



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

February 27, 2002

Mr. Mark Smidebush  
Plant Manager  
Ocean Spray Cranberries, Inc.  
925 74<sup>th</sup> Avenue, Southwest  
Vero Beach, Florida 32968-9702

Re: DRAFT Title V Operation Permit Revision No.: 0610021-010-AV  
Draft Air Construction Permit No.: 0610021-009-AC  
Vero Beach Facility

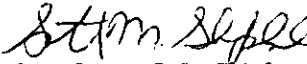
Dear Mr. Smidebush:

Enclosed is one copy of the Technical Evaluation and Preliminary Determination and associated combined Air Construction Permit/Title V DRAFT Operation Permit Revision, for the Vero Beach Facility located at 925 74<sup>th</sup> Avenue, Southwest, Vero Beach, Indian River County. The Department's "INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" and the "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" must be published one time only, as soon as possible, the legal advertising section of a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation 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 modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Scott Sheplak, P.E., Administrator, Title V Section at the above letterhead address. If you have any questions, please call Mr. Edward J. Svec at 850/921-8985.

Sincerely,

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

CHF/es

Enclosures

U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an  
Application for Permit by:

Mr. Mark Smidebush  
Plant Manager  
Ocean Spray Cranberries, Inc.  
925 74th Avenue, Southwest  
Vero Beach, Florida 32968-9702

Air Construction Permit No. 0610021-009-AC  
Title V Operation Permit Revision 0610021-010-AV  
Additional Operating Hours  
Vero Beach Facility  
Indian River County

**INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION**

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined Air Construction Permit/ Title V Operation Permit Revision (copy of the combined Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision is 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, Ocean Spray Cranberries, Inc., applied on November 26, 2001, to the Department to increase the plant's allowable operating hours of the peel dryers and pellet cooler which is accomplished through a cap in total fruit processing of 6.4 million boxes in a 12-month period at the Vero Beach Facility in Indian River County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, 62-213, and 62-214. The Department has determined that a combined Air Construction Permit/ Title V Operation Permit Revision is required in order to: increase the allowable operating hours through a cap in total fruit processed in a 12-month period by the current Title V operating permit.

The Department intends to issue this combined Air Construction Permit/ Title V Operation Permit Revision based on the belief that reasonable assurances have been provided to indicate that operation of the Title V source will not adversely impact air quality, and the Title V 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 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 A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION." The notice shall be published one time only 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. 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). The Department suggests that you publish the notice within thirty days of receipt of this letter. 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 or other authorization. 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 combined Draft Air Construction Permit/ Title V PROPOSED Operation Permit Revision, and subsequent combined Final Air Construction Permit/ Title V FINAL Operation Permit Revision, in accordance with the conditions of the attached Draft Air Construction Permit/ Title V DRAFT Operation 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 Department will accept written comments concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION." 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 to this combine Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision, the Department shall issue a combined Revised Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision and require, if applicable, another Public Notice.

The Department will issue the Air Construction 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.

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.

  
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 A COMBINED AIR CONSTRUCTION/TITLE V OPERATION PERMIT REVISION (including the combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision) and all copies were sent by certified mail before the close of business on 2/28/02 to the person(s) listed:

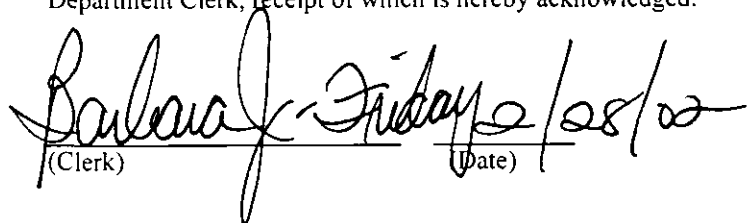
Mark Smidebush, Plant Manager, Ocean Spray Cranberries, Inc.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE A COMBINED AIR CONSTRUCTION/TITLE V OPERATION PERMIT REVISION (including the combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision) were sent by U.S. mail on the same date to the person(s) listed:

Larry Stuart, P.E., Bortorf Associates, Inc.  
Leonard Kozlov, P.E., CD

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) Friday 2/28/02 (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V  
OPERATION PERMIT REVISION**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Construction Permit No. 0610021-009-AC  
Title V Operation Permit Revision No.: 0610021-010-AV

Ocean Spray Cranberries, Inc.  
Vero Beach Facility  
Indian River County

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined Air Construction Permit/Title V Operation Permit Revision to Ocean Spray Cranberries, Inc. for the Vero Beach Facility located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The applicant's name and address are Ocean Spray Cranberries, Inc., 925 74th Avenue, Southwest, Vero Beach, Florida 32968-9702.

The Department will issue the combined Draft Air Construction Permit/Title V PROPOSED Operation Permit Revision, and subsequent combined Final Air Construction Permit/ Title V FINAL Operation Permit Revision, in accordance with the conditions of the attached Draft Air Construction Permit/ Title V DRAFT Operation 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 Department has determined that a combined Air Construction Permit/ Title V Operation Permit Revision is required in order to: increase the plant's allowable operating hours which is accomplished through a cap in total fruit processing of 6.4 million boxes in a 12-month period.

The Department will accept written comments concerning the proposed combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision for a period of thirty (30) days from the date of publication of this notice. 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 this combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, the Department shall issue a combined Revised Draft Air Construction Permit/Title V DRAFT Operation 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 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 (14) 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 (14) 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, F.A.C.

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 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:

Department of Environmental Protection  
Bureau of Air Regulation  
111 S. Magnolia Drive, Suite 4  
Tallahassee, Florida, 32301  
Telephone: 850/488-1344  
Fax: 850/922-6979

Department of Environmental Protection  
Central District Office  
3319 Maguire Blvd., Suite 232  
Orlando, Florida 32803  
Telephone: 407/894-7555  
Fax: 407/897-5963

The complete project file includes the application, the Technical Evaluation and Preliminary Determination, combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Title V Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

## TECHNICAL EVALUATION AND DETERMINATION

### 1 APPLICANT NAME AND ADDRESS

Ocean Spray Cranberries, Inc.  
925 74<sup>th</sup> Avenue, Southwest  
Vero Beach, Florida 32968-9702

Authorized Representative: Mark Smidebush, Plant Manager

### 2 FACILITY DESCRIPTION, PROJECT DETAILS AND RULE APPLICABILITY

The facility is an existing citrus juice processing facility. The project is a request for additional operation hours for the peel dryers and pellet cooler. The applicant did not seek any relaxation in currently enforceable conditions for its other existing emissions units.

The emissions units addressed by this permit are Citrus Peel Dryer No. 1, I.D. 004, Citrus Peel Dryer No. 2, I.D. 006, and, Pellet Cooler, I.D. 005.

The emissions increases associated with this project were estimated as follows in tons per year. No offsetting emissions were assumed in this estimate.

Pollutant	Net Increase <sup>1</sup>	PSD Significance	Subject to PSD?
PM/ PM <sub>10</sub>	3.38/3.38	25/15	No
SO <sub>2</sub>	3.76	40	No
NO <sub>x</sub>	1.06	40	No
CO	5.02	100	No
VOC	39.14	40	No

<sup>1</sup> Potential emissions (shown as net increase) were estimated by the Department from allowable natural gas, no. 2 fuel oil usage and AP-42 emission factors (tables 1.3-1 and 1.3-3 for fuel oil, tables 1.4-1 and 1.4-2 for natural gas), assuming a heat content of 1000 Btu/scf of natural gas and 138 million Btu/1000 gallons of distillate fuel oil, given a design heat input capacity of 70 mmBtu/hour, and the fuel use limits of the permit.

The proposed project is subject to preconstruction review requirements under the provisions of Chapter 403, F.S., and Chapters 62-4, 62-204, 62-210, 62-212 and 62-297, F.A.C. The existing facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment or unclassifiable for the criteria pollutants ozone, PM<sub>10</sub>, carbon monoxide, SO<sub>2</sub>, nitrogen dioxide and lead. This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant exceeds 100 tons per year (TPY). The Department has previously found that citrus juice processing facilities such as this facility have potential emissions of VOC exceeding 250 TPY.

This facility is not within an industry included in the list of the 28 Major Facility Categories per Table 212.400-1 of Chapter 62-212, F.A.C. Because emissions are greater than 250 TPY for at least one criteria pollutant (VOC), the facility is also an existing Major Facility with respect to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD). The net increase in emissions of PM/PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>2</sub>, CO and VOC do not exceed the PSD significance levels of Table 212.400-2 of Chapter 62-212, F.A.C. Therefore the project is not subject to PSD requirements of Rule 62-212.400, F.A.C., for these pollutants.

The applicant stated that this facility is not a major source of hazardous air pollutants (HAPs). This project is not subject to a case-by-case MACT determination, per Rule 62-204.800(10)(d)2, F.A.C., because it does not result in the construction or reconstruction of a major source of HAP emissions. This project is not subject to any requirements under the National Emissions Standards for Hazardous Air Pollutants, 40 CFR 61 or 63.

**3 SOURCE IMPACT ANALYSIS**

An impact analysis was not required for this project because it is not subject to the requirements of PSD.

**4 EXCESS EMISSIONS**

Excess emissions for this emissions unit are specified in Section II of the permit. This permitting action does not change any authorization for excess emissions provided by other Department permits for other emissions units

**5 LIMITS AND COMPLIANCE REQUIREMENTS**

The permit limits the total fruit processed by the plant in a 12-month period as the method of limiting emissions. Additional specific emission limits were not imposed because the potential emissions are well below the PSD significance criteria. The operating limits and the compliance requirements are detailed in Section III of the permit.

**6 PRELIMINARY DETERMINATION**

Based on the foregoing technical evaluation of the application and additional information submitted by the applicant and other available information, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations. The Department's preliminary determination is to issue the draft permit to allow sufficient operating hours for the two peel dryers and pellet cooler to process 6.4 million boxes of citrus fruit in any consecutive 12 month period which can be accomplished in an estimated 3,737 hours, subject to the terms and conditions of the draft permit.

**7 FINAL DETERMINATION**

^DRAFT (This section will be revised when a final permit is issued for this project.)

**DETAILS OF THIS ANALYSIS MAY BE OBTAINED BY CONTACTING:**

Edward J. Svec, Engineer IV  
Department of Environmental Protection  
Bureau of Air Regulation  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: 850/488-0114





Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

## PERMITTEE

Ocean Spray Cranberries, Inc.  
925 74th Avenue, Southwest  
Vero Beach, Florida 32968-9702

<b>Permit No.</b>	0610021-009-AC
<b>Project</b>	Additional Operating Hours
<b>SIC No.</b>	2037
<b>Expires:</b>	^DRAFT

## Authorized Representative:

Mark Smidebush, Plant Manager

## PROJECT AND LOCATION

This permit authorizes Ocean Spray Cranberries, Inc., to increase hours of operation necessary to process 6.4 million boxes of fruit in a 12-month period through the existing Peel Dryers and Pellet Mill.

This facility is located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The UTM coordinates are: Zone 17; 550.7 km E and 3051.3 km N.

## 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 emissions units 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).

## APPENDICES

The attached appendix is a part of this permit:

Appendix GC    General Permit Conditions

## DRAFT

\_\_\_\_\_  
Howard L. Rhodes, Director  
Division of Air Resources  
Management

*"More Protection, Less Process"*

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**AIR CONSTRUCTION PERMIT**  
**SECTION I. FACILITY INFORMATION**

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**FACILITY AND PROJECT DESCRIPTION**

This facility consists of two citrus peel dryers (nos. 1 and 2) equipped with a waste heat evaporator and an integral scrubber to control particulate emissions; one pellet cooler equipped with a cyclone to control particulate emissions; and three steam boilers (nos. 1, 2, and 3).

The applicant is requesting sufficient operating hours to process a maximum 6.4 million boxes of fruit per year. The applicant did not seek any relaxation in currently enforceable conditions in its other existing emissions units.

The emissions increases associated with this project were estimated as follows in tons per year. No offsetting emissions were assumed in this estimate.

Pollutant	Net Increase <sup>1</sup>	PSD Significance	Subject to PSD?
PM/ PM <sub>10</sub>	3.38/3.38	25/15	No
SO <sub>2</sub>	3.76	40	No
NO <sub>x</sub>	1.06	40	No
CO	5.02	100	No
VOC	39.14	40	No

<sup>1</sup> Potential emissions (shown as net increase) were estimated by the Department from allowable natural gas, no. 2 fuel oil usage and AP-42 emission factors (tables 1.3-1 and 1.3-3 for fuel oil, tables 1.4-1 and 1.4-2 for natural gas), assuming a heat content of 1000 Btu/scf of natural gas and 138 million Btu/1000 gallons of distillate fuel oil, given a design heat input capacity of 70 mmBtu/hour, and the fuel use limits of the permit.

The facility information, project scope, emissions and rule applicability are described in detail in the Department's Technical Evaluation and Determination.

**REVIEWING AND PROCESS SCHEDULE**

November 26, 2001	Received permit application (no application fee required)
December 11, 2001	Application complete
^DRAFT	Distributed Notice of Intent to Issue and supporting documents
^DRAFT	Notice of Intent published in ^DRAFT

**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.

- Permit application
- Department's Technical Evaluation and Determination
- Department's Intent to Issue

## AIR CONSTRUCTION PERMIT

### SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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The following specific conditions apply to all emissions units at this facility addressed by this permit.

#### ADMINISTRATIVE

1. Regulating Agencies: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, phone number 850/488-0114. All documents related to reports, tests, minor modifications and notifications shall be submitted to the Department's Central District office at 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803, and phone number 407/894-7555.
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, F.S. [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. Applicable Regulations, Forms and Application Procedures: 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.; Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297, F.A.C.; and, the Code of Federal Regulations Title 40, Part 60, adopted by reference in the F.A.C. regulations. 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. 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, 62-210.300 and 62-210.900, F.A.C.]
5. New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Expiration: This air construction permit shall expire on ^DRAFT. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rules 62-210.300(1), 62-4.070(4), 62-4.080, and 62-4.210, F.A.C.]
7. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit 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.]
8. Title V Operation Permit Required: This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. A revision to the Title V operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for a Title V operation permit at least ninety days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a

**AIR CONSTRUCTION PERMIT**  
**SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS**

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Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Central District office. [Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]

**OPERATIONAL REQUIREMENTS**

9. 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 Central 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.]
10. 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.]
11. Excess Emissions: This permit does not change any authorization for excess emissions provided by other Department permits for other emissions units. The following excess emissions provisions of state rule apply to these emissions units (emissions unit I.D. 004, 005, and 006) as specified below.
  - (a) Excess emissions resulting from start-up and shutdown are 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.
  - (b) Excess emissions resulting from malfunction of this emissions unit 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.
  - (c) 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.

[Rules 62-210.700(1), (4) and (5), F.A.C.]

**COMPLIANCE MONITORING AND TESTING REQUIREMENTS**

12. 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

**AIR CONSTRUCTION PERMIT**  
**SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS**

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with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

**REPORTING AND RECORD KEEPING REQUIREMENTS**

13. 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 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. [Rules 62-4.160(14)(a)&(b) and 62-213.440(1)(b)2.b., F.A.C.]
14. Excess Emissions Report: In case of excess emissions resulting from malfunction, the owner or operator shall notify the Department's Central District office 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. A full written report on the malfunctions shall be submitted in a quarterly report if requested by the Department. [Rules 62-4.130 and 62-210.700(6), F.A.C.]
15. Annual Operating Report for Air Pollutant Emitting Facility: The Annual Operating Report for Air Pollutant Emitting Facility shall be completed each year and shall be submitted to the Department's Central District office and, if applicable, the appropriate local program by March 1 of the following year. [Rule 62-210.370(3), F.A.C.]

**AIR CONSTRUCTION PERMIT**  
**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**

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The following specific conditions apply to the following emissions units after construction.

**E.U. ID**

<b><u>No.</u></b>	<b><u>Brief Description</u></b>
-004	Citrus Peel Dryer No. 1
-006	Citrus Peel Dryer No. 2
-005	Pellet Cooler

Citrus peel dryers (nos. 1 and 2) are equipped with a waste heat evaporator and an integral scrubber to control particulate emissions. The pellet cooler is equipped with a cyclone to control particulate emissions.

These emissions units are regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards.

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

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

**1. Capacity.**

- a. The maximum process input rate (wet peel) to peel dryer no. 1 shall not exceed 95,256 tons per twelve consecutive months.
- b. The maximum process input rate (wet peel) to peel dryer no. 2 shall not exceed 127,008 tons per twelve consecutive months.
- c. The maximum process rate, which includes moisture, for the pellet cooler shall not exceed 48,686 tons per twelve consecutive months.
- d. The maximum process input rate (wet peel) to both dryers shall not exceed 127,008 tons per twelve consecutive months.

[Rules 62-4.160(2), F.A.C. and 62-210.200, (PTE), F.A.C. and construction permit 0610021-005-AC]

**2. Fruit Throughput Limited:** The owner or operator shall not process more than 6.4 million boxes of citrus fruit in any consecutive 12 month period. For purposes of this permit, a box of citrus fruit shall be defined to contain 90 pounds of oranges or 85 pounds of grapefruit. The owner or operator shall make and maintain monthly and rolling 12 month records of fruit processing rates to demonstrate compliance with this limitation. Such records shall be made from daily processing records and shall be completed no later than the 10<sup>th</sup> day of each following month. [Rule 62-4.070(3), F.A.C. and 0610021-009-AC]

**3. Methods of Operation - (i.e., Fuels).**

The fuel used by the peel dryers shall be limited to natural gas, propane, or new no. 2 fuel oil with a sulfur content not to exceed 0.5% S by weight. The maximum fuel usage rate for the two citrus peel dryers shall not exceed 1,265,494 gallons (combined total) per twelve consecutive months.

[Rules 62-210.200, (PTE), F.A.C. and 62-4.160(2), F.A.C., and construction permit 0610021-005-AC]

**4. Hours of Operation.** For emission calculations, the hours of operation for these emissions units are estimated not to exceed 3,737 hours per year.

**AIR CONSTRUCTION PERMIT**  
**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**

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\*Dryers No. 1 and 2 shall not operate simultaneously.  
[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-009-AC]

**EMISSION LIMITATIONS AND STANDARDS**

5. Peel dryers no. 1 and 2 are subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 27.0 tons/hour (dryer no. 1) and 36.0 tons/hour (dryer no. 2) and, as requested by the applicant, the emission rate is capped at 17.3 pounds per hour from each dryer and annual emissions are capped at a total of 32.32 tons per any consecutive twelve month period from both dryers since both dryers can not be operated simultaneously.

[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

6. The pellet cooler is subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 13.8 tons/hour and, as requested by the applicant, the emission rate is capped at 15.0 pounds per hour and annual emissions are capped at 28.03 tons per any consecutive twelve month period. For lower process rates, i.e. those below 10.0 tons per hour, the process weight rule equation limitation will be the more stringent limitation.

[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

7. Visible emissions from each emission unit shall not be equal to or greater than 20% opacity.

[Rule 62-296.320(4)(b)(1), F.A.C.]

8. Emissions of sulfur dioxide (SO<sub>2</sub>) from peel dryers no. 1 and 2 shall not exceed 44.93 tons per twelve consecutive months (combined total), as requested by the applicant.

[Construction permit 0610021-005-AC]

**Test Methods and Procedures**

9. Each peel dryer shall be tested for visible emissions for a 30 minute period annually on, or during the 60 day period prior to January 30. Each peel dryer shall be tested for particulate matter emissions prior to permit renewal. (Note that peel dryer no. 2 shall be tested within 30 days after being placed in operation.) Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of each units process input rate and the fuel type and heat input rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

10. The pellet cooler shall be tested for visible emissions for a 30 minute period annually on or during the 60 day period prior to January 30. The pellet cooler shall be tested for particulate matter emissions prior to permit renewal. (Note that the pellet cooler shall be tested within 30 days after being placed in operation at its higher permitted capacity.) Testing of emissions must be conducted when the emission

**AIR CONSTRUCTION PERMIT**  
**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**

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unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of the units process rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

11. Compliance with the emission limitations shall be determined using EPA Methods 1, 2, 3, 4, 5, 9, 10, and 25A or Method 25A in conjunction with Method 18 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60 Appendix A.

[Rule 62-297, F.A.C. and Alternate Sampling Procedure Order No. 97-G-01]

12. The permittee shall demonstrate compliance with the liquid fuel sulfur limit by the vendor providing a fuel analysis upon each fuel delivery or on analysis of as-received samples taken at the facility.

[Rules 62-213.440 and 62-296.406(3), F.A.C.]

13. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions.

[Rules 62-213.440, 62-296.406(3), 62-070(3), and 62-297.440, F.A.C.]

14. The maximum permitted process rates during compliance testing are as follows:

- a) peel dryer no. 1 - 27.0 tons/hr. wet peel input
- b) peel dryer no. 2 - 36.0 tons/hr. wet peel input
- c) pellet cooler - 13.8 tons/hr.

[Construction permit 0610021-005-AC]

15. Compliance Schedule. The applicant shall provide a construction permit application to reduce the potential to emit which are currently based upon construction permit 0610021-005-AC. **The revised construction permit shall be received within thirty days after issuance of the Final permit and will make federally enforceable the lowering of the potential to emit of VOC emissions.** In accordance with the following compliance schedule the emission units shall be in compliance with the following requirements within the specified time after issuance of this permit. The applicant shall notify the Department in writing, within 15 days after the date specified for each milestone, to include the achievement of compliance, of progress achieved, requirements met, requirements not met, corrective measures adopted and an explanation of any measures not met by the completion date for the milestone or for compliance. All reports shall be accompanied by a certification, signed by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

<u>Referenced Standard</u>	<u>Task Description</u>	<u>Following Permit Issuance</u>
62-213.420(1)(b)2., F.A.C.	Submit updated CO & VOC potential to emit estimates and provide a PSD applicability	90 days

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Ocean Spray Cranberries, Inc.  
Additional Operating Hours

0610021-009-AC



**AIR CONSTRUCTION PERMIT**  
**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**

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determination.

62-213.420(1)(b)2., F.A.C.	Submit a proposed compliance procedure to determine VOC emissions, including parametric monitoring to provide a regular compliance demonstration between emission tests, such as measured oil recovery rates, etc.	90 days
62-297.310(6)(d)1. & 2, F.A.C.	Increase stack test platform width to 3 feet.	180 days

[Rule 62-213.440(2), F.A.C. and Title V application received June 12, 1996]

**Monitoring of Operations**

**16. Determination of Process Variables.**

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

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

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

**Recordkeeping and Reporting Requirements**

17. In order to demonstrate compliance with conditions no. A1, A2, A3, A4, A5, A7, and A8, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

- a) month
  - fuel type and no. 2 fuel oil sulfur content
- b) consecutive 12 month total of:
  - process rates
  - hours of operation

## AIR CONSTRUCTION PERMIT

### SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

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- particulate emissions
- SO2 emissions
- gallons no. 2 fuel oil fired

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C.]

18. Compliance with the SO2 emission limitation shall be demonstrated by calculations based on keeping of records of the fuel oil sulfur content and fuel oil consumption for each combustion emission unit. Calculation of emissions shall be done each month and on a rolling twelve month total basis and shall be completed no later than 10 days following the end of each month. These records shall be recorded in a permanent form suitable for inspection by the Department upon request.

[Rule 62-4.070(3), F.A.C.]

#### EMISSION LIMITING STANDARDS

19. 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% 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.]

#### REPORTING AND RECORD KEEPING REQUIREMENTS

20. Records of Operating Hours Required: The owner or operator shall make and maintain records of hours of operation of this emissions unit in units of hours per month and hours per consecutive 12 month period, to demonstrate compliance with the limit of condition 1 of this section. Records shall be made from daily operation records and shall be completed no later than the 10<sup>th</sup> day of each following month. [Rule 62-4.070(3), F.A.C., required to monitor compliance with the limitation on potential to emit]

21. Records of Input Rate Required: The owner or operator shall make and maintain records of the average rate of pressed peel input to the dryer, to demonstrate compliance with the requirements of condition 2 of this section. Records shall be made each day by dividing that day's total input rate of peel by that day's hours of operation of the dryer. [Rule 62-4.070(3), F.A.C., required to monitor compliance with the limitation on potential to emit]

22. Records of Operation of Dryer Bypass Stack Required: The owner or operator shall make records of the number of hours each day that the dryer is operated with emissions directed in total or in part through the bypass stack. The number of hours of bypass stack operation recorded each calendar quarter shall be reported to the Department's Central District office no later than the 10<sup>th</sup> day following each calendar quarter. [Rule 62-4.070(3), F.A.C.]

[Note: Excess emissions are limited by Rule 62-210.700, F.A.C., and previous Department permits. Those limitations are not changed by this permit.]

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

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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 [RULE 62-4.160, F.A.C.]

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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 ( ).
- 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.

*Patty Adams*



Jeb Bush  
Governor

# 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:**  
Ocean Spray Cranberries, Inc.

**DRAFT Permit No.:** 0610021-009-AC  
**DRAFT Permit No.:** 0610021-010-AV

**Project type:** Air Construction (Modification)/Title V 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*      02/27/03  
Scott M. Sheplak, P.E.      date  
Registration Number: 48866

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