



# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

August 4, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

R. Lewis Tillery  
Division President  
APAC-Florida, Inc., Macasphalt Division  
1445 42nd Street NW  
Winter Haven, Florida 33881

Re: DRAFT Permit No. 0550012-003-AC  
Avon Park Asphalt Plant


Dear Mr. Tillery:

Enclosed is one copy of the Draft Air Construction Permit for the Avon Park Asphalt Plant located at Route 17A, Avon Park, Highlands County. The Technical Evaluation and Preliminary Determination, the Department's Intent to Issue Air Construction Permit and the "Public Notice of Intent to Issue Air Construction Permit" are also included.

The "Public Notice of Intent to Issue Air Construction Permit" must be published one time only, as soon as possible, in the legal advertisement section of a newspaper of general circulation in the area affected, pursuant to the requirements Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within seven (7) days of publication. Failure to publish the notice and provide proof of publication may result in the denial of the permit.

Please submit any written comments you wish to have considered concerning the Department's proposed action to A. A. Linero, P.E., Administrator, New Source Review Section at the above letterhead address. If you have any other questions, please contact Susan DeVore-Fillmore or Mr. Linero at 850/488-0114.

Sincerely,

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

CHF/sdf

Enclosures

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

APAC-Florida, Inc., Macasphalt Division  
1445 42nd Street NW  
Winter Haven, Florida 33881

DRAFT Permit No. 0550012-003-AC  
Avon Park Asphalt Plant  
Highlands County

### INTENT TO ISSUE AIR CONSTRUCTION PERMIT

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit (copy of DRAFT Permit attached) for the proposed project, detailed in the application specified above and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, APAC-Florida, Inc., Macasphalt Division, applied on June 24, 1998, to the Department for an air construction permit for its Avon Park Asphalt Plant located at Route 17A, Avon Park, Highlands County. The applicant, APAC-Florida, Inc., Macasphalt Division, also applied to the Department for an air operating permit on June 16, 1998.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-212. The above actions are not exempt from permitting procedures. The Department has determined that an air construction permit is required to relocate the existing asphalt plant currently in Kissimmee, Osceola County to Avon Park, Highlands County.

The Department intends to issue this air construction permit based on the belief that reasonable assurances have been provided to indicate that operation of these emission units will not adversely impact air quality, and the emission units will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed "Public Notice of Intent to Issue Air Construction Permit." The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. Rule 62-110.106(7)(b), F.A.C., requires that the applicant cause the notice to be published as soon as possible after notification by the Department of its intended action. 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. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of fourteen days from the date of publication of "Public Notice of Intent to Issue Air Permit." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. 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) of the Florida Statutes 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), however, any person who asked the Department 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 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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 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; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department 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 in this proceeding.

In addition to the above, a person subject to regulation has a right to apply 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.

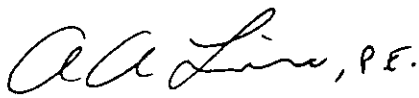
The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number 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 EPA 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.

Executed in Tallahassee, Florida.

  
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 AIR CONSTRUCTION PERMIT (including the PUBLIC NOTICE, Technical Evaluation and Preliminary Determination, and the DRAFT permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 8-4-98 to the person(s) listed:

Mr. R. Lewis Tillery, APAC-Florida, Inc. \*  
Mr. Larry G. Stuart, P.E., Bottorf Associates, Inc.  
Mr Art Lyall, Department's South District

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

  
(Clerk) 8-4-98  
(Date)

# NOTICE TO BE PUBLISHED IN THE NEWSPAPER

## PUBLIC NOTICE OF INTENT TO ISSUE AIR CONSTRUCTION PERMIT

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DRAFT Permit No. 0550012-003-AC  
APAC-Florida, Inc., Macasphalt Division  
Highlands County

The Department of Environmental Protection (Department) gives notice of its intent to issue an air construction permit to APAC-Florida, Inc., Macasphalt Division, for the Avon Park Asphalt Plant located at Route 17A, Avon Park, Highlands County. A Best Available Control Technology (BACT) determination was not required pursuant to Rule 62-212.400, F.A.C. and 40 CFR 52.21, Prevention of Significant Deterioration (PSD). The applicant's name and address are: APAC-Florida, Inc., Macasphalt Division, 1445 42nd Street NW, Winter Haven, Florida 33881.

This permit allows the applicant to relocate the existing asphalt plant currently in Kissimmee, Osceola County to Avon Park, Highlands County. Upon relocation, the existing asphalt plant currently located at Highlands County will be dismantled.

Total emissions of pollutants shall not exceed the following limits:

<u>Pollutant</u>	<u>Maximum Emissions</u> Tons Per Year (TPY)
PM	31.2

An air quality impact analysis was not conducted. Emissions from the facility will not consume PSD increment and will not significantly contribute to or cause a violation of any state or federal ambient air quality standards.

The Department will issue the final permit with the attached conditions unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The Department will accept written comments concerning the proposed permit issuance action for a period of 14 (fourteen) days from the date of publication of "Public Notice of Intent to Issue Air Construction Permit." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in the proposed agency action, the Department shall revise the proposed permit and require, if applicable, another Public Notice.

The Department will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida, 32399-3000. 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) of the Florida Statutes 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), however, any person who asked the Department 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 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department'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

# NOTICE TO BE PUBLISHED IN THE NEWSPAPER

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; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department 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 in this proceeding.

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:

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

Department's South District.  
Air Program  
2295 Victoria Avenue, Suite 346  
Fort Myers, Florida 33902-2549  
Telephone: 941/332-6975  
Fax: 941/332-3269

The complete project file includes the application, technical evaluations, Draft Permit, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, New Resource Review Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

**TECHNICAL EVALUATION**  
**AND**  
**PRELIMINARY DETERMINATION**

Permit Number 0550012-003-AC  
APAC-Florida, Inc., Macasphalt Division  
Avon Park Asphalt Plant  
Highlands County, Florida

Applicant  
APAC-Florida, Inc., Macasphalt Division  
1445 42nd Street NW  
Winter Haven, Florida 33881

Permitting Authority  
DEP South District  
Air Program  
2295 Victoria Avenue, Suite 346  
Fort Myers, Florida 33902-2549

Permit Prepared By  
DEP DARM  
Bureau of Air Regulation, NSR Section  
MS # 5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

August 4, 1998

**1.0 APPLICATION INFORMATION****1.1 Applicant**

APAC-Florida, Inc., Macasphalt Division  
1445 42nd Street NW  
Winter Haven, Florida 33881

**Authorized Representative**

R. Lewis Tillery, Division President

**1.2 Reviewing and Process Schedule**

June 24, 1998     Receipt of Application

**2.0 FACILITY INFORMATION****2.1 Location**

APAC-Florida, Inc., Macasphalt Division  
Avon Park Asphalt Plant  
Route 17A  
Avon Park, FL 33826  
UTM: Zone 17 ; 451.13 km E ; 3050.00 km N  
Latitude 27° 34' 28"     Longitude 81° 29' 42"

**2.2 Standard Industrial Classification Code (SIC)**

Major Group No.	29	Petroleum Refining and Related Industries
Group No.	295	Asphalt Paving and Roofing Materials
Industry No.	2951	Asphalt Paving Mixtures and Blocks

**2.3 Facility Category**

Based on the specific conditions in the draft permit and the physical restrictions of the equipment, this facility is classified as a synthetic, non-Title V, *minor source* of air pollution.

**3.0 PROJECT DESCRIPTION****3.1 This permit addresses the following emissions units:**

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
001	Drum mix asphalt plant

APAC-Florida, Inc., Macasphalt Division plans to relocate the existing asphalt plant currently in Kissimmee, Osceola County to Avon Park, Highlands County. Upon relocation, the existing asphalt plant currently located at Highlands County will be dismantled. The source at Osceola County includes a diesel powered generator, Caterpillar Model #3508, however upon relocation, the power source will change to local electrical service. Therefore, the generator will not be relocated.



#### 4.0 RULE APPLICABILITY

The proposed project is subject to preconstruction review requirements under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.).

This facility is located in Avon Park, Highlands County, an area designated as attainment for all criteria pollutants in accordance with Rule 62-204.360, F.A.C. The proposed project is exempt from review under Rule 62-212.400., F.A.C., Prevention of Significant Deterioration (PSD), because this new source is considered a minor emitting facility for the purpose of PSD regulations (potential to emit less than 250 tons per year of pollutant).

The emissions units affected by this permit shall comply with all applicable provisions of the Florida Administrative Code (including applicable portions of the Code of Federal Regulations incorporated therein) and, specifically, the following chapters and rules:

Chapter 62-4	Permits.
Rule 62-210.300	Permits Required
Rule 62-210.350	Public Notice and Comments
Rule 62-210.370	Reports
Rule 62-210.650	Circumvention
Rule 62-210.700	Excess Emissions
Rule 62-212.300	General Preconstruction Review Requirements
Rule 62-296.320	General Pollutant Emission Limiting Standards
Rule 62-297.310	General Test Requirements
Rule 62-297.401	Compliance Test Methods

Specifically, this operation is subject to Rule 62-210.300(3)(c)1., F.A.C. and 40 CFR 60, Subpart I.

#### 5.0 SOURCE IMPACT ANALYSIS

##### 5.1 Emission Limitations

Criteria pollutants, particulate matter and sulfur dioxide, will be emitted as products of combustion during the production of asphalt. PM is emitted from material handling(fugitives). PM is limited to 90 mg/dscm (0.04 gr/dscf) averaged over a three-hour period. PM is not expected to increase significantly since material handling processes are similar at the two facilities. SO<sub>2</sub> is limited by a fuel sulfur limit of 1.0 percent sulfur content, by weight. Overall emissions are limited by a production rate of asphaltic concrete limit of 500,000 tons in any consecutive twelve month period and a limit on fuel oil consumption of 1.2 million gallons in any consecutive twelve month period to escape Title V.

5.2 Total Particulate Matter Emissions Summary from past emissions test data**EMISSIONS UNIT 001**

Year	Permit Allowable lb/hr		Test Actual lb/hr	
	Osceola Facility	Highlands Facility	Osceola Facility	Highlands Facility
1998	7.13	38.17	2.28	4.47
1998	7.13	38.17	5.49	
1997	7.13	38.17	3.57	
1996	7.13	38.17	4.64	6.2
1995	7.13	38.17	5.47	
1994	7.13	38.17	6.92	
1993	7.13	38.17	3.00	5.8
1988	7.13	38.17		4.8
Avg.	7.13	38.17	4.48	5.3

The asphalt plant in Osceola County generally has had lower actual test particulate matter emissions than the asphalt plant in Highlands County, even though its capacity is greater. Therefore, emissions are expected to decrease with the relocation of the asphalt plant in Osceola County to Highlands County.

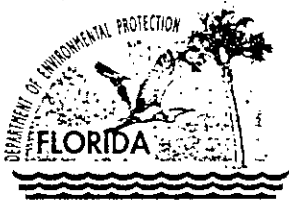
5.3 Control Technology Review

Particulate emissions are controlled by an Astec Industries Baghouse, Model #SBH42, with a gas flow of 37,421 cubic feet per minute, air to cloth ratio of 5.26 to 1, approximately a 99.9% collection efficiency, and felted Nomex bags.

6.0 CONCLUSION

Based on the foregoing technical evaluation of the application and information submitted by APAC-Florida, Inc., Macasphalt Division, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations. The general and specific conditions are listed in the attached draft permit.

Permit Engineer: Susan DeVore-Fillmore  
Reviewed and Approved by: A. A Linero, P.E.



# Department of Environmental Protection

# DRAFT

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

## PERMITTEE

APAC-Florida, Inc., Macasphalt Division  
Avon Park Asphalt Plant  
1445 42nd Street NW  
Winter Haven, Florida 33881

<b>FID No.</b>	0550012
<b>Permit No.</b>	0550012-003-AC
<b>SIC No.</b>	2951
<b>Expires:</b>	August 3, 1999

## Authorized Representative:

R. Lewis Tillery, Division President

## PROJECT AND LOCATION

This permit allows the applicant to relocate the existing asphalt plant currently in Kissimmee, Osceola County to Avon Park, Highlands County. Upon relocation, the existing asphalt plant currently located at Highlands County will be dismantled.

The facility is located at Route 17A, Avon Park, Highlands County, Florida. The UTM coordinates of this facility are Zone 17 ; 451.13 km E ; 3050.00 km N. Latitude 27° 34' 28"/Longitude 81° 29' 42".

## STATEMENT OF BASIS

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

## APPENDIX

The attached appendix is a part of this permit:

Appendix GC      General Permit Conditions

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Howard L. Rhodes, Director  
Division of Air Resources  
Management

**FACILITY DESCRIPTION**

This existing facility in Osceola County to be relocated to Highlands County consists of a drum mix asphalt plant manufactured by Astec Industries, Incorporated, with a single point stack. The source at Osceola County includes a diesel powered generator, Caterpillar Model #3508, however upon relocation, the power source will change to local electrical service. Therefore, the generator will not be relocated. Particulate emissions are controlled by an Astec Industries Baghouse, Model #SBH42, with a gas flow of 37,421 cubic feet per minute, air to cloth ratio of 5.26 to 1, approximately a 99.9% collection efficiency, and felted Nomex bags.

**REGULATORY CLASSIFICATION**

This facility is classified as a synthetic non-Title V facility pursuant to Rule 62-210.300(3)(c)1., F.A.C.

**PERMIT SCHEDULE**

- June 24, 1998 Received application for construction permit
- July 16, 1998 Construction permit application deemed complete
- July 28, 1998 Issued Notice of Intent to Issue permit
- Date Notice of Intent published in [Name of Newspaper]

**RELEVANT DOCUMENTS**

The documents listed below are the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

- Application received (Bureau of Air Regulation) on June 24, 1998

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

**DRAFT**

This section applies to all emissions units at this facility.

**ADMINISTRATIVE**

1. Regulating Agencies: All documents related to applications for permits to operate, reports, tests, minor modifications and notifications shall be submitted to the Department's South District Office, Air Program, 2295 Victoria Avenue, Suite 346, Fort Myers, Florida 33901-3381 and phone number 941/332-6975.
2. General Conditions: The owner and operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
3. Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
4. Forms and Application Procedures: The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. [Rule 62-210.900, F.A.C.]
5. Expiration: This air construction permit shall expire on August 3, 1999. The permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Department's South District Office prior to 60 days before the expiration of the permit. [Rules 62-210.300(1), 62-4.070(4) and 62-4.210, F.A.C.]
6. Operation Permit Required: This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. **An operation permit is required for regular operation of the permitted emissions unit.** The owner or operator shall **apply for and receive** an operation permit prior to expiration of this permit. To apply for an operation permit, the applicant shall submit the appropriate application fee and, in quadruplicate, the appropriate application form, a certification that construction was completed with a notation of any deviations from the conditions in the construction permit, compliance test results, and such additional information as the Department may by law require. [F.A.C. Rules 62-4.030, 62-4.050, 62-4.220, and 62-210.300(2)]
7. Applicable Regulations: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297 and the Code of Federal Regulations Title 40, Part 60, adopted by reference in the Florida Administrative Code (F.A.C.) regulations. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800 and 62-210.300, F.A.C.]

**EMISSION LIMITING STANDARDS**

8. 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

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

**DRAFT**

Number 1 on the Ringelmann Chart (20% opacity). The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C. [Rule 62-296.320(4)(b)1, F.A.C.]

9. Unconfined Emissions of Particulate Matter: [Rule 62-296.320(4)(c), F.A.C.]

- (a) No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including 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 emissions.
- (b) Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
- (c) Reasonable precautions include the following:
  - Paving and maintenance of roads, parking areas and yards.
  - Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
  - Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
  - Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
  - Landscaping or planting of vegetation.
  - Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
  - Confining abrasive blasting where possible.
  - Enclosure or covering of conveyor systems.
- (d) In determining what constitutes reasonable precautions for a particular source, 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.

10. General Pollutant Emission Limiting Standards: [Rule 62-296.320(1)(a)&(2), F.A.C.]

- (a) No person shall not 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.
- (b) No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

**NOTE:** An objectionable odor is defined in Rule 62-210.200(198), F.A.C., as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance.

## SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

**DRAFT****OPERATIONAL REQUIREMENTS**

11. Modifications: No emissions unit or facility subject to this rule shall be constructed or modified without obtaining an air construction permit from the Department. Such permit must be obtained prior to the beginning of construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
12. Plant Operation - Problems: If 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's South District Office. The 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.]
13. 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.]
14. Excess Emissions:
  - (a) Excess emissions resulting from start-up, shutdown or malfunction of any emissions units shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized, but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
  - (b) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

**COMPLIANCE MONITORING AND TESTING REQUIREMENTS**

15. 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 two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
16. Operating Rate During Testing: Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operation at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the

**SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS****DRAFT**

permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted 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. [Rule 62-297.310(2), F.A.C.]

17. 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.]
18. Test Procedures shall meet all applicable requirements of Rule 62-297.310(4), F.A.C. [Rule 62-297.310(4), F.A.C.]
19. Determination of Process Variables: [Rule 62-297.310(5), F.A.C.]
  - (a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
  - (b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
20. Required Stack Sampling Facilities: Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. 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. Sampling facilities shall also conform to the requirements of Rule 62-297.310(6), F.A.C. [Rule 62-297.310(6), F.A.C.]
21. Test Notification: The owner or operator shall notify the Department's South District Office, at least 30 days prior to the date on which each formal compliance test is to begin. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.8]
22. 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 facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

**REPORTING AND RECORD KEEPING REQUIREMENTS**

23. Duration of Record Keeping: 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



**SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS****DRAFT**

extended automatically unless otherwise stipulated by the Department. 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 years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. [Rule 62-4.160(14)(a)&(b), F.A.C.]

24. Test Reports: The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]
25. Excess Emissions Report: If excess emissions occur, the owner or operator shall notify the Permitting Authority within one 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. Pursuant to the New Source Performance Standards, excess emissions shall also be reported in accordance with 40 CFR 60.7, Subpart A. [Rule 62-4.130, F.A.C.]
26. Excess Emissions Report - Malfunctions: In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate local program in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report if requested by the Department. [Rule 62-210.700(6), F.A.C.]
27. Annual Operating Report for Air Pollutant Emitting Facility: The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year and shall be submitted to the Department's South District Office by March 1 of the following year. [Rule 62-210.370(3), F.A.C.]

## SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

**DRAFT**

The following specific conditions apply to the following emissions unit after construction:

EMISSIONS UNIT NO.	EMISSIONS UNIT DESCRIPTION
001	Drum mix asphalt plant

NOTE: This emissions unit is subject to 40 CFR 60, Subpart I, New Source Performance Standards for Hot Mix Asphalt Facilities (40 CFR 60.90 - 60.93) and 40 CFR 60 Subpart A, revised as of July 1, 1997. The numbering of the original rules in some of the following conditions has been preserved for ease of reference.

**OPERATIONAL REQUIREMENTS**

- Operating Limits: The emissions unit maximum operating limits are as follows. [Rule 62-210.300(3)(c)1., F.A.C.]
  - The production rate of asphaltic concrete shall not exceed 500,000 tons in any consecutive twelve month period.
  - Fuel oil consumption, including used oil fuel, of the facility shall not exceed 1.2 million gallons in any consecutive twelve month period.
  - Fuel oil, including used oil fuel, shall not exceed 1.0 percent sulfur content, by weight.
- Methods of Operation - Fuels: The plant shall be fired with only fuel oil, including used oil fuel, natural gas, and propane. [Rule 62-4.070(3), F.A.C.]

**EMISSION LIMITATIONS AND PERFORMANCE STANDARDS**

- Particulate matter: Particulate matter (PM) emissions shall not exceed 90 mg/dscm (0.04 gr/dscf) averaged over a three-hour period. [Rule 62-210.300(3)(c)1.d., F.A.C. and 40 CFR 60.92(a)(1)]
- Visible emissions: Visible emissions (VE) shall not be equal to or greater than 20 percent opacity. [Rule 62-210.300(3)(c)1.f., F.A.C. and 40 CFR 60.92(a)(2)]

**COMPLIANCE MONITORING AND TESTING REQUIREMENTS**

- Stack tests and visible emission tests: The owner or operator shall submit a stack test using EPA Reference Method 5 or 5A and a visible emission (VE) test using EPA Reference Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C., that demonstrate compliance with the applicable PM and VE standards, respectively, to the Department's South District Office annually during each federal fiscal year (October 1 - September 30). The sampling time and sample volume for EPA Method 5 for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf). EPA Method 9 test shall be comprised of a 30 minute visible emissions test, which shall be conducted concurrently with one run of the Method 5 or 5A stack test. Testing shall be performed using the highest percent of recycled asphalt aggregate in the mix that is representative of normal operation. [Rules 62-4.070(3), 62-210.300(3)(c)1.i and 62-297.310(4)(a)2, F.A.C. and 40 CFR 60.93]
- Baghouse Integrity: The owner or operator shall inspect the integrity of the baghouse daily to look for leaks and verify the mechanical integrity. The daily inspection shall include a reading of the differential pressure gauge to measure the pressure drop across the baghouse to determine if bags are plugged or are leaking. The owner or operator shall inspect the interior of the baghouse weekly to determine the condition of the bags. [Rule 62-4.070(3), F.A.C.]

## SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

**DRAFT****REPORTING AND RECORD KEEPING REQUIREMENTS**

7. Fuel oil records: The owner or operator shall maintain records to demonstrate that each shipment of fuel oil, including used oil fuel, has 1.0 percent or less sulfur and that the sulfur content was determined by ASTM methods D4057-88 and ASTM D129-91, ASTM D2622-94 or ASTM D4294-90,(or latest editions), adopted and incorporated by reference in Rule 62-297.440(1). [Rule 62-210.300(3)(c)1.c., F.A.C.]
8. Monthly and Twelve Month Rolling Totals: The owner or operator shall maintain records to document the monthly and the twelve-month rolling totals of tons of asphaltic concrete produced; the gallons of fuel oil, including used oil fuel, consumed; and the hours of operation. Such records shall be retained for five years. [Rule 62-210.300(3)(c)1.g., F.A.C.]
9. Inspections of the Baghouse: The owner or operator shall record the results of the daily and weekly inspections of the baghouse in an operating log. [Rule 62-4.070(3), F.A.C.]

**ADDITIONAL CONDITIONS FOR BURNING USED OIL FUEL**

10. Used Oil: Burning of on-specification used oil is allowed at this facility in accordance with all other conditions of this permit and the following conditions:

- (a) On-specification Used Oil Allowed as Fuel: This permit allows the burning of used oil fuel meeting EPA "on-specification" used oil specifications, and a PCB concentration of less than 50 ppm. Used oil that does not meet the specifications for on-specification used oil shall not be burned at this facility.

On-specification used oil shall meet the following specifications: [40 CFR 279, Subpart B.]

- Arsenic shall not exceed 5.0 ppm;
  - Cadmium shall not exceed 2.0 ppm;
  - Chromium shall not exceed 10.0 ppm;
  - Lead shall not exceed 100.0 ppm;
  - Total halogens shall not exceed 1000 ppm;
  - Flash point shall not be less than 100 degrees F.
- (b) Used Oil Containing PCBs Not Allowed: Used oil containing a PCB concentration of 50 or more ppm shall not be burned at this facility. Used oil shall not be blended to meet this requirement.
  - (c) PCB Concentration of 2 to less than 50 ppm: On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall be burned only at normal source operating temperatures. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall not be burned during periods of startup or shutdown.

Before accepting from each marketer the first shipment of on-specification used oil with a PCB concentration of 2 to 49 ppm, the owner or operator shall provide each marketer with a one-time written and signed notice certifying that the owner or operator will burn the used oil in a qualified combustion device and must identify the class of combustion device. The notice must state that EPA or a RCRA-delegated state agency has been given a description of the used oil management activities at the facility and that an industrial boiler or furnace will be used to burn

## SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

**DRAFT**

the used oil with a PCB concentration of 2 to 49 ppm. The description of the used oil management activities may be submitted to the Administrator, Hazardous Waste Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. [40 CFR 279.61 and 761.20(e)]

- (d) **Certification Required:** The owner or operator shall receive from the marketer, for each load of used oil received, a certification that the used oil meets the specifications for on-specification used oil and contains a PCB concentration of less than 50 ppm. This certification shall also describe the basis for the certification, such as analytical results.

Used oil to be burned for energy recovery is presumed to contain quantifiable levels (2 ppm) of PCB unless the marketer obtains analyses (testing) or other information that the used oil fuel does not contain quantifiable levels of PCBs. Note that a claim that used oil does not contain quantifiable levels of PCBs (that is, that the used oil contains less than 2 ppm of PCBs) must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the used oil contains no detectable PCBs.

- (e) **Testing Required:** If the owner or operator does not receive certification from the marketer as described above, the owner or operator shall sample and analyze each batch of used oil to be burned for the following parameters:

Arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs\*, and percent sulfur content by weight, ash, and BTU value (BTU per gallon).

Testing (sampling, extraction and analysis) shall be performed using approved methods specified in EPA Publication SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods), latest edition.

\* Analysis for PCBs is not required if a claim is made that the used oil does not contain quantifiable levels of PCBs.

If the owner or operator relies on certification from the marketer as described above, the owner or operator shall, at a minimum, each calendar quarter, sample one load of used oil received, selected at random by the owner or operator, and analyze the sample for the above parameters.

If the analytical results show that the used oil **does not meet** the specification for on-specification used oil, or that it contains a PCB concentration of **50 ppm or greater**, the owner or operator shall:

- immediately notify the Department's South District's Compliance Section;
- provide the analytical results for the above parameters; and
- indicate the proposed means of disposal of the used oil.

- (f) **Record Keeping Required:** The owner or operator shall obtain, make, and keep the following records related to the use of used oil in a form suitable for inspection at the facility by the Department: [40 CFR 279.61 and 761.20(e)]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS****DRAFT**

- The gallons of on-specification used oil received and burned each month. (This record shall be completed no later than the fifteenth day of the succeeding month.)
- The total gallons of on-specification used oil burned in the preceding consecutive 12-month period. (This record shall be completed no later than the fifteenth day of the succeeding month.)
- The name and address of all marketers delivering used oil to the facility.
- Copies of the marketer certifications, if obtained, and any supporting information.
- Documentation that the used oil contains less than 2 ppm PCBs, if claimed, including the name and address of the person making the claim.
- Results of the analyses required above.
- A copy of the notice to EPA and a copy of the one-time written notice provided to each marketer.

**NSPS GENERAL PROVISIONS****11. Pursuant to 40 CFR 60.7 Notification And Record Keeping:**

- (a) Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification as follows:
  - (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
- (b) The owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
- (f) The owner or operator subject to the provisions of 40 CFR 60 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 five years following the date of such measurements, maintenance, reports, and records.  
[40 CFR 60.7]

**12. Pursuant to 40 CFR 60.8 Performance Tests:**

- (a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS****DRAFT**

such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
- (c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator 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.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. (e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows: (1) Sampling ports adequate for test methods applicable to such facility. This includes (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures. (2) Safe sampling platform(s). (3) Safe access to sampling platform(s). (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 CFR 60.8]

13. Pursuant to 40 CFR 60.11 Compliance With Standards And Maintenance Requirements:

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS****DRAFT**

- (a) Compliance with standards in 40 CFR 60, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in 40 CFR 60.11 shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60.11, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5).
- (c) The opacity standards set forth in 40 CFR 60.11 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part 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]

**14. Pursuant to 40 CFR 60.12 Circumvention:**

No owner or operator subject to the provisions of 40 CFR 60.12 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]

**15. Pursuant to 40 CFR 60.19 General notification and reporting requirements:**

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.
- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS****DRAFT**

to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery agreed to by the permitting authority, is acceptable.

- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f)(1)(i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
- (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.  
**[40 CFR 60.19]**



**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

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- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.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 or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.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.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
- Reasonable time may depend on the nature of the concern being investigated.
- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of non-compliance; and
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

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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.

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ( )
  - (b) Determination of Prevention of Significant Deterioration ( ); and
  - (c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. The date, exact place, and time of sampling or measurements;
    - 2. The person responsible for performing the sampling or measurements;
    - 3. The dates analyses were performed;
    - 4. The person responsible for performing the analyses;
    - 5. The analytical techniques or methods used; and
    - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

R. Lewis Jellery, Dir. Pres.  
 APAC-Fla, Inc.  
 1445 42nd St. NW  
 Winter Haven, FL  
 33881

4a. Article Number

P265659400

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

8/6/98

5. Received By: (Print Name)

C. Adams

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X C. Adams

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

P 265 659 400

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
APAC-Fla	
Street & Number	
MacAsphalt Dr.	
Post Office, State, & ZIP Code	
Winter Haven, FL	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	8-4-98
055001Z-003-AL	

PS Form 3800 April 1995