31, 2001

David B. Struhs
Secretary

Mr. John T. Duff
Vice President - Power Operations
Hardee Power Partners
P.O. Box 111
Tampa, FL 33601-0111

Re: DRAFT Title V Permit Revision No.: 0490015-003-AV
Hardee Power Station

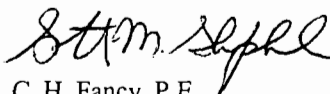
Dear Mr. Duff:

One copy of the DRAFT Title V Air Operation Permit Revision for the Hardee Power Station, located on County Road 663, Fort Green Springs, Hardee County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION" and the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION" must be published as soon as possible upon receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (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 revision.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Russell Wider at 850/921-9585.

Sincerely,


for C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CHF/sms/raw

Enclosures

cc: Mr. Gregg Worley, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)
Ms. Elizabeth Bartlett, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

"More Protection, Less Process"

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1. Article Addressed to:
 Mr. John T. Duff
 Vice President - Power
 Operations
 Hardee Power Partners
 P.O. Box 111
 Tampa, Florida 33601-0111

COMPLETE THIS SECTION ON DELIVERY

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 X *Sue Wilson* Agent
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Jeb Bush
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Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

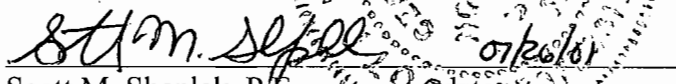
P.E. Certification Statement

Permittee:
Hardee Power Partners, Limited
Hardee Power Station

DRAFT Permit Revision No.: 0490015-003-AV
Facility ID No.: 0490015

Project type: Title V Air Operation Permit Revision

I HEREBY CERTIFY that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).


Scott M. Sheplak, P.E.
Registration Number: 0048866

Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/921-9532
Fax: 850/922-6979

In the Matter of an
Application for Permit Revision by:

Hardee Power Partners, Ltd.
P.O. Box 111
Tampa, FL 33601-0111

DRAFT Title V Permit Revision No.: 0490015-003-AV
Hardee Power Station
Hardee County

INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision (copy of DRAFT Permit revision enclosed) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Hardee Power Partners, applied on January 19, 2001, to the permitting authority for a Title V air operation permit revision for the Hardee Power Station, located on County Road 663, Fort Green Springs, Hardee County. The revision reflects the addition of a simple cycle, dual fuel, General Electric Model 7EA combustion turbine (CT-2B) with electrical generator (75 MW). The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-213, and 62-214, F.A.C. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V air operation permit revision is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V air operation permit revision based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" 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 revision. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/922-6979), within 7 (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 revision pursuant to Rule 62-110.106, F.A.C.

The permitting authority will issue the Title V PROPOSED Permit Revision, and subsequent Title V FINAL Permit Revision, in accordance with the conditions of the attached Title V DRAFT Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed permit revision issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for

public inspection. If written comments received result in a significant change in this DRAFT Permit Revision, the permitting authority shall issue another DRAFT Permit Revision and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of how and when each petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;

(f) A demand for relief.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation will not be available in this proceeding.

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection for a variance from or waiver of the requirements of particular rules, on certain conditions, under Section 120.542, F.S. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver

does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

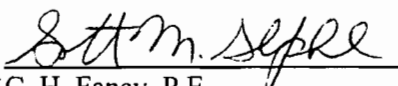
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**


for C. H. Fancy, P.E.
Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION (including the PUBLIC NOTICE and the DRAFT permit revision) and all copies were sent by certified mail before the close of business on 8/6/01 to the person(s) listed:

Mr. John T. Duff, Hardee Power Partners, Ltd.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION (including the PUBLIC NOTICE and the DRAFT permit revision) were sent by U.S. mail on the same date to the person(s) listed:

Mr. Thomas W. Davis, P.E., Environmental Consulting & Technology, Inc.
Mr. Bill Thomas, DEP SW District Office

8/6/01 cc = Reading File
Russell Wicker

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.

Rubena J. Friday 8/6/01
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit Revision No.: 0490015-003-AV

Hardee Power Station
Hardee County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision for the Hardee Power Station, located on County Road 663, Fort Green Springs, Hardee County. The revision reflects the addition of an additional simple cycle, dual fuel, General Electric Model 7EA combustion turbine (CT-2B) with electrical generator (75 MW). The applicant's name and address are: Mr. John T. Duff, Vice President - Power Operations, Hardee Power Partners, Limited, P.O. Box 111, Tampa, FL 33601-011.

The permitting authority will issue the Title V PROPOSED Permit Revision, and subsequent Title V FINAL Permit Revision, in accordance with the conditions of the Title V DRAFT Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Revision, the permitting authority shall issue another DRAFT Permit Revision and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address and telephone number of the petitioner; name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency determination;

(c) A statement of how and when the petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and

(f) A demand for relief.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file 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:

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/488-0114
Fax: 850/922-6979

Affected Local Program:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100
Fax: 813/744-6804

The complete project file includes the DRAFT Permit Revision, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

STATEMENT OF BASIS

Hardee Power Partners, Limited

Hardee Power Station

Facility ID No. 0490015

Hardee County

Title V Air Operation Permit

DRAFT Permit Revision No. 0490015-003-AV

This permit is for the operation of the Hardee Power Station located on County Road 663, Fort Green Springs, in Hardee County; UTM Coordinates: Zone 17, 404.8 km East and 3,057.4 km North; Latitude: 22° 38' 02" North and Longitude: 81° 38' 02" West.

Hardee Power Partners, Limited (HPP) operates a nominal 295 megawatt (MW) electric generation facility located approximately nine miles northwest of Wauchula in Hardee County, Florida. The Hardee Power Station is comprised of three identical General Electric (GE) 7111EA combustion turbines CT-1A, CT-1B, and CT-2A and a fourth combustion turbine CT-2B, which is a GE PG7121 7EA dual fuel simple cycle unit. CT-1A and 1B are each equipped with a heat recovery steam generator (HRSG) which feed one, common steam turbine (ST). CT-2A is a simple cycle combustion turbine (CT). CT-2B has a nominal power production output of 75 MW. The facility utilizes pipeline natural gas as its primary fuel source with No. 2 distillate fuel oil serving as a backup fuel. The CT's are subject to 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines and are permitted under PSD-FL-140A and PA-89-25. As described in PA-89-25SA, the facility may expand to an ultimate generating capacity of 880 MW (nominal net).

The maximum permitted heat input rate to each CT is 1,312.3 MMBtu/hr while firing oil, and 1,268.4 MMBtu/hr while firing natural gas.

These emission units are regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(7)(b)38., F.A.C.; NSPS - 40 CFR 60 Subpart A; Rule 212.400, F.A.C., Prevention of Significant Deterioration; PSD-FL-140; The units are not affected by the Acid Rain Program since they meet the requirements of 40 CFR 72.6(b)(6).

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

Based on the initial Title V permit application received June 13, 1996, this facility is a major source of hazardous air pollutants (HAPs).

Hardee Power Partners, Limited
Hardee Power Station
Facility ID No. 0490015
Hardee County

Title V Air Operation Permit
DRAFT Permit Revision No.: 0490015-003-AV

Permitting Authority:

State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
Title V Section

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Telephone: 850/488-1344
Fax: 850/922-6979

Compliance Authority:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218

Title V Air Operation Permit
DRAFT Permit Revision No. 0490015-003-AV

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Permittee:
Hardee Power Partners
P.O. Box 111
Tampa, Florida 33601-0111

DRAFT Permit Revision No. 0490015-003-AV
Facility ID No. 0490015
SIC Nos. 49, 4911
Project: Title V Air Operation Permit Revision:
Combustion Turbine CT-2B

This permit revision is for the purpose of incorporating the terms and conditions of the air construction permit, No. PSD-FL-140A, for a simple cycle combustion turbine (CT) #CT-2B; and is located at the existing Hardee Power Station. Hardee Power Station is located on County Road 663, Fort Green Springs, in Hardee County; UTM Coordinates: Zone 17, 404.8 km East and 3,057.4 km North; Latitude: 22° 38' 02" North and Longitude: 81° 38' 02" 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 G-1, Manufacturer's Performance Curves
Appendix U-1, List of Unregulated Emissions Units and Activities
Appendix I-1, List of Insignificant Emissions Units and Activities
APPENDIX TV-1, TITLE V CONDITIONS (version dated 12/02/97)
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)
TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/07/96)
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS EMISSION AND
MONITORING SYSTEM PERFORMANCE REPORT (version dated 07/96)

Effective Date: June 20, 1999

Revision Effective Date:

Renewal Application Due Date: December 23, 2003

Expiration Date: June 20, 2004

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/sms/raw

Section I. Facility Information.

Subsection A. Facility Description.

Hardee Power Partners, Limited (HPP) operates a nominal 370 megawatt (MW) electric generation facility located approximately nine miles northwest of Wauchula in Hardee County, Florida. The Hardee Power Station is comprised of three identical General Electric (GE) 7111EA combustion turbines CT-1A, CT-1B, and CT-2A and a General Electric Model No. PG7121 7EA combustion turbine, CT-2B. CT-1A and 1B are each equipped with a heat recovery steam generator (HRSG) which feed one, common steam turbine (ST). CT-2A and CT-2B are each simple cycle combustion turbines (CTs). The facility utilizes pipeline natural gas as its primary fuel source with No. 2 distillate fuel oil serving as a backup fuel. The CT's are subject to 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines and are permitted under PSD-FL-140, PSD-FL-140A and PA-89-25. As described in PA-89-25SA, the facility may expand to an ultimate generating capacity of 880 MW (nominal net).

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

Based on the initial Title V permit application received June 13, 1996, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Units

E.U. ID

<u>No.</u>	<u>Brief Description</u>
001	Combustion Turbine 1A
002	Combustion Turbine 1B
003	Combustion Turbine 2A
004	Combustion Turbine 2B

Subsection C. Relevant Documents

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

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 the permitting authority:

Initial Title V Permit Application received June 13, 1996

Section II. Facility-wide Conditions

The following conditions apply facility-wide:

1. APPENDIX TV-1, TITLE V CONDITIONS, is a part of this permit.

{Permitting note: APPENDIX TV-1, TITLE V CONDITIONS, is distributed to the Permittee only. Other persons requesting copies of these conditions shall be provided a 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.]

{Permitting Note: Although the Permittee is not required to perform a visible emissions compliance test to demonstrate compliance with the facility-wide limitations annually or before renewal, if the Department believes that the general visible emissions standard is being violated, the Department may require that the owner or operator perform a visible emissions compliance test per Chapter 62-297.310(7)(b), Special Compliance Tests.}

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.

[40 CFR 68]

5. Unregulated Emissions Units and Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.

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

6. 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.]

7. General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions. The Permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

[Rule 62-296.320(1)(a), F.A.C.]

8. Reasonable precautions shall be taken to prevent emissions of unconfined particulate matter at this facility shall be taken as necessary.

[Rule 62-296.320(4)(c)2., F.A.C.]

9. 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.]

10. The Permittee shall submit all compliance related notifications and reports required of this permit to the Department's Southwest District office:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-8218
Telephone: 813/744-6100, Fax: 813/744-6084

11. 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
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155, Fax: 404/562-9164

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

Section III. Emissions Units and Conditions.

Subsection A. This section addresses the following emissions unit(s).

E.U.

<u>ID No.</u>	<u>Brief Description</u>
001	Combustion Turbine 1A
002	Combustion Turbine 1B
003	Combustion Turbine 2A

Hardee Power Partners, Limited (HPP) operates a nominal 370 megawatt (MW) electric generation facility located approximately nine miles northwest of Wauchula in Hardee County, Florida. The Hardee Power Station is comprised of three identical General Electric (GE) model PG-7111EA combustion turbines (CT-1A, CT-1B, and CT-2A) and a GE model PG-7121EA combustion turbine with electrical generation (75 MW). CT-1A and 1B are each equipped with a heat recovery steam generator (HRSG) which feed one, common steam turbine (ST). CT-2A and CT-2B are simple cycle combustion turbines (CTs). CT-1A and CT-2A are each equipped with a stack to bypass each unit's HRSG.

The facility utilizes pipeline natural gas as its primary fuel source with No.2 distillate fuel oil serving as a backup fuel. The CT's are subject to 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, and are permitted under PSD-FL-140 and PA-89-25. The facility may expand to an ultimate generating capacity of 880 MW (nominal net). Water injection is used to reduce NO_x emissions. The maximum permitted heat input rate to each CT is 1,312.3 MMBtu/hr while firing oil, and 1,268.4 MMBtu/hr while firing natural gas.

{Permitting notes: These emission units are regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(7)(b)38., F.A.C.; NSPS - 40 CFR 60 Subpart A; Rule 212.400, F.A.C., Prevention of Significant Deterioration; PSD-FL-140; The units are not affected by the Acid Rain Program since they meet the requirements of 40 CFR 72.6(b)(6).}

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

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum heat input to each combustion turbine at an ambient temperature of 32°F shall not exceed 1,312.3 MMBtu/hr while firing fuel oil, nor 1,268.4 MMBtu/hr while firing natural gas.
[PSD-FL-140]

A.2. Methods of Operation - Fuels. The only fuels to be burned in this unit are natural gas or No. 2 fuel oil. The annual average sulfur content of the fuel oil shall not exceed 0.3 percent by weight; the maximum sulfur content shall not exceed 0.5%.
[Rules 62-213.440(1), F.A.C.; PSD-FL-140]

A.3. Hours of Operation.

This emissions unit is allowed to operate continuously, i.e., 8,760 hours per year.

[Rule 62-210.400, F.A.C.]

Emission Limitations and Standards

{Permitting Note: The attached 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. Nitrogen Oxides. NO_x emissions from each CT shall not exceed:

- a. 42 ppmvd at 15% O₂ and 215.9 lb./hour while firing natural gas;
- b. 65 ppmvd at 15% O₂ and 383.8 lb./hour while firing fuel oil.

[PSD-FL-140]

A.5. Sulfur Dioxide. SO₂ emissions from each CT shall not exceed 35.8 lb./hour while firing natural gas and 734.4 lb./hour while firing fuel oil.

[PSD-FL-140]

A.6. Particulate Matter/PM₁₀. PM/PM₁₀ emissions from each CT shall not exceed 5 lb./hour while firing natural gas and 10 lb./hour while firing fuel oil.

[PSD-FL-140]

A.7. Carbon Monoxide. CO emissions from each CT shall not exceed 10 ppmvd and 31.3 lb/hr while firing natural gas and 26 ppmvd and 93.4 lb/hr while firing fuel oil.

[PSD-FL-140]

A.8. Volatile Organic Compounds. VOC emissions from each CT shall not exceed 2 ppmvd and 3.6 lb/hr while firing natural gas and 5 ppmvd and 10.3 lb/hr while firing fuel oil.

[PSD-FL-140]

A.9. Visible Emissions. Visible emissions from each CT shall not exceed 10 percent opacity while burning natural gas and 20 percent opacity when burning fuel oil.

[PSD-FL-140]

Monitoring Requirements

A.10. CMS Requirements. The Permittee shall install, operate, and maintain a continuous monitoring system (CMS) to monitor and record the fuel consumption, the ratio of water to fuel being fired in the turbine. The system shall be accurate to within ± 5.0 percent and shall be approved by the Department.

[40 CFR 60.334(a)]

A.11. Critical Fuel Parameters. The Permittee shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. Pursuant to the custom monitoring schedule provisions of 40 CFR 60.334(b)(2), the frequency of determination of these values shall be as follows:

a. Monitoring of the nitrogen content of No. 2 fuel oil is not required. Sulfur content of distillate fuel oil shall be determined for each shipment of No. 2 fuel oil received; and

b. Monitoring of the nitrogen content of pipeline natural gas is not required. Sulfur content of pipeline natural gas will be based on twice-monthly analyses provided by the natural gas supplier.

[40 CFR 60.334(b)(1)&(b)(2)]

Test Methods & Procedures

A.12. Testing of emissions shall be conducted with the source operating at capacity. Capacity is defined as 90 to 100 percent of the manufacturer's rated heat input achievable for the average ambient (or conditioned) air temperature during the test. If it is impracticable to test at capacity, then sources may be tested at less than capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Data, curves, and calculations necessary to demonstrate the heat input rate correction at both design and test conditions shall be submitted to the Department with the compliance test report. If testing shows that NO_x emissions exceed the Subpart GG standard when operating at capacity, the Department may require a performance test in accordance with 40 CFR 60.335 testing procedures.

[Rule 62-4.070(3), F.A.C. and 40 CFR 60.8(a)]

A.13. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

[Rule 62-297.310(1), F.A.C.]

A.14. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

A.15. Applicable Test Procedures.

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.

Exceptions to these requirements are as follows:

- a. (not applicable)
 - b. (not applicable)
 - c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
- (b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.
- (c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
- (d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1. (See attachment.)
- (e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.
[Rule 62-297.310(4), F.A.C.]

A.16. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
[Rule 62-297.310(7)(b), F.A.C., SIP approved]

A.17. Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.
[Rule 62-297.310(7)(c), F.A.C., SIP approved]

A.18. An annual compliance test shall be performed on each CT if the CT operated for more than 400 hours in the preceding 12-month period. Annual compliance tests shall be performed on the CT's while firing natural gas if No. 2 fuel oil was used for 400 hours or less in the preceding 12-month period. Annual compliance tests shall be performed on the CTs while firing No. 2 fuel oil if the No. 2 fuel was used for more than 400 hours in the preceding 12-month period. Tests shall be conducted using the following EPA reference methods in accordance with 40 CFR 60, Appendix A, as adopted by reference in Chapter 62-297, F.A.C.:

- a. Reference Method 5, 5B or 17 for PM (oil only).
- b. Reference Method 9 for VE.
- c. Reference Method 10 for CO.
- d. Reference Method 20 for NOx.
- e. Reference Method 25A for VOC.

f. Other methods may be used for compliance testing after obtaining prior Departmental approval, in writing.

[Rule 62-297.310(7)(a)(4), F.A.C., PSD-FL-140]

A.19. Sulfur Content. The Permittee shall determine compliance with the sulfur content standard in 40 CFR 60.333(b) as follows: ASTM D 2880-96, or more recent version, shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-90(94)E-1, D 3031-81(86), D 4084-94, or D 3246-92, or more recent versions, shall be used for the sulfur content of gaseous fuels (incorporated by reference - see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases.

Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of the Department.

[40 CFR 60.335(d)]

A.20. To meet the requirements of 40 CFR 60.334(b), the owner or operator shall use the methods specified in 40 CFR 60.335 (a) and 40 CFR 60.335(d) of 40 CFR 60.335 to determine the nitrogen and sulfur contents of the fuel being burned. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.

[40 CFR 60.335(e)]

A.21. These emissions units are also subject to conditions C.1. through C.20., contained in **Subsection C. Common Conditions.**

Special Conditions

S.1. On or before April 1 of each year, the Permittee shall submit to DARM and the Department's Southwest District Office an annual report for the previous year showing:

1. The annual average capacity factor (CF) for each individual generating unit;
2. The cumulative lifetime average CF for each individual generating unit;
3. The annual average CF for the Hardee Power Station; and,
4. The cumulative lifetime average CF for the Hardee Power Station.

The annual average CF shall be calculated by dividing each unit's megawatt hours output of generation by the product of the official megawatt rating of the unit and the number of hours in a year. Cumulative lifetime average CF shall be calculated by dividing the cumulative total of megawatt hours output of generation by the product of the official combined cycle megawatt rating and the cumulative period of hours since commercial operation.

[PSD-FL-140]

S.2. To determine compliance with the capacity factor condition, the Permittee shall maintain daily records of power generation for each turbine.

[PSD-FL-140]

S.3. Should any annual report demonstrate that the cumulative lifetime CF for the Hardee Power Station exceeds 60% at any time, the Permittee shall install SCR or another technology of equal or greater NO_x reduction capability. In no event shall any such SCR or equivalent NO_x control technology installation

and compliance testing occur later than 30 months from the date that the Permittee requested or the facility exceeded the 60% cumulative average CF.

[PSD-FL-140]

S.4. If start/black start capability for the CT's is provided by a combustion unit, the Department shall be notified of the type and model, output capacity, anticipated hours of operation, and the air emissions of the unit.

[PSD-FL-140]

Section III. Emissions Units and Conditions.

Subsection B. This section addresses the following emissions unit(s).

E.U.

<u>ID No.</u>	<u>Brief Description</u>
004	Combustion Turbine 2B

Emission unit 004 is a General Electric Model No. PG7121 7EA dual-fuel simple cycle combustion turbine with electrical generator having a nominal power production output of 75 MW. Dry low-NO_x (DLN) combustion technology will be used to control nitrogen oxide emissions when firing the primary fuel of pipeline natural gas. Water injection will be used to control NO_x emissions when firing low sulfur distillate oil as a backup fuel. Combustion design and clean fuels will be used to minimize emissions of CO, PM/PM₁₀, SAM, SO₂, and VOC.

Exhaust gases from the combustion turbine will exit an 85 feet high rectangular stack (9 feet by 19 feet) at approximately 1000 °F with a volumetric flow rate of 1,465,518 acfm. These parameters are based on firing natural gas at 100% base load, cooling the turbine inlet air to 59 °F, and ambient conditions of 60% relative humidity and 14.7 psi.

{Permitting notes: This emissions unit is regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(7)(b)38., F.A.C.; NSPS - 40 CFR 60 Subpart A; Rule 212.400, F.A.C., Prevention of Significant Deterioration; PSD-FL-140A; The units are not affected by the Acid Rain Program since they meet the requirements of 40 CFR 72.6(b)(6).}

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

Essential Potential to Emit (PTE) Parameters

B.1. Permitted Capacity. The combustion turbine shall operate only in simple-cycle mode and generate a nominal 75 MW of electrical power. Operation of this unit shall not exceed 880 mmBTU per hour of heat input from firing natural gas nor 950 mmBTU per hour of heat input from firing low sulfur distillate oil. The maximum heat inputs are based on the lower heating value (LHV) of each fuel, an inlet air supply cooled to 59 °F, a relative humidity of 60%, an ambient air pressure of 14.7 psi, and 100% base load. Therefore, maximum heat input rates will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's performance curves, corrected for site conditions or equations for correction to other ambient conditions, have been provided and are a part of this permit, see Attachment G-1.

[Rule 62-210.200, F.A.C. and PSD-FL-140A]

B.2. Methods of Operation - Fuels: The combustion turbine shall be fired by pipeline natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas. As a backup fuel, the combustion turbine may be fired with No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur by weight. Compliance with limits on fuel sulfur content shall be demonstrated by the record keeping requirements and/or the conditions of the Alternate Monitoring Plan specified in this

permit. It is noted that these limitations are much more stringent than the NSPS sulfur dioxide limitation and assure compliance with 40 CFR 60.333 and 60.334, see specific condition B..
[Applicant Request, Rule 62-210.200, F.A.C., and PSD-FL-140A]

B.3. Hours of Operation. The hours of operation of the combustion turbine are not limited when firing natural gas (8760 hours per year). The combustion turbine shall not fire low sulfur distillate oil for more than 876 hours during any consecutive 12 months. Operation below 50% of baseline operation shall be limited to two (2) hours per unit cycle (breaker open to breaker closed).
[Rule 62-210.200; Rule 62-212.400, F.A.C. (BACT), and PSD-FL-140A]

B.4. Simple Cycle Operation. The combustion turbine shall operate only in simple cycle mode. This requirement is based on the permittee's request, which formed the basis of the NO_x BACT determination and resulted in the emission standards specified in this permit. Specifically, the NO_x BACT determination eliminated several control alternatives based on technical considerations and costs due to the elevated temperatures of the exhaust gas. Any request to convert this unit to combined cycle operation by installing a new heat recovery steam generator or connecting this unit to an existing heat recovery steam generator shall require the permittee to perform a new NO_x BACT analysis and the approval of the Department through a permit modification. The results of this analysis may validate the initial BACT determination or result in the submittal of a full PSD permit application, new control equipment, new control equipment, and new emissions standards.

[Rule 62-212.400(6)(b), F.A.C., and PSD-FL-140A]

Performance Restrictions

B.5. Operating Procedures: The Best Available Control Technology (BACT) determinations established by this permit rely on "good operating practices" to minimize emissions. Therefore, all operators and supervisors shall be properly trained to operate and maintain the combustion turbine and pollution control devices in accordance with the guidelines and procedures established by each equipment manufacturer. The training shall include good operating practices as well as methods of minimizing excess emissions.

[Applicant Request; Rule 62-4.070(3); Rule 62-212.400, F.A.C. (BACT), and PSD-FL-140A]

B.6. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the owner or operator shall notify the Compliance Authority as soon as possible, but at least within one (1) working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; the steps being taken to correct the problem and prevent future recurrence; and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit and the regulations.

[Rule 62-4.130, F.A.C., and PSD-FL-140A]

Emission Limitations and Standards

{Permitting Note: The attached 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.}

B.7. Nitrogen Oxides.

- (a) **Gas Firing:** When firing natural gas in the combustion turbine, NO_x emissions shall not exceed 32.0 pounds per hour nor 9.0 ppmvd corrected to 15% oxygen based on a 3-hour test average. In addition, NO_x emissions shall not exceed 9.0 ppmvd corrected to 15% oxygen based on a 24-hour block average for data collected from the continuous emissions monitor.
- (b) **Oil Firing:** When firing low sulfur distillate oil in the combustion turbine, NO_x emissions shall not exceed 167.0 pounds per hour nor 42.0 ppmvd corrected to 15% oxygen based on a 3-hour test average. In addition, NO_x emissions shall not exceed 42.0 ppmvd corrected to 15% oxygen based on a 3-hour block average for data collected from the continuous emissions monitor.

NO_x emissions are defined as emissions of oxides of nitrogen measured as NO₂. Compliance with the 3-hour and 24 hour block averages shall be demonstrated by collecting and reporting data in accordance with the conditions for the NO_x continuous emissions monitor specified by this permit.

[PSD-FL-140A]

B.8. Carbon Monoxide.

- (a) **Gas Firing:** During the first 12 months after initial startup, CO emissions shall not exceed 54.0 pounds per hour nor 25.0 ppmvd corrected to 15% oxygen based on a 3-hour test average when firing natural gas in the combustion turbine. Thereafter, CO emissions shall not exceed 43.0 pounds per hour nor 20.0 ppmvd corrected to 15% oxygen based on a 3-hour test average when firing natural gas in the combustion turbine.
- (b) **Oil Firing:** When firing low sulfur distillate oil in the combustion turbine, CO emissions shall not exceed 43.0 pounds per hour nor 20.0 ppmvd corrected to 15% oxygen based on a 3-hour test average.

[PSD-FL-140A]

B.9. Sulfur Dioxide and Sulfuric Acid Mist (SAM). SO₂ and SAM emissions shall be limited by the good combustion techniques and the fuel sulfur limitations specified in this permit: natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas and No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur by weight.

[PSD-FL-140A]

B.10. Particulate Matter/PM₁₀. PM/PM₁₀ emissions from the CT shall be limited by the good combustion techniques and the fuel sulfur limitations specified in this permit: natural gas containing no more than 2 grains of sulfur per 100 dry standard cubic feet of gas and No. 2 distillate oil (or a superior grade) containing no more than 0.05% sulfur by weight.

[PSD-FL-140A]

B.11. Visible Emissions. As a surrogate for PM/PM₁₀ emissions, visible emissions from the operation of the CT shall not exceed 10% opacity, based on a 6-minute average.

[PSD-FL-140A]

B.12. Volatile Organic Compounds (VOCs).

- (a) **Gas Firing:** When firing natural gas in the combustion turbine, VOC emissions shall not exceed 2.0 pounds per hour nor 2.0 ppmvd based on a 3-hour test average.
- (b) **Oil Firing:** When firing low sulfur distillate oil in the combustion turbine, VOC emissions shall not exceed 5.0 pounds per hour nor 4.0 ppmvd based on a 3-hour test average.

The VOC emissions shall be measured and reported in terms of methane.

[PSD-FL-140A]

Monitoring Requirements.

B.13. CMS Requirements. The permittee shall install, calibrate, operate and maintain a continuous monitoring system (CMS) to monitor and record the fuel consumption, the ratio of water to fuel being fired in the turbine. The system shall be accurate to within ± 5.0 percent and shall be approved by the Department.

[40 CFR 60.334(a)]

B.14. NO_x CEM: The permittee shall install, calibrate, operate, and maintain a continuous emission monitoring system (CEMS) to measure and record NO_x and oxygen concentrations in the combustion turbine exhaust stack. A monitor for carbon dioxide may be used in place of the oxygen monitor, but the system shall be capable of correcting the emissions to 15% oxygen. NO_x data collected by the CEMS shall be used to demonstrate compliance with the 3-hour and 24-hour block emissions standards for NO_x. The block averages shall be determined by calculating the arithmetic average of all hourly emission rates for the respective averaging period. Each 1-hour average shall be expressed in units of ppmvd corrected to 15% oxygen and calculated using at least two valid data points at least 15 minutes apart. Valid hourly emission rates shall not include periods of start up, shutdown, or malfunction unless prohibited by 62-210.700 F.A.C. When NO_x monitoring data is not available, substitution for missing data shall be handled as required by Title IV (40 CFR 75) to calculate any specified averaging period.

- (a) The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of: Rule 62-297.520, F.A.C., including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications 2 and 3; 40 CFR 60.7(a)(5); 40 CFR 60.13; 40 CFR 60, Appendix F; and 40 CFR Part 75. A monitoring plan shall be provided to the DEP Emissions Monitoring Section Administrator, EPA and the Compliance Authority for review no later than 45 days prior to the first scheduled certification test pursuant to 40 CFR 75.62. The plan shall consist of data on CEM equipment specifications, manufacturer, type, calibration and maintenance needs, and its proposed location.

- (b) Continuous emission monitoring data required by this permit shall be collected and recorded during all periods of operation including startup, shutdown, and malfunction, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. Although recorded, emissions during periods of startup, shutdown and malfunction are subject to the excess emission conditions specified in this permit. When the CEMS reports NO_x emissions in excess of the standards allowed by this permit, the owner or operator shall notify the Compliance Authority within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. The Department may request a written report summarizing the excess emissions incident.

[Rules 62-204.800, 62-210.700, 62-4.130, 62-4.160(8), F.A.C and 40 CFR 60.7]

B.15. Critical Fuel Parameters. The Permittee shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. Pursuant to the custom monitoring schedule provisions of 40 CFR 60.334(b)(2), the frequency of determination of these values shall be as follows:

a. Monitoring of the nitrogen content of No. 2 fuel oil is not required. Sulfur content of distillate fuel oil shall be determined for each shipment of No. 2 fuel oil received; and

b. Monitoring of the nitrogen content of pipeline natural gas is not required. Sulfur content of pipeline natural gas will be based on twice-monthly analyses provided by the natural gas supplier.

[40 CFR 60.334(b)(1)&(b)(2)]

Compliance Demonstrations

B.16. Fuel Records

- (a) Natural Gas: The permittee shall demonstrate compliance with the fuel sulfur limit for natural gas specified in this permit by maintaining records of the sulfur content of the natural gas being supplied for each month of operation. Methods for determining the sulfur content of the natural gas shall be ASTM methods D4084-82, D3246-81 or equivalent methods. These methods shall be used to determine the sulfur content of the natural gas fired in accordance with any EPA-approved custom fuel monitoring schedule (see Alternate Monitoring Plan) or natural gas supplier data or the natural gas sulfur content referenced in 40 CFR 75 Appendix D. The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency pursuant to 40 CFR 60.335(e). However, the permittee is responsible for ensuring that the procedures in 40 CFR 60.335 or 40 CFR 75 are used to determine the fuel sulfur content for compliance with the 40 CFR 60.333 SO₂ standard.
- (b) Low Sulfur Distillate Oil: For all bulk shipments of low sulfur distillate oil received at this facility, the permittee shall obtain from the fuel vendor an analysis identifying the sulfur content. Methods for determining the sulfur content of the distillate oil shall be ASTM D129-91, D2622-94, or D4294-90 or equivalent methods. Records shall specify the test method used and shall comply with the requirements of 40 CFR 60.335(d).

[Rules 62-4.070(3) and 62-4.160(15), F.A.C.]

B.17. Alternate Monitoring Plan: Subject to EPA approval, the following alternate monitoring may be used to demonstrate compliance.

- (a) The NO_x CEM data may be used in lieu of the monitoring system for water-to-fuel ratio and the reporting of excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG. Subject to EPA approval, the calibration of the water-to-fuel ratio-monitoring device required in 40 CFR 60.335(c)(2) will be replaced by the 40 CFR 75 certification tests of the NO_x CEMS.
- (b) The NO_x CEM data shall be used in lieu of the requirement for reporting excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG.
- (c) When requested by the Department, the CEMS emission rates for NO_x on this unit shall be corrected to ISO conditions to demonstrate compliance with the NO_x standard established in 40 CFR 60.332.
- (d) **A custom fuel monitoring schedule** pursuant to 40 CFR 75 Appendix D for natural gas may be used in lieu of the daily sampling requirements of 40 CFR 60.334 (b)(2) provided the following conditions are met.
 - (1) The permittee shall apply for an Acid Rain permit within the deadlines specified in 40 CFR 72.30. [Acid Rain Permit Received on October 27, 1999]
 - (2) The permittee shall submit a monitoring plan, certified by signature of the Authorized Representative, that commits to using a primary fuel of pipeline supplied natural gas containing no more than 2 grains of sulfur per 100 SCF of gas pursuant to 40 CFR 75.11(d)(2);
 - (3) Each unit shall be monitored for SO₂ emissions using methods consistent with the requirements of 40 CFR 75 and certified by the USEPA.

This custom fuel-monitoring schedule will only be valid when pipeline natural gas is used as a primary fuel. If the primary fuel for these units is changed to a higher sulfur fuel, SO₂ emissions must be accounted for as required pursuant to 40 CFR 75.11(d).

[40 CFR 60, Subpart GG, Applicant Request]

(e) The permittee shall monitor sulfur content and nitrogen content of No. 2 distillate fuel oil (or a superior grade) and sulfur content of natural gas. These values may be provided by the vendor and the frequency of determinations of these values shall be as follows:

a. No. 2 Distillate Fuel Oil (or a superior grade). The values, sulfur and nitrogen content, shall be determined on each occasion that fuel is transferred to the storage tanks from any other source. Records of these values shall be kept by the facility for a five year period for regulatory agency inspection purposes.

b. Natural Gas. Pursuant to 40 CFR 60.334(b)(2), a custom fuel monitoring schedule for the determination of these values shall be followed for the natural gas fired at this facility and shall be as follows:

Custom Fuel Monitoring Schedule for Natural Gas (NG)

1. Monitoring of fuel nitrogen content shall not be required if NG is the only fuel being fired in the gas turbines.
2. Sulfur Monitoring:
 - (a). Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. The reference methods are ASTM D1072-80, ASTM D3031-81, ASTM D3246-81, and ASTM D4084-82 as referenced in 40 CFR 60.335(b)(2), or the latest edition(s).
 - (b). This custom fuel monitoring schedule shall become effective on the date this permit becomes valid. Effective the date of this custom schedule, sulfur monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 CFR 60.333 and the conditions of this permit, then sulfur monitoring shall be conducted once per quarter for six quarters. If monitoring data is provided by the applicant which demonstrates consistent compliance with the requirements herein the applicant may begin monitoring as per the requirements of 2(c).
 - (c). If after the monitoring required in item 2(b) above, or herein, the sulfur content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333 and the conditions of this permit, sample analysis shall be conducted twice per annum. This monitoring shall be conducted during the first and third quarters of each calendar year.
 - (d). Should any sulfur analysis as required in items 2(b) or 2(c) above indicate non-compliance with 40 CFR 60.333 and the conditions of this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
3. If there is a change in fuel supply, the owner or operator must notify the Department of such change for re-examination of this custom schedule. A substantial change in natural gas quality (i.e., sulfur content varying by more than 10 grains/1000 of gas) shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
4. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained for a period of five years, and be available for inspection by personnel of federal, state, and local air pollution control agencies.
[40 CFR 60.334(b); PSD-FL-140A.]

B.18. Monthly Operations Summary: By the fifth calendar day of each month, the owner or operator shall record the following information in a written (or electronic) log for the previous month of operation: the amount of hours each fuel was fired; the quantity of each fuel fired; the calculated average heat input of each fuel fired in mmBTU per hour, based on the lower heating value; and the average sulfur content of each fuel. In addition, the owner or operator shall record the hours of oil firing for the previous 12 months of operation. The Monthly Operations Summary shall be maintained on site in a legible format available for inspection or printed at the Department's request.

[Rule 62-4.160(15), F.A.C.]

Test Methods & Procedures

B.19. Combustion Turbine Testing Capacity: Testing of emissions shall be conducted with the combustion turbine operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. However, subsequent operation is limited by adjusting the entire heat input vs. ambient temperature curve downward by an increment equal to the difference between the maximum permitted heat input (corrected for ambient temperature) and 110 percent of the value reached during the test until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity. Emissions performance tests shall meet all applicable requirements of Chapters 62-204 and 62-297, F.A.C.

[Rule 62-297.310(2), F.A.C.]

B.20. Calculation of Emission Rate: The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

B.21. Applicable Test Procedures

(a) **Required Sampling Time.**

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. [Rule 62-297.310(4)(a)1., F.A.C.]
2. The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)2., F.A.C.]

(b) **Minimum Sample Volume.** Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]

(d) **Calibration of Sampling Equipment.** Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C. [Rule 62-297.310(4)(d), F.A.C.]

B.22. 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. [Rule 62-297.310(5)(a), F.A.C.]

- (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)(b), F.A.C.]

B.23. Sampling Facilities: The permittee shall design the combustion turbine stack to accommodate adequate testing and sampling locations in order to determine compliance with the applicable emission limits specified by this permit. Permanent stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C.

[Rules 62-4.070 and 62-204.800, F.A.C., and 40 CFR 60.40a(b)]

B.24. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

[Rule 62-297.310(1), F.A.C.]

B.25. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to initial performance tests and at least 15 days prior to any other required tests.

[Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.7, 60.8]

B.26. Annual Performance Tests: Annual performance tests for CO, NO_x, and visible emissions from the combustion turbine shall be conducted individually for the firing of natural gas and low sulfur distillate oil. Tests required on an annual basis shall be conducted at least once during each federal fiscal year (October 1st to September 30th). When conducted at permitted capacity, the annual NO_x continuous monitor RATA required pursuant to 40 CFR 75 may be substituted for the annual compliance stack test.

[Rule 62-297.310(7)(a)4., F.A.C.]

B.27. Tests Prior to Permit Renewal: During the federal fiscal year (October 1st to September 30th) prior to renewing the air operation permit, the permittee shall also conduct individual performance tests for VOC emissions for firing natural gas and low sulfur distillate oil.

[Rule 62-297.310(7)(a)3., F.A.C.]

B.28. Tests After Substantial Modifications: All performance tests required for initial startup shall also be conducted after any substantial modification and appropriate shake-down period of air pollution control equipment including the replacement of dry low- NO_x combustors. Shakedown periods shall not exceed 100 days after re-starting the combustion turbine.

[Rule 62-297.310(7)(a)4., F.A.C.]

B.29. VE Tests After Shutdown: Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions (VE) compliance test once per each five-year period, coinciding with the term of its air operation permit.

[Rule 62-297.310(7)(a)8., F.A.C.]

B.30. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

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

B.31. Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

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

B.32. Performance Test Methods: Compliance tests shall be performed in accordance with the following reference methods as described in 40 CFR 60, Appendix A, and adopted by reference in Chapter 62-204.800, F.A.C.

- (a) **EPA Method 7E**, "Determination of Nitrogen Oxide Emissions from Stationary Sources". This method may be used to determine compliance with the annual 3-hour NO_x limit.
- (b) **EPA Method 9**, "Visual Determination of the Opacity of Emissions from Stationary Sources" for VE.

- (c) **EPA Method 10**, "Determination of Carbon Monoxide Emissions from Stationary Sources" for CO. All CO tests shall be conducted concurrently with NO_x emissions tests.
- (d) **EPA Method 20**, "Determination of Oxides of Nitrogen Oxide, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines." This test shall be used to determine compliance for the initial performance tests and may be used to determine compliance with the annual 3-hour NO_x limit.
- (e) **EPA Methods 18, 25 and/or 25A**, "Determination of Volatile Organic Concentrations."

No other test methods may be used for compliance testing unless prior DEP approval is received, in writing, from the DEP Emissions Monitoring Section Administrator in accordance with an alternate sampling procedure pursuant to 62-297.620, F.A.C.

[Rule 62-297.310(7)(a)(4), F.A.C., and PSD-FL-140A]

Excess Emissions

B.33. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown, or malfunction of the combustion turbine shall be permitted provided that best operational practices are adhered to and the duration of excess emissions shall be minimized. Excess emissions resulting from startup to simple cycle mode shall not exceed one (1) hour. In no case shall excess emissions from startup, shutdown, and malfunction exceed two hours in any 24-hour period. If excess emissions occur due to malfunction, the owner or operator shall notify the Compliance Authority within one (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem.

[Applicant Request, Vendor Data and Rule 62-210.700, F.A.C.]

B.34. These emissions units are also subject to conditions **C.1.** through **C.20.**, contained in **Subsection C. Common Conditions.**

Section III. Emissions Units and Conditions.

Subsection C. Common Conditions.

E.U.

<u>ID No.</u>	<u>Brief Description</u>
001	Combustion Turbine 1A
002	Combustion Turbine 1B
003	Combustion Turbine 2A
004	Combustion Turbine 2B

Except as otherwise specified under Subsections A. through D., the following conditions apply to the emissions unit(s) listed above:

General Provisions - 40 CFR 60 Subpart A

C.1. Excess Emissions Reporting: If excess emissions occur due to malfunction, the owner or operator shall notify the Compliance Authority within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Following the NSPS format (40 CFR 60.7, Subpart A) periods of startup, shutdown, malfunction, shall be monitored, recorded, and reported as excess emissions when emission levels exceed the standards specified in this permit. Within thirty (30) days following each calendar quarter, the permittee shall submit a report on any periods of excess emissions that occurred during the previous calendar quarter to the Compliance Authority. This quarterly report shall follow the format provided in Figure 1 (see attached) of this permit.

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C., and 40 CFR 60.7]

C.2. Quarterly Report. The Permittee shall submit a quarterly excess emissions and monitoring systems performance report. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

1. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

2. Specific identification of each period of excess emissions that occurs during startups, shutdowns and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

4. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

[40 CFR 60.7(c)]

C.3. Summary Report. The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Department. One summary report form shall be submitted for each pollutant monitored.

1. If the total duration of excess emissions for the reporting period is less than one percent of the operating time for the reporting period and CMS downtime for the reporting period is less than five percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Department.

2. If the total duration of excess emissions for the reporting period is one percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is five percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

[40 CFR 60.7(d)]

C.4. Reporting Frequency.

(1) Notwithstanding the frequency of reporting requirements specified in 40 CFR 60.7(c), an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in 40 CFR 60, Subpart A, and the applicable standard; and

(iii) The Department does not object to a reduced frequency of reporting for the affected facility, as provided in 40 CFR 60.7(e)(2).

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Department in writing of his or her intention to make such a change and the Department does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Department may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Department to make a judgment about the source's potential for noncompliance in the future. If the Department disapproves the Permittee's request to reduce the frequency of reporting, the Department will notify the Permittee in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Department to the Permittee will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the Permittee shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the Permittee may again request approval from the Department to reduce the frequency of reporting for that standard as provided for in 40 CFR 60.7(e)(1) and (e)(2).

[40 CFR 60.7(e)]

C.5. Records Retention. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices and, all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 (five) years following the date of such measurements, maintenance, reports, and records.

[40 CFR 60.7(f); Rule 62-213.440(1)(b)2.b., F.A.C.]

C.6. If requested by the Department pursuant to Condition A.12., performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR 60, Subpart GG unless the Department (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Department's satisfaction that the affected facility is in compliance with the standard, or (3) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Department's authority to require testing under section 114 of the Act.

[40 CFR 60.8(b)(1), (4) & (5)]

C.7. If requested by the Department pursuant to Condition A.12., performance tests shall be conducted under such conditions as the Department shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 CFR 60.8(c)]

C.8. Department Notification.

(a) The Permittee shall provide to the Department's Southwest District office at least 15 days prior notice of any compliance or performance test, except as specified under other subparts, to afford the District office the opportunity to have an observer present. Test results shall be submitted to the District office no later than 45 days after completion of the test.

(b) The Permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted timely and in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change and, the anticipated completion date of the change.

[40 CFR 60.8(d) and Rule 62-297.310(7)(a)8., F.A.C.]

Compliance with Standards and Maintenance Requirements

C.9. The Permittee shall follow the manufacturer's instructions during periods of start-up, shutdown, malfunction, or load change to ensure that the best operational practices to minimize emissions will be

adhered to and the duration of any excess emissions will be minimized. The instructions shall be kept on file at the plant site and made available for inspection upon request by the Department.
[40 CFR 60.11(d)]

C.10. Credible Evidence. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.
[40 CFR 60.11(g)]

C.11. Circumvention. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
[40 CFR 60.12]

Monitoring Requirements

C.12. After receipt and consideration of written application, the Department may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to the following:

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by 40 CFR 60 would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the ASTM test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, 40 CFR 60 appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Department may require that such demonstration be performed for each affected facility.

(9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

[40 CFR 60.13(i)]

Modifications

C.13. The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of 40 CFR 60 any other facility within that source.

[40 CFR 60.14(c)]

C.14. Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of this section.

[40 CFR 60.14(f)]

Additional Reporting and Recordkeeping Requirements

C.15. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1st of each year.

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

C.16. Two copies of the results of the annual compliance emission tests required by Condition **A.18.** shall be submitted within forty-five days of the last sampling run to the Southwest District office in Tampa. All reports shall be in a format consistent with and shall include the information in accordance with Rule 62-297.310 (8), F.A.C.

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

C.17. Emissions Performance Test Reports: A report indicating the results of the required emissions performance tests shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C.

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

Excess Emissions

{Permitting Note: The Excess Emissions Rule at 62-210.700, F.A.C., cannot vary any requirement of a NSPS provision.}

C.18. Excess emissions from the CTs resulting from start-up, shutdown, malfunction, or load change shall be acceptable providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24-hour period unless specifically authorized by the Department for a longer duration.

[Rule 62-210.700(1), F.A.C.]

C.19. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited. These emissions shall be included in the calculation of the 24-hour NO_x averages for compliance determinations.

[Rule 62-210.700(4), F.A.C.; PSD-FL-140A]

C.20. Excess Emissions Defined. For the purpose of reports required under 40 CFR 60.7(c) (see specific conditions G.1 through G.4.), periods of excess emissions that shall be reported are defined as follows:

a. *Nitrogen oxides.* Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 40 CFR 60.332 by the performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required in 40 CFR 60.8. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

b. *Sulfur dioxide.* Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent by weight.

[40 CFR 60.60.334(c)(1)&(2)]

Section IV. This section is the Acid Rain Part.

Operated by: Hardee Power Partners

ORIS code: 50949

Subsection A. This subsection addresses Acid Rain, Phase II.

The emissions unit(s) listed below are regulated under Acid Rain, Phase II.

E.U.

<u>ID No.</u>	<u>Brief Description</u>
004	Combustion Turbine 2B

A.1. The Phase II permit application(s) submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these Phase II acid rain unit(s) must comply with the standard requirements and special provisions set forth in the application(s) listed below:

a. DEP Form No. 62-210.900(1)(a), dated 07/01/95.

[Rules 62-213, F.A.C. and 62-214.320, F.A.C.]

A.2. Sulfur dioxide (SO₂) allowance allocations and nitrogen oxide (NO_x) requirements for each Acid Rain unit are as follows:

<u>E.U. ID No.</u>	<u>EPA ID</u>	<u>Year</u>	1999	2001	2002	2003	2004
004	2B	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	0*	0*	0*	0*	0*

*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the USEPA under Table 2 or 3 of 40 CFR 73.

A.3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.

3. Allowances shall be accounted for under the Federal Acid Rain Program.

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

A.4. Fast-Track Revisions of Acid Rain Parts. Those Acid Rain sources making a change described at Rule 62-214.370(4), F.A.C., may request such change as provided in Rule 62-213.413, F.A.C., Fast-Track Revisions of Acid Rain Parts.

[Rules 62-213.413 and 62-214.370(4), F.A.C.]

A.5. Comments, notes, and justifications: Phase II Permit received October 27, 1999.

A.6. Where an applicable requirement of the Act is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

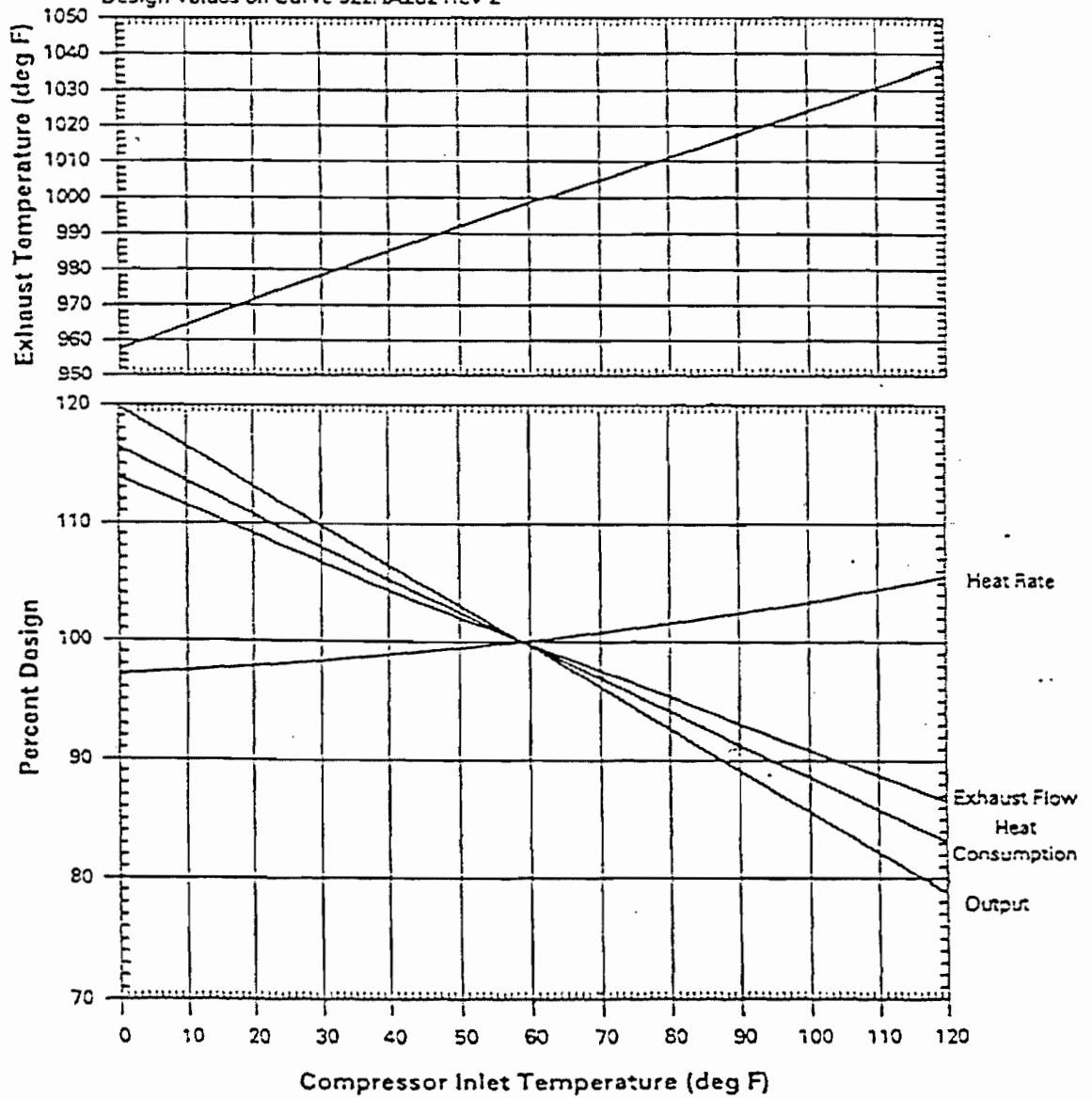
[40 CFR 70.6(a)(1)(ii); and, Rule 62-210.200, Definitions - Applicable Requirements, F.A.C.]

Appendix G-1

GENERAL ELECTRIC MODEL PG7121EA GAS TURBINE

Effect of Compressor Inlet Temperature on
Output, Heat Rate, Heat Consumption, Exhaust Flow
And Exhaust Temperature at Base Load and 100% speed.

Configuration: DLN Combustor
Fuel: Natural Gas
Design Values on Curve 522HA282 Rev 2



I Levine
8/17/98

522HA283
Rev - 2

[Handwritten signature]

BB

Appendix U-1, List of Unregulated Emissions Units and Activities

Hardee Power Partners
Hardee Power Station

DRAFT Permit Revision No. 0490015-003-AV

Unregulated Emissions Units and Activities. An emissions unit which emits no “emissions-limited pollutant” and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and activities are neither “regulated emissions units” nor “insignificant emissions units”.

E.U.

<u>ID No.</u>	<u>Brief Description of Emissions Units and Activities</u>
004	One 4.4 million gallon No.2 fuel oil tank

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

Hardee Power Partners
Hardee Power Station
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DRAFT Permit Revision No. 0490015-003-AV

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rule 62.210.300(3)(a), F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

The below listed emissions units and activities are considered insignificant pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Units and Activities

1. Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
2. Cold storage refrigeration equipment, except for any such equipment located at a Title V source using an ozone-depleting substance regulated under 40 CFR Part 82.
3. Vacuum pumps in laboratory operations.
4. Equipment used for steam cleaning.
5. Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
6. Equipment used exclusively for space heating, other than boilers.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Brazing, soldering or welding equipment.
9. One or more emergency generators located within a single facility provided:
 - a. None of the emergency generators is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
10. One or more heating units and general purpose internal combustion engines located within a single facility provided:
 - a. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such heating units and general purpose internal combustion engines within the facility is limited to 32,000 gallons per year of diesel

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

Hardee Power Partners
Hardee Power Station
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DRAFT Permit Revision No. 0490015-003-AV

- fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
11. Fire and safety equipment.
 12. Surface coating operations within a single facility if the total quantity of coatings containing greater than 5.0 percent VOCs, by volume, used is 6.0 gallons per day or less, averaged monthly, provided:
 - a. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.; and
 - b. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.
 13. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs, by volume.
 14. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.
 15. No. 2 fuel oil truck unloading equipment
 16. Oil/Water separators
 17. Lube oil vents associated with rotating equipment
 18. Lube oil tank vents
 19. Steam cleaning equipment
 20. Water treatment degasifiers/deaerators
 21. Architectural (equipment) maintenance painting
 22. Vehicular traffic on paved roads
 23. Sand blasting and abrasive grit blasting where temporary total enclosures are used to contain particulate matter emissions

Note: No exemption shall be granted to any emissions unit or activity if:

1. Such unit or activity would be subject to any unit-specific applicable requirement;
2. Such unit or activity, in combination with other units and activities proposed for exemption, would 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); or
3. Such unit or activity would 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.]

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

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

{Permitting note: APPENDIX TV-1, 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:

- (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-1, TITLE V CONDITIONS (version dated 12/02/97) (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.

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

10. For purposes of notification to the Department pursuant to 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.

[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.

- (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:
- (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-1, TITLE V CONDITIONS (version dated 12/02/97) (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.]

Chapter 62-103, 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 62-103.150 and Rule 62-210.350, F.A.C.

[Rules 62-103.150, 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 Rule 61-103.155, F.A.C.

[Rule 62-103.155, 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-1, TITLE V CONDITIONS (version dated 12/02/97) (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. 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 Chapters 62-210, 62-212 and 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.

(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.

(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) Notwithstanding any discretionary public notice requirements contained in Rule 62-103.150(2)(a), F.A.C., 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 62-103.150, F.A.C.

(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 62-103.150, 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 62-103.150, 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 62-103.150, 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.
- (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 62-103.150, 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 62-103.150, 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 Rules 62-103.150 and 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,

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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) Any other similar minor administrative change at the source; and,
- (d) A change requiring more frequent monitoring or reporting by the permittee.
- (e) 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;
- (f) 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 17-210.360(1)(e).

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

(3) For facilities subject to Chapter 62-213, F.A.C., a copy 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.

(4) The Department shall incorporate requirements resulting from issuance of new or revised construction permits into existing operation permits issued pursuant to Chapter 62-213, F.A.C., if the construction permit revisions incorporate 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. 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.

(1) Application for Air Permit - Long Form, Form and Instructions.

- (a) Acid Rain Part (Phase II), Form and Instructions.
 1. Repowering Extension Plan, Form and Instructions.
 2. New Unit Exemption, Form and Instructions.
 3. Retired Unit Exemption, Form and Instructions.

(b) Reserved.

(5) Annual Operating Report (AOR) for Air Pollutant Emitting Facility, Form and Instructions.

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

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

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

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(5), 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.

[Rule 62-213.400, F.A.C.]

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

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

33. 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.]

34. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to paragraph (a) of the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to paragraph (b) of the same definition, may implement such change prior to final issuance of a permit revision in accordance with Rule 62-213.412, F.A.C., 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.]

35. 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.

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.]

36. 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.

[Rule 62-213.420(2), F.A.C.]

37. 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.]

38. 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.]

39. 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.

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 62-213.450(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

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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.

(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)]

40. 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.]

41. 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.]

42. 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.]

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

43. 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.]

44. 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.]

45. 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.]

46. 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.]

47. 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.]

48. 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.]

49. 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.]

50. 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.]

51. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C.

[Rule 62-213.440(1)(d)6., F.A.C.]

52. Statement of Compliance. The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statement 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. The statement of compliance shall include the identity of each term or condition of the permit for which each unit has remained in compliance during the period covered by the statement. The statement shall include identification of all methods used to demonstrate compliance and identification of each term or condition of the permit for which any unit has not remained in compliance during the period covered by the statement. For each term or condition for which the source has not remained in compliance during the period covered by the statement, the statement shall also identify each unit not in compliance and each term and condition with which the unit was not in compliance and state the inclusive dates that the source was not in compliance, the actions taken to achieve compliance and the method used to demonstrate compliance. Such statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C.

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

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

53. 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.

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

54. 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.

55. 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.

56. 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.

57. Not federally enforceable until SIP approved. 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.]

[electronic file name: tv-1.doc]

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)

Stack Sampling Facilities Provided by the Owner of an Emissions Unit. This section describes the minimum requirements for stack sampling facilities that are necessary to sample point emissions units. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. Emissions units must provide these facilities at their expense. All stack sampling facilities must meet any Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

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

(b) Temporary Test Facilities. The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.

(c) Sampling Ports.

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

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

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

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

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

(d) Work Platforms.

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

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

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

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

(e) Access to Work Platform.

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)
(continued)

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

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

(f) Electrical Power.

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

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

(g) Sampling Equipment Support.

1. A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.

a. The bracket shall be a standard 3 inch x 3 inch x one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.

b. A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.

c. The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.

2. A complete monorail or dualrail arrangement may be substituted for the eyebolt and bracket.

3. When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

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

TABLE 297.310-1
CALIBRATION SCHEDULE

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

FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE (version dated 7/96)

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

Pollutant (Circle One): SO₂ NO_x TRS H₂S CO Opacity

Reporting period dates: From _____ to _____

Company: _____

Emission Limitation: _____

Address: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CMS Certification or Audit: _____

Process Unit(s) Description: _____

Total source operating time in reporting period¹: _____

Emission data summary ¹	CMS performance summary ¹
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown	a. Monitor equipment malfunctions
b. Control equipment problems	b. Non-Monitor equipment malfunctions
c. Process problems	c. Quality assurance calibration
d. Other known causes	d. Other known causes
e. Unknown causes	e. Unknown causes
2. Total duration of excess emissions	2. Total CMS Downtime
3. Total duration of excess emissions x (100) / [Total source operating time]	3. [Total CMS Downtime] x (100) / [Total source operating time]
%	%

¹ For opacity, record all times in minutes. For gases, record all times in hours.
² For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

Note: On a separate page, describe any changes since last quarter in CMS, process or controls.

I certify that the information contained in this report is true, accurate, and complete.

Name: _____

Signature: _____ Date: _____

Title: _____

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT REVISION STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION Title V DRAFT Permit Revision No.: 0490015-003-AV Hardee Power Station Hardee County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit revision for the Hardee Power Station, located on County Road 663, Fort Green Springs, Hardee County. The revision reflects the addition of an additional simple cycle, dual fuel, General Electric Model 7EA combustion turbine (CT-2B) with electrical generator (75 MW). The applicant's name and address are: Mr. John T. Duff, Vice President - Power Operations, Hardee Power Partners, Limited, P.O. Box 111, Tampa, FL 33601-011.

The permitting authority will issue the Title V PROPOSED Permit Revision, and subsequent Title V FINAL Permit Revision, in accordance with the conditions of the Title V DRAFT Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The permitting authority will accept written comments concerning the proposed Title V DRAFT Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit Revision, the permitting authority shall issue another DRAFT Permit Revision and require, if applicable, another Public Notice.

THE TAMPA TRIBUNE

Published Daily

Tampa, Hillsborough County, Florida

RECEIVED

SEP 27 2001

State of Florida }
County of Hillsborough } ss.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of PUBLIC NOTICE OF INTENT

was published in said newspaper in the issues of AUGUST 24, 2001

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

J. Rosenthal

Sworn to and subscribed by me, this 28 day of AUGUST, A.D. 20⁰¹

Personally Known or Produced Identification _____
Type of Identification Produced _____



Susie Lee Slaton

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:
(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address and telephone number of the petitioner; name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how petitioner's substantial rights will be affected by the agency determination;
(c) A statement of how and when the petitioner received notice of the agency action or proposed action;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so state;
(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief; and

(f) A demand for relief. . . .
A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the permitting authority's final action may be different from the position taken by it in this notice of intent. Persons whose substantial interests will be affected by any such final decision of the permitting authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding. In addition to the above, pursuant to 42 United

States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(3), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

A complete project file 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:

Permitting Authority:
Department of Environmental Protection Bureau of Air Regulation 111 South Magnolia Drive, Suite 4 Tallahassee, Florida 32301 Telephone: 850/488-0114 Fax: 850/922-6979

Affected Local Program:
Department of Environmental Protection Southwest District Office 3804 Coconut Palm Drive, Tampa, Florida 33619-8218 Telephone: 813/744-6100 Fax: 813/744-6804

The complete project file includes the DRAFT Permit Revision, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 850/921-9532, for additional information.

3188 08/24/01