

*Joe*  
Florida Department of  
**Environmental Protection**

**Memorandum**

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**To:** Vivian F. Garfein, Central District Director  
**From:** Clair Fancy, Chief, Bureau of Air Regulation *Clair Fancy*  
**Date:** January 22, 1998  
**Re:** Inquiry Regarding City of Vero Beach Power Plant Cooling Towers

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While processing the City's Title V air operation permit, Mr. Joseph Kahn of my staff received an inquiry from Mr. Denis Ohlrich, a neighbor of the City's power plant, regarding potential air emissions of pathogens and chemical compounds from the City's cooling towers, located only 400 feet away from Mr. Ohlrich's condominium.

Mr. Ohlrich is concerned about potential exposure to pathogens that may be present in incoming tertiary treated reclaimed water, or grew within the cooling tower structure, emitted with evaporated cooling water. He is also concerned about the emission of chemical compounds that may have been present in the wastewater treatment plant influent that remain untreated in the reclaimed water. Mr. Ohlrich estimates maximum emissions from the cooling towers at 10.3 million gallons per month. At that level of evaporation, he supposes that the potential exists for emission of some level of pathogens or chemicals with the evaporated reclaimed water. Mr. Ohlrich said he is not particularly troubled by other uses of reclaimed water, such as irrigation, where the potential for inhalation exposure is minimal.

Mr. Ohlrich said he is now further concerned because of proposed changes to Rule 62-610, F.A.C., which would allow use of secondarily treated water, with, he feels, an increased potential for pathogen or chemical emissions with the evaporated cooling water.

The cooling tower emissions are not regulated under the air rules. We are referring Mr. Ohlrich's inquiry to you. We discovered that Mr. Al Castro of your office and Mr. Craig Diltz in Tallahassee are aware of this issue, so you may be somewhat familiar with this already.

Mr. Ohlrich's telephone number is 561/569-7940. Thank you.

CHF/jk

cc: Richard Drew, Chief, Bureau of Water Facilities Regulation

11/17 to P. Hall

Memorandum

Florida Department of  
**Environmental Protection**

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TO: Pinky G. Hall  
Inspector General

FROM: Mimi A. Drew, Director *Mimi*  
Division of Water Facilities

SUBJECT: Vero Beach Municipal Power Plant  
Case No.: II-03-14-97-093

DATE: November 14, 1997

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In accordance with your memorandum of October 15, 1997, attached is our response to issues related to the draft industrial wastewater discharge permit for the City of Vero Beach Power Plant raised by Mr. Denis Ohlrich in his letters which were provided to us by your office. Please note that the issues raised have very little to do with the activities regulated by this industrial wastewater permit. Public health issues related to the use of reclaimed waters have been incorporated in the Central District's response. I hope that this information along with that provided by the Central District will assist you in the resolution of this matter. Please contact me if you have any questions or if we can be of further assistance.

MD/cd/wpg

Attachment

**RECEIVED**

JAN 07 1998

BUREAU OF  
AIR REGULATION

# **City of Vero Beach Power Plant Permit Industrial Wastewater Discharge**

Craig Diltz, P.E., Industrial Wastewater Section

## **1. Cooling Tower Description**

The main issue raised in the September 24, 1997 letter is whether the function of the Unit 4 cooling tower is misrepresented as a "closed loop system" considering that only about 20% of the reclaimed water delivered to the cooling tower is returned to the wastewater treatment plant (WWTP). The September 24, 1997 letter is correct in describing the Unit 4 cooling tower as a recirculating cooling water system. As such, proper cooling relies on heat loss through evaporation which typically provides 90-95 percent of the heat removal in these types of systems. The closed loop description refers to routing of the cooling tower blowdown (water purposely discharged from cooling towers to prevent unacceptable build up of dissolved solids) back to the wastewater treatment plant where the make-up water (water used to replace that which is evaporated or blown down) is obtained. "Closed loop" is a common description of these systems as they relate to make-up and blowdown waters with the absence of direct discharge to state waters, which are the only discharges regulated by the current and proposed water discharge permits. The use of the term "closed loop system" is not intended to be misleading and can be eliminated or more extensively explained in the permit fact sheet if necessary. However, the use of this term is irrelevant as far as the permit requirements for this facility.

## **2. "Drift" Losses**

The September 24, 1997 letter also raised the issue of emissions to the atmosphere of additives used to maintain the proper function of the cooling tower. The Central District's response addressed the volatile component of these emissions. It should be noted that extremely small amounts (typically in the range of .1-.01% of the recirculation flow) of cooling water may be emitted as very small droplets often referred to as "drift".

The drift component would contain minute amounts of the non-volatile cooling tower additives, which are generally water conditioning chemicals in common use throughout the industry. The manufacturers of these chemicals have developed instructions for proper use and disposal for each substance used. This provides the utility and the Department with guidelines on its use in order to protect human health and the environment. Drift losses are so small and insignificant that they are often not included in the water balance for cooling towers, and should not pose an environmental problem.

### **3. Regulation of Blowdown**

As mentioned in the cooling tower description above, the blowdown component is typically the only waste stream regulated by the wastewater permits for these systems. In this instance, the blowdown is routed back to the City of Vero Beach domestic wastewater treatment plant, which is responsible for meeting applicable water quality standards prior to discharge. In addition, the blowdown must be of suitable quality to meet the applicable pretreatment standards before it is discharged to the city's domestic wastewater treatment plant. The pretreatment requirements are specified in the NPDES permit for the power plant.

10/21

Florida Department of  
Environmental Protection

Memorandum

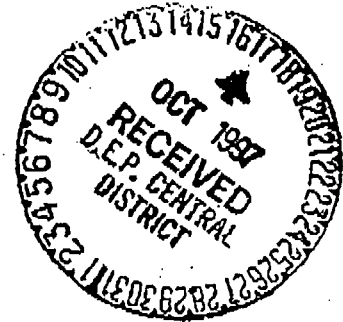
October 15, 1997

TO: Mimi Drew, Director  
Division of Water Facilities

TO: Vivian Garfein, Director  
Central District

FROM: Roy C. Dickey, Major *RCD*  
Office of Inspector General  
Internal Investigations, M.S. #51

SUBJECT: VERO BEACH MUNICIPAL POWER PLANT  
Case No.: II-03-14-97-093



*Chlorine*  
*Yew*  
*fyf*

We have prepared an Internal Inquiry form regarding a complaint against the Vero Beach Municipal Power Plant. This inquiry was referred to us from the Florida Department of Law Enforcement. The Office of Inspector General will conduct an investigative review concerning this matter.

We will make every effort to keep your office informed of the status of this inquiry. A complete report, documenting case findings will be forwarded to you for review and handling, upon completion of this investigation. The Internal Investigator assigned to handle this investigation is Lieutenant Dennis Tate. Please call him if you have questions at 488-7038.

RCD/jtt

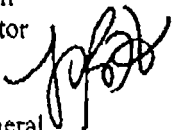
**CONFIDENTIAL**Florida Department of  
**Environmental Protection**

10/20

Memorandum

October 15, 1997

TO: Vivian Garfein  
District Director

FROM: Pinky G. Hall  
Inspector General 

SUBJECT: Complaint from Denis Ohlrich

As we discussed by telephone yesterday, enclosed is a complaint from Denis Ohlrich alleging that air pollution from open air cooling towers used by the Vero Beach Power Plant is adversely affecting the health and safety of the citizens of Vero Beach, Florida. This complaint was recently referred to this office by the Florida Department of Law Enforcement. Please review this issue and address the concerns raised by Mr. Ohlrich; be sure to coordinate your response with David York, Division of Water Facilities. Upon completion of the review, we will forward the results to FDLE and respond to Mr. Ohlrich. If you have questions in this regard, please call Major Roy Dickey, Director of Investigations at suncom 278-7038. Thank you for your assistance in addressing this issue.

PGH/la  
Enclosure  
cc: Major Roy Dickey

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NOTICE OF PUBLIC MEETING

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 1998, 7:00-9:00pm

PLACE: Vero Beach City Hall, 1053 20th Place, Vero Beach, Florida 32960

PURPOSE: The City of Vero Beach applied, on March 12, 1996, to the Department of Environmental Protection for a renewal permit to operate wastewater treatment and effluent disposal facilities for Units #1, #2, and #3 of the Vero Beach Municipal Power Plant located in Indian River County, Florida. The facility has five (5) power generating units. Units #1, #2, and #3 use water from the Indian River as once-through cooling water which is discharged back to the Indian River. Cooling water for Unit #4 cooling tower is treated wastewater effluent obtained from the Vero Beach Wastewater Treatment Plant (WWTP). Cooling tower blowdown from Unit #4 is directed back to the WWTP and boiler blowdown is discharged to the WWTP. There is no authorized discharge from Unit #5 to waters of the state. Effluent from Units 1, 2, and 3 is discharged to Indian River, a Class II surface water. After the Notice of Draft Permit was published the Department received public comments from citizens within the surrounding community of the Vero Beach Municipal Power Plant. The primary issue of concern is the drift associated with use of treated wastewater effluent in the Unit #4 cooling tower.

The Department gave notice of its preparation of a draft permit to the City of Vero Beach, Post Office Box 1389, Vero Beach, FL 32960 for the Vero Beach Municipal Power Plant located on 100 - 17th Street, Vero Beach, FL on November 6, 8-13, 1997.

A copy of the agenda may be obtained by writing to Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Attention: Mr. Craig Diltz.

If an accommodation is needed for a disability in order to participate in this activity, please notify Craig Diltz at (850)488-4522, at least seven days prior to the event.

The public comment period on this draft permit is extended until the close of the public meeting. Any person may submit oral or written statements and data at the public meeting on the proposed action of the Department. As a result of significant public comment the Department final action may be different from the position taken by it in the draft permit.

The permit application file and supporting documents are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Industrial Wastewater Section, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (904)488-4522. Copies of the draft permit are available for review at the Department's Central District office located at 3319 Maguire Boulevard, Suite 232, Orlando, FL 32803-3767.

**Memorandum**

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**To:** Robert Manning, HGSS  
Via Fax 224-8551 or 425-3415

**From:** Joseph Kahn, Title V Section

**Date:** September 3, 1997

**Re:** City of Vero Beach Custom Fuel Monitoring Schedule

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Attached are the changes we discussed this morning to accommodate a custom fuel monitoring schedule for natural gas. I will copy you and Mike Siefert of the City of Vero Beach on the letter forwarding the schedule to EPA Region 4 for approval. That letter should go out today and I expect the proposed permit to be mailed out this week. Thanks for your help with this project. Please call if you have any questions.



**E.15. Natural Gas Sulfur Content Records Required.** The owner or operator shall monitor the sulfur content of natural gas received in accordance with the custom fuel monitoring schedule in Appendix M of this permit.  
[Rules 62-4.070(3) and 62-213.440, F.A.C.]

#### **Appendix M, Custom Fuel Monitoring Schedule for Natural Gas**

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

1. Monitoring of fuel nitrogen content shall not be required when natural gas is the only fuel being fired in the turbines.
2. Sulfur Monitoring
  - a. Analysis for fuel sulfur content of the natural gas fired at this facility shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternate method. The reference methods are ASTM D1072-80, ASTM D3031-81, ASTM D3246-81 and ASTM D4084-82, as referenced in 40 CFR 60.335(b)(2).
  - b. This custom fuel monitoring schedule shall become effective on the date this permit is effective. Effective the date of this custom schedule, sulfur monitoring of natural gas fired at the facility shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content and indicates consistent compliance with the sulfur limits of 40 CFR 60.333, then sulfur monitoring shall be conducted once per quarter for six quarters.
  - c. If, after monitoring required in item 2.b. above, the sulfur content shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, and the fuel sulfur limits of this permit, sample analysis shall be conducted twice per year. This monitoring shall be conducted during the first and third quarters of each calendar year.
  - d. Should any sulfur analysis, as required in items 2.b. or 2.c. above indicate noncompliance with the sulfur limits of 40 CFR 60.333 or this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined by the Environmental Protection Agency (EPA). Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
3. If there is a change in fuel supply, the owner or operator shall notify the Department and EPA of such change for re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
4. Records of sample analysis and fuel supply pertinent to this custom fuel monitoring schedule for natural gas shall be retained for a period of five years, and shall be available at the facility for inspection by personnel of the Department or EPA.



Joe

# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

September 3, 1997

Mr. David McNeal  
United States Environmental Protection Agency, Region 4  
Air, Pesticides & Toxics Management Division  
Air and Radiation Technology Branch  
61 Forsyth Street  
Atlanta, GA 30303

Re: Custom Fuel Monitoring Schedules for Natural Gas  
File No. 0610029-002-AV, City of Vero Beach Municipal Utilities, Indian River County

Dear Mr. McNeal:

As we discussed by telephone today, I am forwarding the enclosed custom fuel monitoring schedule for the City of Vero Beach facility for approval. The schedule has been incorporated into the facility's Proposed Title V permit which has an effective date of January 1, 1998. Please review the schedule as soon as possible so that we can meet the future effective date of this permit. The facility receives pipeline gas from Florida Gas Transmission Company and has analyses to document the natural gas sulfur content has little variability. Please let me know if you need a summary of analyses or any other additional information to complete your review.

Please contact me at 850/488-1344 if you have any questions.

Sincerely,

Joseph Kahn, P.E.  
Permit Engineer  
Title V Section

/jk

Enclosure

copy to:  
Mr. Richard M. Siefert, City of Vero Beach  
Mr. Rex Taylor, City of Vero Beach  
Mr. Robert Manning, HGSS, Representing City of Vero Beach  
Mr. Kennard Kosky, P.E., Golder Associates  
Mr. Len Kozlov, P.E., DEP Central District  
Mr. Michael Harley, P.E., DEP, Emissions Monitoring Section

## Appendix M, Custom Fuel Monitoring Schedule for Natural Gas

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

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  - b. This custom fuel monitoring schedule shall become effective on the date this permit is effective. Effective the date of this custom schedule, sulfur monitoring of natural gas fired at the facility shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel sulfur content and indicates consistent compliance with the sulfur limits of 40 CFR 60.333, then sulfur monitoring shall be conducted once per quarter for six quarters.
  - c. If, after monitoring required in item 2.b. above, the sulfur content shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, and the fuel sulfur limits of this permit, sample analysis shall be conducted twice per year. This monitoring shall be conducted during the first and third quarters of each calendar year.
  - d. Should any sulfur analysis, as required in items 2.b. or 2.c. above indicate noncompliance with the sulfur limits of 40 CFR 60.333 or this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined by the Environmental Protection Agency (EPA). Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
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4. Records of sample analysis and fuel supply pertinent to this custom fuel monitoring schedule for natural gas shall be retained for a period of five years, and shall be available at the facility for inspection by personnel of the Department or EPA.

Florida Department of  
**Environmental Protection**

**Memorandum**

---

**To:** Robert Manning, HGSS  
Via Fax 224-8551 or 425-3415

**From:** Joseph Kahn, Title V Section

**Date:** September 3, 1997

**Re:** City of Vero Beach Custom Fuel Monitoring Schedule

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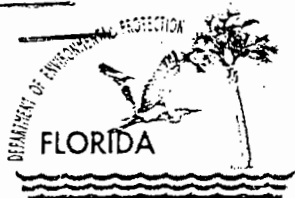
**E.15. Natural Gas Sulfur Content Records Required.** The owner or operator shall monitor the sulfur content of natural gas received in accordance with the custom fuel monitoring schedule in Appendix M of this permit.

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

#### **Appendix M, Custom Fuel Monitoring Schedule for Natural Gas**

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

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# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

August 28, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Richard M. Siefert  
Superintendent of Environmental Engineering  
City of Vero Beach  
PO Box 1389  
Vero Beach, FL 32961-1389

Re: Comments on DRAFT Title V Permit  
File No. 0610029-002-AV  
City of Vero Beach Municipal Utilities, Indian River County

Dear Mr. Siefert:

We received your comm

Utilities August 19, 1997. The

P 263 584 970

### US Postal Service Receipt for Certified Mail

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

Sent to	<i>Richard M. Siefert</i> <i>Superintendent of Environmental Engineering</i>
Street & Number	<i>City of Vero Beach, P.O. Box 1389</i>
Post Office, State, & ZIP Code	<i>Vero Beach, FL 32961-1389</i>
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	<i>08-28-97</i>

Is your RETURN ADDRESS completed on the reverse side?

#### SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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:

Mr. Richard M. Siefert  
Superintendent of Environmental Engineering  
City of Vero Beach  
Post Office Box 1389  
Vero Beach, Florida 32961-1389

#### 4a. Article Number

*P 263 584 970*

#### 4b. Service Type

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

#### 7. Date of Delivery

*9-3-97*

#### 5. Signature (Addressee)

#### 6. Signature (Agent)

*George Yang*

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

PS Form 3811, December 1991 U.S. GPO: 1992-323-402 DOMESTIC RETURN RECEIPT

descriptions and fuel-type limits (conditions B.3., C.3., and D.3.) in the subsections will be revised to include propane as an ignitor fuel.

ditions

- 1. Condition 7 will not be changed to remove subparagraphs a., b., and c. Although not required previously, these conditions are reasonable and are deemed necessary by this permit. Because not required previously, this condition is marked "Not Federally Enforceable".



# Department of Environmental Protection

# FILE COPY

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

August 29, 1997

Mr. Robert A. Manning  
Hopping, Green, Sams and Smith  
123 South Calhoun Street  
PO Box 6526  
Tallahassee, FL 32314

RECEIVED

SEP 03 1997

Hopping, Green,  
Sams & Smith P.A.

Re: Comments on DRAFT Title V Permit  
File No. 0610029-002-AV  
City of Vero Beach Municipal Utilities, Indian River County

Dear Mr. Manning:

As we discussed by telephone today, we have drafted the Proposed permit considering the City's comments on the Draft permit. We have made the changes described in Mr. Sheplak's letter of August 28th. Per our discussion today following are the revisions to some of the permit conditions. Only the revised language is shown.

Conditions C.8, C.10 and C.12 have been rewritten to add the Acid Rain requirements as the method of compliance for sulfur dioxide emissions.

**C.8. Sulfur Dioxide.** When burning liquid fuel, sulfur dioxide emissions shall not exceed 2.75 pounds per million Btu heat input, as measured and determined in accordance with the fuel sampling and analysis requirements of 40 CFR 75, Appendix D. Any calculations ....

**C.10. Sulfur Dioxide.** **The permittee elected to demonstrate compliance with the sulfur dioxide limitation using fuel sampling and analysis in accordance with the fuel sampling and analysis requirements of 40 CFR 75, Appendix D. This protocol is allowed ....**

**C.12.** Compliance with the sulfur dioxide emission limitation shall be determined using fuel sampling and analysis in accordance with the fuel sampling and analysis requirements of 40 CFR 75, Appendix D.

The following sentence has been added at the end of condition D.14, and the citation has been changed:

The owner or operator may comply with the applicable emission and fuel monitoring requirements of 40 CFR 60 by complying with the applicable emission and fuel monitoring requirements of 40 CFR 75.

[40 CFR 60.45(a) & (b); Request of applicant in comments on Draft permit received August 18, 1997]

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

Printed on recycled paper.

Re: Draft Title V Permit No. 0610029-002-AV  
City of Vero Beach Municipal Utilities  
August 29, 1997  
Page 2 of 2

Conditions E.8, E.9 have been rewritten to refer to the appropriate common conditions and E.12 has been revised to refer to the Acid Rain requirements for compliance with the liquid fuel sulfur limit. Note that conditions E.8 and E.9 have been revised slightly differently than described in Mr. Sheplak's letter.

**E.8. Annual Compliance Tests.** Except as provided in specific conditions F.6 and F.8 of this permit....

**E.9. Testing for PM, CO, VOC.** Except as provided in specific condition F.6 of this permit....


**E.12. Fuel Sampling & Analysis - Sulfur.** Compliance with the liquid fuel sulfur limit shall be determined using fuel sampling and analysis in accordance with the fuel sampling and analysis requirements of 40 CFR 75, Appendix D.

Condition F.7 now includes the parenthetical statement, "This condition is not applicable to emissions unit 005" to be consistent with the above.

We are still considering the issue of monitoring for gas sulfur content.

Please contact me at 850/488-1344 if you have any questions.

Sincerely,



Joseph Kahn, P.E.  
Title V Section

jk

copy to:

Mr. Richard Siefert, Superintendent of Environmental Engineering, City of Vero Beach  
Mr. Rex Taylor, City Manager, Utilities Director, City of Vero Beach  
Mr. Shuler W. Massey, Director of Power Resources, City of Vero Beach  
Mr. Kennard Kosky, P.E., Golder Associates  
Mr. Len Kozlov P.E., DEP Central District





*Barbara's file*

# Department of Environmental Protection

Lawton Chiles  
Governor

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

Virginia B. Wetherell  
Secretary

August 28, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Richard M. Siefert  
Superintendent of Environmental Engineering  
City of Vero Beach  
PO Box 1389  
Vero Beach, FL 32961-1389

Re: Comments on DRAFT Title V Permit  
File No. 0610029-002-AV  
City of Vero Beach Municipal Utilities, Indian River County

Dear Mr. Siefert:

We received your comments on the Draft Title V permit for the City of Vero Beach Municipal Utilities August 18, 1997. The following comments are in response to your comments, with additional comments for each section where we identified additional changes required to the Draft permit. Most of the comments relate to errors in language or citation and are not substantive in nature. We included revised language where necessary to clearly show the revisions or changes to the permit. We often did not include the revised language where we agreed with the requested change. Recently EPA Region 4 provided comments on another project that required changes to the format and language of all other Title V permits in Florida. Where appropriate, we have noted those changes as well. Nothing in the following changes will require the publication of a new Notice of Intent to Issue, nor will they prevent the issuance of the Proposed permit.

## **General Comments**

1. All references to "this part" when referring to the Parts of the Code of Federal Regulations will be changed to refer to the appropriate 40 CFR 60 part in conditions D.15, G.1, G.3, G.4, G.5:

## **Section I., Facility Information, Subsection B.**

1. The "Brief Description" will be modified to reflect that Units 2, 3, and 4 can utilize propane as an ignitor fuel. Likewise, the descriptions and fuel-type limits (conditions B.3., C.3., and D.3.) in the specific Emissions Units Subsections will be revised to include propane as an ignitor fuel.

## **Section II., Facility-wide Conditions**

1. Condition 7 will not be changed to remove subparagraphs a., b., and c. Although not required previously, these conditions are reasonable and are deemed necessary by this permit. Because not required previously, this condition is marked "Not Federally Enforceable".

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

2. The word "may" will be inserted on the second line: ". . . at this facility may include:". Paragraph d. is a reasonable requirement and will not be deleted, but it will be noted in the citation for the condition that it was not proposed by the applicant.
3. There is no need to mark condition 9 "Not Federally Enforceable" since it reiterates that the Department is the compliance authority and specifies which office of the Department to address written submittals.

The following comments are additional to your comments.

4. A condition will be added to define the effective date of the permit as day one for any reporting, monitoring or recording requirements that are time-based:

9. When appropriate, any recording, monitoring or reporting requirements that are time-specific shall be in accordance with the effective date of this permit, which defines day one.  
[Rule 62-213.440, F.A.C.]

5. Note that pursuant to recent general comments by EPA, condition 9 (to be renumbered 10) will be changed to include the Central District's address and EPA's Region 4 address:

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

Department of Environmental Protection, Central District Office  
Air Section  
3319 Maguire Boulevard, Suite 232  
Orlando, FL 32803-3767  
Telephone: 407/894-7555  
Fax: 407/897-5963

Any reports, data, notifications, certifications and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to:

United States Environmental Protection Agency, Region 4  
Air, Pesticides & Toxics Management Division  
Operating Permits Section  
61 Forsyth Street  
Atlanta, GA 30303  
Phone: 404/562-9099  
Fax: 404/562-9095

### **Section III., Emissions Unit(s) and Conditions**

#### **Subsection A. Emissions Unit 1**

1. The fuels Unit 1 is authorized to burn will be expanded to include number 2 fuel oil as requested.
2. The reference to "low sulfur content" in condition A.6. will be replaced by a reference to fuel oil with a sulfur content limited by condition A.7:

**A.6. Particulate Matter.** Particulate matter emissions shall be controlled by the firing of natural gas and/or fuel oil with a sulfur content as limited by specific condition A.7 of this permit. [Rule 62-296.406(2), F.A.C., BACT Determination 2/14/91].

3. The ASTM Methods in condition A.9. will be updated to reflect all of the current methods: "ASTM D2622-94, ASTM D4294-90(95), ASTM D1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D 129-95 or latest edition(s)."

#### **Subsection B**

1. Under "Permitting notes," the third line will be corrected to "generator Unit 2 began commercial operation in 1964."
2. Condition B.3. The fuels Unit 2 is authorized to burn will be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil, as requested.
3. The reference to "low sulfur content" in condition B.6. will be replaced by a reference to fuel oil with a sulfur content limited by condition B.7:

**B.6. Particulate Matter.** Particulate matter emissions shall be controlled by the firing of natural gas and/or fuel oil with a sulfur content as limited by specific condition B.7 of this permit. [Rules 62-4.070(3) and 62-296.406(2), F.A.C., BACT for this source will be the same as that of the BACT Determination of 2/14/91 for EU 001]

4. The ASTM Methods in condition B.9. will be updated in accordance with revised condition A.9.

The following comment is additional to your comments.

5. Condition B.1. will be changed from Unit 001 to Unit 002.

#### **Subsection C. Emissions Unit 3**

1. Condition C.3. The fuels Unit 3 is authorized to burn will be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil.
2. Conditions C.8., C.10. and C.12. will be changed so that the compliance with the sulfur dioxide limitation shall be measured and determined in accordance with the Acid Rain fuel sampling and analysis requirements of 40 CFR 75, Appendix D.

#### **Subsection D. Emissions Unit 4**

1. Condition D.3. The fuels Unit 4 is authorized to burn will be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil.

The percentage heat input limitation in condition D.3 will be deleted as requested. Note that condition D.7., subparagraph (c), has the requirement from the NSPS that compliance is based on total heat input from all fuels.

2. Conditions D.9. and D.11. Condition D.9. will be deleted since it is not applicable to NSPS sources; condition D.11 is the appropriate requirement for this unit.

Under subparagraph (c) of condition D.11., on lines 2 and 4, the "w" and "z" will be deleted from the equation.

3. Condition D.10. The alternative fuel sampling and analysis language for Unit 4 will be deleted and the following language will be inserted: "Compliance with the sulfur dioxide standard shall be determined in accordance with fuel sampling and analysis requirements of 40 CFR 75, Appendix D." Also, the first sentence of this condition will read: "Pursuant to 40 CFR 60.45(b)(2), the owner or operator elected to use fuel sampling and analysis in lieu of installing a continuous monitoring system for SO<sub>2</sub>."
4. Condition D.12. will be deleted because there will be no percentage heat input limitation in Condition D.3. (The other conditions will be appropriately renumbered.)
5. Condition D.13. The last sentence relating to testing while burning number 6 fuel oil at a specified heat input will be deleted.
6. Condition D.14. The heading for this condition will be revised to state that a "CMS for Opacity and NOx are Required, No CMS for SO<sub>2</sub> Required". Subparagraph (b)(3) will be deleted.

Paragraphs (a) and (b) of condition D.14 will not be replaced. However, a note will be added to this condition that reads "The owner or operator may comply with the applicable emission and fuel monitoring requirements of 40 CFR 60 by complying with the applicable emission and fuel monitoring requirements of 40 CFR 75."

The last portion of condition D.14. titled "Excess Emissions" will specify that reports should be sent to DEP, and not the Administrator.

7. Conditions F.2. and F.3. do not apply to this unit. Condition D.16. will clarify that "This emissions unit is subject to conditions F.1. and F.4. through F.19".

The following comments are additional to your comments.

8. Conditions D.4. and D.5. will be removed as they were improperly cited for NSPS sources.
9. In Condition D.11. paragraph (a). References to performance tests will be replaced with when conducting emissions tests.
10. In Condition D.11., subparagraph (b)(2), the typographical error "particular" will be replaced with "particulate".

#### **Subsection E. Emissions Unit 5**

1. "Permitting notes." For clarification, the third to the last sentence will be revised as follows: "Emissions are controlled by dry low-NOx burners when firing natural gas, . . ."

2. Conditions E.3. and E.6. The notes to these conditions will refer to conditions "E.4. and E.6." instead of "E.3. and E.6."
3. Paragraph (a) of condition E.4. will be deleted, with its reference to a gallons per hour limitation; the other subparagraphs will be renumbered.
4. Condition E.7. The "basis" section of this table will be revised to reflect that there is no BACT determination for VOC and CO (although erroneously indicated in the PSD permit), but will reflect a basis in the PSD permit number PSD-FL-152B. Also, PM will be listed as PM<sub>10</sub>.
5. Condition E.12. will state that the owner or operator shall comply with the applicable fuel sampling and analysis requirements of 40 CFR 75, Appendix D.
6. Condition E.13. The application submittal date will read June 14, 1996.
7. Condition E.15. Because the requirements of this permit (from the previous PSD requirements) are more stringent than the NSPS requirements, this condition effectively supersedes the conditions of the NSPS, and precludes the need for a custom fuel monitoring schedule. Instead of a custom fuel monitoring schedule the permit shall require quarterly monitoring of sulfur content (once per calendar quarter). As we discussed by telephone on August 27th, we have agreed that this is a reasonable requirement, given the history of the City's record keeping to date demonstrating little variability in the sulfur content.
8. Condition E.17. will be deleted. Remaining conditions will be renumbered.
9. Conditions F.2. and F.3. do not apply to this unit. Condition E.18. will clarify that "This emissions unit is subject to conditions F.1 through F.19, except for F.2, F.3 and F.8." See also comment 16, below.
10. No conditions shall be added for Unit 5 to allow for excess emissions of opacity or particulate matter during load change since this emissions unit is subject to the excess emission requirements of the NSPS. As indicated when we spoke, and stated above, conditions D.4. and D.5. will be removed as they were improperly cited for NSPS sources.

The following comments are additional to your comments.

11. Condition E.2. The reference to condition F.14. will be changed to refer to condition E.10.
12. Condition E.6. The reference to conditions to E.12. and E.13 will be changed to E.11. and E.12. The reference to condition E.17 will be changed to E.15.
13. Condition E.8. On the first line, "Except as provided in specific conditions F.6. through F.8." will be deleted, since these conditions do not apply to this unit for visible emissions. A visible emissions test shall be conducted each year on this unit.
14. Condition E..9. On the first line, the reference to conditions F.6. through F.8. will be changed to F.6. and F.7.

15. Condition E.16. The reporting of nitrogen contents will be removed while the reporting of sulfur content of the natural gas will be added.
16. Condition E.18. The reference to conditions F.1. through F.19. has been changed to conditions F.1 through F.19, except for F.2, F.3 and F.8.

#### **Subsection F. Common Conditions**

1. Conditions F.2. and F.3. will include a parenthetical to clarify that they only apply to Units 1-3.
2. Condition F.18. This condition will be moved to Subsection C since it only applies to Unit 3. Also, this condition will be clarified that it only requires excess emission reports for SO<sub>2</sub>. The remaining condition will be renumbered and references elsewhere in the permit to the common conditions of Subsection F shall reflect the renumbering.

The following comments are additional to your comments.

3. Condition F.6, subparagraph (a)10. will be deleted, and paragraph (b) will be changed to replace "shall" with "may", pursuant to EPA comments. The citation for condition F.6 will have "SIP approved" added.
4. Condition F.8. will be clarified to indicate that this condition is only applies to Emissions Units 001-004 and not Emissions Unit 005.

#### **Subsection G. NSPS Common Conditions**

1. The statement, "To the extent allowed by law, the 'Administrator' shall mean the 'Department'", will be added in the "Permitting notes".
2. Condition G.2. Under paragraph (b), clarification will be provided as the following: "Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart, except as otherwise authorized by an approved alternative method."
3. Condition G.3. Paragraphs(b), (c), and (e)(5) will state that they only apply to Unit 4. Also, the second sentence of paragraph (b) will be deleted.
4. Condition G.6. was intended to conveniently refer to the ASTM methods. However, per your request it will be deleted.

The following comments are additional to your comments.

5. Condition G.2. Paragraph (e) from 40 CFR 60.7 will be added.

#### **Section IV. Acid Rain Part**

1. Condition A.2. All reference to the NO<sub>x</sub> requirements will be deleted since they are not applicable to this facility.

2. Additional conditions to the Acid Rain Part will be added and condition A.3 will be renumbered pursuant to EPA comments:

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

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

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

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

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

**A.4. Statement of Compliance.** The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year. {See condition No. 51., Appendix TV-1, Title V Conditions}

[Rule 62-214.420(11), F.A.C.]

**A.5. Comments, notes, and justifications:** None

#### **Appendix S. Permit Summary Tables**

1. The tables will not be changed as requested because the tables are not an enforceable part of this permit, nor are they inclusive of all permit conditions. Also, the tables currently summarize excess emissions numerical limitations.
2. The term "Allowable Emissions" has not been changed to "Emission Limits" since the tables are not an enforceable part of this permit.
3. Table 2-1 (p. S6 of 8). Under the "Testing Frequency" for SO<sub>2</sub> on Unit 3, the phrase "as fired" will be replaced by "Per Part 75."
4. Page S7 of 8. The CMS column for Unit 4 will state that CMS are required for VE and NO<sub>x</sub>.
5. Page S8 of 8. The Compliance Methods for VOC and CO on Unit 5 will be corrected so that method 25A applies to VOC and method 10 applies to CO.

#### **Appendix E-1. Exempt Activities**

1. "Solvent use and hoods for laboratory" will be deleted from this list, as requested.

#### **Appendix U-1. Unregulated Activities**

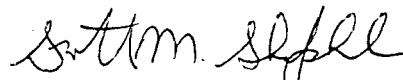
1. The diesel and gasoline fuel tanks will be moved to Appendix E-1, as requested.
2. The lube oil tanks will read: "lube oil tanks and vents, one each for Units 1-5."

**Appendix TV-1, Title V Conditions**

1. Appendix TV-1, Title V Conditions, has been revised, with a version date of 8/11/97, in response to EPA's comments. The current version is attached. Reference to Appendix TV-1 in the permit will be revised to reflect the new version date.

Also attached is a summary of the changes from EPA comments that are noted above. Please advise if your comments have been adequately addressed so that we may proceed to the Proposed permit stage. If you should have any questions, please call Joseph Kahn, P.E., or Susan DeVore at 850/488-1344.

Sincerely,



Scott M. Sheplak, P.E.  
Administrator, Title V Section

SMS/sd

Enclosures

copy to:

Mr. Rex Taylor, City Manager, Utilities Director, City of Vero Beach (w/o enclosures)  
Mr. Shuler W. Massey, Director of Power Resources, City of Vero Beach (w/o enclosures)  
Mr. Kennard Kosky, P.E., Golder Associates (w/o enclosures)  
Mr. Len Kozlov P.E., DEP Central District (w/o enclosures)  
Mr. Robert Manning, HGSS



## CHANGES TO TITLE V PERMITS ISSUED PRIOR TO 8/8/97

Due to recent comments from Region 4, U.S. EPA, the Department agreed to make the following changes:

1. Citings of Rule 62-297.310(7)(a)10., F.A.C., will be deleted since no emissions units are exempt from permitting at a Title V source and the condition is only a statement referring the reader back to Rule 62-210.300(3)(a), F.A.C., which states the same.
2. In the citations to Rule 297.310(7)(b), F.A.C., the word "shall" was changed to "may" because of what has been approved in the SIP. The citing will also contain the qualifier "SIP approved".
3. The addresses and appropriate particulars were added for the compliance office and the U.S. EPA, Region 4 office in Section II. Facility-wide Conditions.
4. In Appendix TV-1:
  - a. Condition No. 11 has been flagged as "Not federally enforceable."
  - b. Condition No. 55 was deleted due to duplicity with condition No. 17; and, the subsequent conditions have been renumbered.
  - c. Condition No. 54 has been flagged as "Not federally enforceable."
  - d. Condition No. 56 (now No. 55) has been edited and the citing has a flag of "(Chapter 62-281, F.A.C., is not federally enforceable)".
  - e. Condition No. 57 (now No. 56) has been flagged as "Not federally enforceable until SIP approved."
5. In Section II. Facility-wide conditions., a condition was created to define the effective date of the permit as day one for any reporting, monitoring, or recording requirements that are time-based.
6. Acid Rain Part: the following new conditions have been added to the part:
  - a. (new) A.3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.
    1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
    2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
    3. Allowances shall be accounted for under the Federal Acid Rain Program.  
[Rule 62-213.440(1)(c), F.A.C.]
  - b. (new) A.4. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year.  
{See condition No. 51., Appendix TV-1, Title V Conditions:}  
[Rule 62-214.420(11), F.A.C.]

In addition to the above, the following changes have been made for clarity:

1. In Section II. Facility-wide Conditions., the EPA compliance test method (**Method 9**) is stated as the method of compliance and the appropriate rule citing was added [Rule 62-296.320(4)(b)1. & 4., F.A.C.].
2. Due to the above changes made to Appendix TV-1, the version will carry the date of "08/11/97".

In conclusion, the changes that have been made are insignificant in nature and do not impose additional noticing requirements.

[file name: xxxxxx.c1]

8/8/97

## APPENDIX TV-1, TITLE V CONDITIONS (version dated 08/11/97)

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

{Permitting note: APPENDIX TV-1, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

### Chapter 62-4, F.A.C.

1. General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the Department, unless the source is exempted by Department rule. The Department may issue a permit only after it receives reasonable assurance that the installation will not cause pollution in violation of any of the provisions of Chapter 403, F.S., or the rules promulgated thereunder. A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit.

[Rule 62-4.030, Florida Administrative Code (F.A.C.); Section 403.087, Florida Statute (F.S.)]

2. Not federally enforceable. Procedure to Obtain Permits: Application.

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.

(2) All applications and supporting documents shall be filed in quadruplicate with the Department.

(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except when the application is for renewal of an air pollution operation permit at a minor facility as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

(4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C.

(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.

(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin.

(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.

(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.

(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this Subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application.

[Rule 62-4.050, F.A.C.]

3. Standards for Issuing or Denying Permits. Except as provided at Rule 62-213.460, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules.

[Rule 62-4.070(7), F.A.C.]

4. Modification of Permit Conditions.

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following:

- (a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.
- (b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.
- (c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.
- (e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

(2) A permittee may request a modification of a permit by applying to the Department.

(3) A permittee may request that a permit be extended as a modification of the permit. Such a request must be submitted to the Department in writing before the expiration of the permit. Upon timely submittal of a request for extension, unless the permit automatically expires by statute or rule, the permit will remain in effect until final agency action is taken on the request. For construction permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that, upon completion, the extended permit will comply with the standards and conditions required by applicable regulation. For all other permits, an extension shall be granted if the applicant can demonstrate reasonable assurances that the extended permit will comply with the standards and conditions applicable to the original permit. A permit for which the permit application fee was prorated in accordance with Rule 62-4.050(4)(1), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule.

[Rule 62-4.080, F.A.C.]

5. Renewals. Prior to one hundred eighty (180) days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 180 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of Rules 62-213.420(1)(b)3. and 4., F.A.C.

[Rule 62-4.090(1), F.A.C.]

6. Suspension and Revocation.

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.

(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

(3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or the permit holder's agent:

- (a) Submitted false or inaccurate information in application or operational reports.
- (b) Has violated law, Department orders, rules or permit conditions.
- (c) Has failed to submit operational reports or other information required by Department rules.
- (d) Has refused lawful inspection under Section 403.091, F.S.

[Rule 62-4.100, F.A.C.]

7. Not federally enforceable. Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules.

[Rule 62-4.110, F.A.C.]

8. Transfer of Permits.

- (1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee.
- (2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.
- (3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.
- (4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.
- (5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

[Rule 62-4.120, F.A.C.]

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.

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

10. For purposes of notification to the Department pursuant to Rule 62-4.130, F.A.C., Plant Operation-Problems, "immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays.

[40 CFR 70.6(a)(3)(iii)(B)]

11. Not federally enforceable. Review. Failure to request a hearing within 14 days of receipt of notice of proposed or final agency action on a permit application or as otherwise required in Chapter 62-103, F.A.C., shall be deemed a waiver of the right to an administrative hearing.

[Rule 62-4.150, F.A.C.]

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:

- (1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- (2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- (3) As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
- (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
- (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of noncompliance; and,
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    1. the date, exact place, and time of sampling or measurements;
    2. the person responsible for performing the sampling or measurements;
    3. the dates analyses were performed;
    4. the person responsible for performing the analyses;
    5. the analytical techniques or methods used; and,
    6. the results of such analyses.
- (15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

[Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]

13. Construction Permits.

(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air or water pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable:

- (a) A completed application on forms furnished by the Department.
- (b) An engineering report covering:
  - 1. plant description and operations,
  - 2. types and quantities of all waste material to be generated whether liquid, gaseous or solid,
  - 3. proposed waste control facilities,
  - 4. the treatment objectives,
  - 5. the design criteria on which the control facilities are based, and,
  - 6. other information deemed relevant.

Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S.

(c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S. and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

(2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.

(3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.

[Rule 62-4.210, F.A.C.]

14. Operation Permit for New Sources. To properly apply for an operation permit for new sources, the applicant shall submit certification that construction was completed noting any deviations from the conditions in the construction permit and test results where appropriate.

[Rule 62-4.220, F.A.C.]

Chapter 62-103, F.A.C.

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rule 62-103.150 and Rule 62-210.350, F.A.C.

[Rules 62-103.150, 62-210.350 and 62-213.430(1)(b), F.A.C.]

16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rule 61-103.155, F.A.C.

[Rule 62-103.155, F.A.C.]

Chapter 62-204, F.A.C.

17. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.

[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

Chapter 62-210. F.A.C.

18. Permits Required. The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of any emissions unit from complying with applicable emission limiting standards or other requirements of the air pollution rules of the Department, or any other applicable requirements under federal, state, or local law.

(1) Air Construction Permits. An air construction permit shall be obtained by the owner or operator of any proposed new or modified facility or emissions unit prior to the beginning of construction or modification, in accordance with all applicable provisions of Chapters 62-210, 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction or modification of the facility or emissions unit and operation while the new or modified facility or emissions unit is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification and demonstration of initial compliance with the conditions of the construction permit for any new or modified facility or emissions unit, or as otherwise provided in Chapter 62-210 or Chapter 62-213, the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, Chapter 62-213, and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.
3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.

b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

- (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
- (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
- (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.

d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.

4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

[Rules 62-210.300(1) & (2), F.A.C.]

19. Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit and which has been shut down more than one (1) year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of sixty (60) days prior to the intended startup date.

(a) The notification shall include the planned startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

[Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

(a) Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable.

(b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.

[Rule 62-210.300(6), F.A.C.]

21. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) Notwithstanding any discretionary public notice requirements contained in Rule 62-103.150(2)(a), F.A.C., a notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

1. A construction permit for any proposed new or modified facility or emissions unit;
2. An operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C.; or
3. An operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C.

(b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-103.150, F.A.C.

(2) Additional Public Notice Requirements for Emissions Units Subject to Prevention of Significant Deterioration or Nonattainment-Area Preconstruction Review.

(a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-103.150, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and,



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3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.
- (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-103.150, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.
- (d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.
- (e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-103.150, F.A.C.
- (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.
- (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.
- (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:
1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
  2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.
- (3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.
- (a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-103.150, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:
1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and
  2. A 30-day period for submittal of public comments.
- (b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-103.150, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) The notice shall identify:
1. The facility;
  2. The name and address of the office at which processing of the permit occurs;
  3. The activity or activities involved in the permit action;
  4. The emissions change involved in any permit revision;
  5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;
  6. A brief description of the comment procedures required by Rules 62-103.150 and 62-210.350(3), F.A.C.;
  7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and,

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8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

[Rule 62-210.350, F.A.C.]

22. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) Any other similar minor administrative change at the source; and,
- (d) A change requiring more frequent monitoring or reporting by the permittee.
- (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (f) Changes listed at 40 CFR 72.83(a)(11), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 17-210.360(1)(e).

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

(3) For facilities subject to Chapter 62-213, F.A.C., a copy shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

(4) The Department shall incorporate requirements resulting from issuance of new or revised construction permits into existing operation permits issued pursuant to Chapter 62-213, F.A.C., if the construction permit revisions incorporate requirements of federally enforceable preconstruction review and if the applicant requests at the time of application that all of the requirements of Rule 62-213.430(1), F.A.C., be complied with in conjunction with the processing of the construction permit application.

[Rule 62-210.360, F.A.C.]

23. Reports.

(3) Annual Operating Report for Air Pollutant Emitting Facility.

(a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.

(c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

[Rule 62-210.370(3), F.A.C.]

24. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.650, F.A.C.]

25. Forms and Instructions. The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

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

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

(b) Reserved.

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

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

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Chapter 62-213, F.A.C.

26. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in accordance with Rule 62-213.205, F.A.C., and the appropriate form and associated instructions.

[Rules 62-213.205 and 62-213.900(1), F.A.C.]

27. Annual Emissions Fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.

[Rule 62-213.205(1)(g), F.A.C.]

28. Annual Emissions Fee. Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.

[Rule 62-213.205(1)(j), F.A.C.]

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

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

30. Air Operation Permit Fees. After December 31, 1992, no permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

[Rule 62-213.205(5), F.A.C.]

31. Permits and Permit Revisions Required. All Title V sources are subject to the permit requirements of Chapter 62-213, F.A.C.

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

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

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

33. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation in each alternative method of operation:

(1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;

(2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;

(a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;

(b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.; and,

(c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;

(3) A permitted source may implement operating changes after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;

(a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;

(b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;

(4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

[Rule 62-213.410, F.A.C.]

34. Immediate Implementation Pending Revision Process.

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

- (a) Does not violate any applicable requirement;
- (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;
- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.

(2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.

(3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action until all the requirements of Rule 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.

(4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit.

(5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.

(6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.

[Rule 62-213.412, F.A.C.]

35. Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, 62-4.050(1) & (2), and 62-210.900, F.A.C.

(a) Timely Application.

3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.

(b) Complete Application.

1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source

under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.

3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

[Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA.

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

37. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C.

[Rule 62-213.420(3), F.A.C.]

38. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Rule 62-213.420(4), F.A.C.]

39.a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate.

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes

subject to any condition listed at 40 CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause.

(1) This section contains provisions from 40 CFR 70.7(f) that specify the conditions under which a Title V permit shall be reopened prior to the expiration of the permit. A Title V permit shall be reopened and revised under any of the following circumstances:

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Reopenings under 40 CFR 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

[Rules 62-213.430(3) & (4), F.A.C.; and, 40 CFR 70.7(f)]

40. Permit Duration. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five (5) years.

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

41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses.

[Rule 62-213.440(1)(b)2.a., F.A.C.]

42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

[Rule 62-213.440(1)(b)2.b., F.A.C.]

43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports.

[Rule 62-213.440(1)(b)3.a., F.A.C.]

44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., any deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

[Rule 62-213.440(1)(b)3.b., F.A.C.]

45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.

[Rule 62-213.440(1)(b)3.c., F.A.C.]

APPENDIX TV-1, TITLE V CONDITIONS (version dated 08/11/97) (continued)

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.  
[Rule 62-213.440(1)(d)1., F.A.C.]

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.  
[Rule 62-213.440(1)(d)3., F.A.C.]

48. A Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C.  
[Rule 62-213.440(1)(d)4., F.A.C.]

49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference.  
[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C.  
[Rule 62-213.440(1)(d)6., F.A.C.]

51. Statement of Compliance. The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statement shall be submitted to the Department and EPA annually, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement. The statement of compliance shall include the identity of each term or condition of the permit for which each unit has remained in compliance during the period covered by the statement. The statement shall include identification of all methods used to demonstrate compliance and identification of each term or condition of the permit for which any unit has not remained in compliance during the period covered by the statement. For each term or condition for which the source has not remained in compliance during the period covered by the statement, the statement shall also identify each unit not in compliance and each term and condition with which the unit was not in compliance and state the inclusive dates that the source was not in compliance, the actions taken to achieve compliance and the method used to demonstrate compliance. Such statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C.  
[Rule 62-213.440(3), F.A.C.]

52. Permit Shield. Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall be deemed compliance with any applicable requirements in effect as of the date of permit issuance, provided that the source included such applicable requirements in the permit application. Nothing in Rule 62-213.460, F.A.C., or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.  
[Rule 62-213.460, F.A.C.]

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority.

(1) Major Air Pollution Source Annual Emissions Fee (AEF) Form.  
[Rule 62-213.900(1), F.A.C.]

Chapter 62-256, F.A.C.

54. Not federally enforceable. Open Burning. This permit does not authorize any open burning nor does it constitute any waiver of the requirements of Chapter 62-256, F.A.C. Source shall comply with Chapter 62-256, F.A.C., for any open burning at the source.  
[Chapter 62-256, F.A.C.]

Chapter 62-281, F.A.C.

55. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Rule 62-281.100, F.A.C. Those requirements include the following restrictions:

- (1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;
  - (2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34 and 40 CFR 82.40, and properly uses equipment approved pursuant to 40 CFR 82.36 and 40 CFR 82.38, and complies with 40 CFR 82.42;
  - (3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(b), 40 CFR 82.42, and/or 40 CFR 82.166;
  - (4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair unless the person has been properly trained and certified pursuant to 40 CFR 82.161 and unless the person uses equipment certified for that type of appliance pursuant to 40 CFR 82.158 and unless the person observes the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
  - (5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
  - (6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.
- [40 CFR 82; and, Chapter 62-281, F.A.C. (Chapter 62-281, F.A.C., is not federally enforceable)]

Chapter 62-296, F.A.C.

56. Not federally enforceable until SIP approved. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

- (a) Open burning is determined by the Department to be the only feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; or
- (b) An emergency exists which requires immediate action to protect human health and safety; or
- (c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.

[Rule 62-296.320(3), F.A.C.]



57. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any emissions unit whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission.

3. Reasonable precautions may include, but shall not be limited to the following:

- a. Paving and maintenance of roads, parking areas and yards.
- b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
- c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar emissions units.
- d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the emissions unit to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
- e. Landscaping or planting of vegetation.
- f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
- g. Confining abrasive blasting where possible.
- h. Enclosure or covering of conveyor systems.

4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

[Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

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*City of Vero Beach*  
100 - 17th STREET • P.O. BOX 1389  
VERO BEACH, FLORIDA 32961-1389  
Telephone: (561) 567-5151  
Fax: (561) 569-5981

MUNICIPAL POWER PLANT

August 15, 1997

**RECEIVED**

**AUG 18 1997**

**BUREAU OF  
AIR REGULATION**

Mr. Scott M. Sheplak, P.E.  
Bureau of Air Regulation  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RE: City of Vero Beach Municipal Utilities  
DRAFT Title V Permit No. 0610029-002-AV

Dear Scott:

Attached are comments from the City of Vero Beach Municipal Utilities (Vero Beach) regarding its DRAFT Title V permit as identified above. Vero Beach appreciates the Department's efforts in processing this permit and understands the need to resolve these issues in as timely a manner as possible. In order to facilitate such a timely resolution, Vero Beach also appreciates the Department's agreement to grant Vero Beach's Request for Extension of Time until September 3, 1997. In this regard, please contact me at (561) 562-7231 as soon as you have had a chance to review these comments to set up either a telephone or in-person conference. Thank you again for your consideration of our comments.

Sincerely,



Richard M. Siefert  
Superintendent of Environmental Engineering

RMS/dg

cc: Rex Taylor, CVB  
Robert Sechen, Esq., CVB  
Shuler W. Massey, CVB  
Joseph Kahn, P.E., FDEP  
Susan C. DeVore, FDEP  
Ken Kosky, P.E., Golder  
Robert Manning, HGSS

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**VERO BEACH  
COMMENTS ON DRAFT TITLE V PERMIT**

**General Comments**

1. To be consistent and avoid confusion, all references to "this part" when referring to Parts of the Code of Federal Regulations should be stated as "40 CFR Part \_\_," instead of "this part."

**Section I., Facility Information, Subsection B.**

1. The "Brief Description" should be amended to reflect that Units 2, 3, and 4 can utilize propane as an ignitor, as indicated in the attached supplemental "Segment" pages to the Title V application. Likewise, the descriptions and fuel-type limits (Conditions B.3., C.3., and D.3.) in the specific Emissions Units Subsections should be revised accordingly.

**Section II., Facility-wide Conditions**

1. Condition 7. The specific subparagraphs a., b., and c. should be deleted because there is no basis for their inclusion. Vero Beach is subject to Rule 62-296.320(1)(a), F.A.C.; however, no specific requirements have previously been deemed necessary or ordered by the Department and therefore they should not be included at this time.

2. Condition 8. To clarify that the specific requirements in subparagraphs a., b., and c. are not the exclusive precautions, we request that the word "may" be inserted on the second line: ". . . at this facility may include:" Also, in accordance with comment 1. above on Condition 7., subparagraph d. should be deleted because there is no basis for its inclusion at this time.

3. Condition 9. This condition should be listed as "Not Federally Enforceable."

**Section III., Emissions Unit(s) and Conditions.**

**Subsection A. Emissions Unit 1**

1. The fuels Unit 1 is authorized to burn should be expanded to include number 2 fuel oil (which is already allowed as an ignitor fuel), in addition to number 4 and number 6 oil. Number 2 fuel oil is a cleaner fuel than number 4 or 6, and therefore there should be no restriction to allowing its usage.

2. Condition A.6. To avoid confusion, the reference to "low sulfur content" should be deleted from this sentence because the sulfur content is effectively limited by Condition A.7. If deemed necessary, the 1.5 % sulfur by weight limit could be added to the end of Condition A.6.

3. Condition A.9. The ASTM Methods should be updated to reflect all of the current methods: "ASTM D2622-94, ASTM D4294-90(95), ASTM D1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95."

#### **Subsection B. Emissions Unit 2**

1. Under the "Permitting notes," third line, the following typos should be corrected: "generator Unit 2 began commercial operation in 1964."

2. Condition B.3. The fuels Unit 2 is authorized to burn should be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil. Number 2 fuel oil is a cleaner fuel than number 4 or 6, and therefore there should be no restriction to allowing its usage.

3. Condition B.6. In accordance with the comment to Condition A.6. above, the reference to "low sulfur content" should be deleted from this sentence because the sulfur content is effectively limited by Condition B.7. If deemed necessary, the 1.5 % sulfur by weight limit could be added to the end of Condition B.6.

4. Condition B.9. The ASTM methods should be updated in accordance with condition A.9.

#### **Subsection C. Emissions Unit 3**

1. Condition C.3. The fuels Unit 3 is authorized to burn should be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil. Number 2 fuel oil is a cleaner fuel than number 4 or 6, and therefore there should be no restriction to allowing its usage.

2. Conditions C.8., C.10., and C.12. Because Unit 3 is subject to the Acid Rain program, compliance with the sulfur dioxide limitation should be measured and determined in accordance with the Acid Rain requirements under 40 CFR Part 75. Therefore, Vero Beach requests that the emission measurement and compliance demonstration language in Conditions C.8., C.10., and C.12. be replaced with the following language:

**C.8. Sulfur Dioxide. When burning liquid fuel, sulfur dioxide emissions shall not exceed 2.75 pounds per million Btu heat input, as measured in accordance with 40 CFR Part 75, Appendix D ~~by applicable compliance methods.~~ . . .**

**C.10. Sulfur Dioxide. The permittee elected to demonstrate compliance with the sulfur dioxide limitation using fuel sampling and analysis, in accordance with 40 CFR Part 75, Appendix D. . . .**

**C.12. Compliance with the sulfur dioxide standard shall be determined in accordance with requirements under 40 CFR Part 75, Appendix D.**

#### **Subsection D. Emissions Unit 4**

1. Condition D.3. The fuels Unit 4 is authorized to burn should be expanded to include number 2 fuel oil, in addition to number 4 and number 6 oil. Number 2 fuel oil is a cleaner fuel than number 4 or 6, and therefore there should be no restriction to allowing its usage.

Also, the percent heat input limit imposed in this condition should be deleted because it is obsolete. This limitation was initially established in an air operation permit as a mechanism to co-fire natural gas and 2.5 percent sulfur fuel. This permit condition is not federally enforceable and is obsolete based on the allowance for co-firing in 40 CFR 60.43(c) and monitoring programs available for this emissions unit to demonstrate compliance with the emission limit of 0.8 lb/mmBtu. Pursuant to Section 60.43(c), compliance with the sulfur dioxide emission limit "shall be based on the total heat input from all fossil fuels burned, including gaseous fuels." Vero Beach would demonstrate compliance with the sulfur dioxide limit as provided for in 40 CFR Part 75, Appendix D (as requested in the comments below on Condition D.10).

2. Conditions D.9. and D.11. It is confusing to list the state rule for particulate matter testing in Condition D.9. and the federal emission rate equation in Condition D.11. Accordingly, assuming the state rule under D.9. is more stringent than D.11. (for particulate matter), subparagraph (b)(1) should be revised as follows: "The emission rate (E) of ~~particulate matter~~, SO<sub>2</sub>, or NO<sub>x</sub> shall be computed for each run . . . ."

Under subparagraph (b)(2) of Condition D.11. should be deleted because Condition D.9. should govern testing of particulate matter emissions for Unit 4.

Under subparagraph (c) of Condition D.11., on lines 2 and 3, the "w" and "z" should be deleted from the equation because they relate to fuels that are not fired in Unit 4.

3. Condition D.10. In accordance with comment 1 for Unit 3 above, the alternative fuel sampling and analysis language for Unit 4 should be deleted and the following language inserted: "Compliance with the sulfur dioxide standard shall be determined in accordance with requirements under 40 CFR Part 75."

Also, for clarification, the first sentence of this condition should read: "Pursuant to 40 CFR 60.45(b)(2), the permittee elected to use fuel sampling and analysis in lieu of installing a continuous monitoring system for SO<sub>2</sub> ~~as required by the NSPS.~~"

4. Condition D.12. This condition should be deleted as obsolete because there is no mass emission limitation for Unit 4 and Condition D.3. should be revised as described in comment 1. above.

5. Condition D. 13. The last sentence relating to testing while burning number 6 fuel oil at a specified heat input should be deleted, in accordance with the requested changes to Condition D.3. described in comment 1 above.

6. Condition D.14. The heading for this Condition should be revised to state that a "CMS for Opacity and NO<sub>x</sub> are Required, No CMS Required for SO<sub>2</sub>," in accordance with 40 CFR 60.45(b)(3). The initial performance test for NO<sub>x</sub> did not indicate that emissions were less than 70 percent of the applicable standard as specified in Section 60.45(b)(3).

Also, because Unit 4 is subject to the Acid Rain program, paragraphs (a) and (b) of Condition 14. should be replaced with the following language: "The permittee is deemed in compliance with the applicable emission and fuel monitoring requirements of 40 CFR Part 60 as long as the permittee is in compliance with the applicable emission and fuel monitoring requirements of 40 CFR Part 75."

The last portion of Condition D.14. titled "Excess Emissions" should specify that reports should be sent to DEP, and not the Administrator.

7. Because this emissions unit is subject to NSPS, and therefore the excess emissions provisions under 40 CFR 60.8 and 60.11 are applicable, a condition should be added to explicitly state this. Further, in order to prevent any potential misunderstanding that Unit 4 is also subject to the state rule (as provided in Condition F.2. and F.3.), Condition D.16. should clarify that "Except as otherwise provided in subsection D., this emissions unit is subject . . . ."

#### **Subsection E. Emissions Unit 5**

1. "Permitting notes." For clarification, the third to the last sentence should be revised as follows: "Emissions are controlled by dry low-NO<sub>x</sub> burners when firing natural gas, . . . ."

2. Conditions E.3. and E.6. The notes to these conditions should refer to conditions "E.4. and E.6." instead of "E.3. and E.6."

3. Condition E.4. Based on the applicant's representations made in the application for construction permit, subparagraph (a) of Condition E.4. should be deleted because it is obsolete and duplicative. This gallons per hour number was written into the construction permit as a surrogate method to assure compliance with the sulfur dioxide limitation. It is duplicative because the heat input limit for fuel oil, the fuel oil sulfur content limit, and the tons per year limit already effectively caps the quantity of SO<sub>2</sub> emissions from Unit 5. Alternatively, subparagraph (a) of Condition E.4. should clearly state that the gallons per hour limit was established and is applicable for ISO standard day conditions only (i.e., 59 degrees F). The information provided during the establishment of this condition is attached for your convenience.

4. Condition E.7. The "basis" section of this table should be revised to reflect that fact that there was no BACT determination for VOC and CO; the BACT for PM was actually for PM<sub>10</sub>.

5. Condition E.12. This condition should be replaced with a condition that states that the permittee shall comply with the applicable fuel sampling and analysis requirements of 40 CFR Part 75.

6. Condition E.13. The application submittal date should be changed to June 14, 1996.

7. Condition E.15. This condition should clearly state that it represents a custom fuel monitoring schedule established in accordance with 40 CFR 60.334(b)(2) (see section VB-FE-14 from Title V application). In accordance with EPA guidance (Authority for Approval of Custom Fuel Monitoring Schedules Under NSPS Subpart GG, dated August 14, 1987), attached is a DRAFT letter to EPA for the purpose of specifically highlighting this request for an alternative method such that it will receive EPA's express approval. Because it is the same method included in EPA's guidance, approval should not be a problem. Also, Condition E.15. should include the language verbatim from the guidance (which was also included in our application). [If desired, we are open to discussing alternative methods of obtaining approval for this Condition.]

8. Condition E.17. This condition should be deleted as obsolete because it is only applicable if the permittee could not meet the initial compliance test.

9. Because this emissions unit is subject to NSPS, and therefore the excess emissions provisions under 40 CFR 60.8 and 60.11 are applicable, a condition should be added to explicitly state this. Further, in order to prevent any potential misunderstanding that Unit 5 is also subject to the state rule (as provided in Condition F.2. and F.3.), Condition E.18. should clarify that "Except as otherwise provided in subsection E., this emissions unit is subject . . ."

10. Conditions should be added for Unit 5 to allow for excess emissions of opacity and particulate matter during load change, in accordance with Rule 62-210.700(3), F.A.C. Copying the language from Conditions D.4. and D.5. into Subsection E would be suitable.

#### **Subsection F. Common Conditions**

1. Conditions F.2. and F.3. These conditions should include a parenthetical to clarify that they only apply to Units 1-3, because Units 4 and 5 are subject to the NSPS excess emission provisions as described above.

2. Condition F.18. This condition should be moved to Subsection C because it only applies to Unit 3. The authority for this requirement is Rule 62-296.405(1)(g), F.A.C., and it only applies to Unit 3. Also, because Unit 3 has an exemption for opacity monitoring pursuant to Rule 62-296.405(1)(f)1.a.(i), F.A.C., and only an annual test is required for PM, this condition should be limited to only require excess emission reports for SO<sub>2</sub> limits.

#### **Subsection G. NSPS Common Conditions**

1. Because this subsection simply copies much of the language from 40 CFR Part 60, for clarification purposes, a statement should be included as follows: To the extent allowed by law, the "Administrator" shall mean "the Department."

2. Condition G.2. Under paragraph (b), clarification should be provided that as follows: "Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart, except as otherwise authorized by an approved alternative method."

3. Condition G.3. Paragraphs (b), (c), and (e)(5) should clearly state that they only apply to Unit 4. Also, the second sentence of paragraph (b) should be deleted because the initial compliance testing has already been completed.

4. Condition G.6. This condition does not seem to serve any purpose and therefore should be deleted.

#### **Appendix S. Permit Summary Tables**

1. These tables should contain an asterisks to clarify that "these limits apply except as allowed under applicable excess emission provisions."

2. The term "Allowable Emissions" should be revised for clarity to "Emission Limits."



3. Table 2-1 (p. S6 of 8). Under the "Testing Frequency" for SO<sub>2</sub> on Unit 3, the phrase "as fired" should be changed to "Per Part 75."

4. Page S7 of 8. The CMS column for Unit 4 should state that CMS are required for VE and NO<sub>x</sub>.

5. Page S8 of 8. The Compliance Methods for VOC and CO on Unit 5 were juxtaposed: method 25A applies to VOC and method 10 applies to CO.

#### **Appendix E-1. Exempt Activities**

1. "Solvent use and hoods for laboratory" should be deleted from this list because emissions, if any, would be trivial.

#### **Appendix U-1. Unregulated Activities**

1. The diesel and gasoline fuel tanks should be moved to Appendix E-1 based on DEP's recent draft proposed amendments adding refueling activities to the categorical exemption list under Rule 62-210.300(3), F.A.C.

2. The lube oil tanks should be revised to read as follows: "lube oil tanks and vents, one each for Units 1-5."

#### **Appendix TV-1, Title V Conditions**

1. Vero Beach requests that the Department notify it immediately if an updated version is made of these conditions. If such an update occurs prior to the issuance of the Final Title V Permit, we request that the updated version be incorporated into the Final Permit prior to its issuance. Also, we support the FCG's efforts to negotiate additional changes to these conditions and reserve the right to comment on Appendix TV-1 pending the outcome of these negotiations.

**[DRAFT - TO BE PRINTED ON DEP LETTERHEAD]**  
**DATE**

Mirza Baig  
EPA Region IV

**RE: City of Vero Beach - Approval of Alternative Monitoring Schedule**

Dear Mr. Baig:

The City of Vero Beach requests that EPA specifically approve the alternative monitoring schedule, included as Condition E.15 of the Proposed Title V Permit, for natural gas for Unit 5, a combined cycle gas turbine subject to NSPS Subpart GG. This request is made pursuant to 40 CFR § 60.334(b)(2). Condition E.15 is the exact monitoring schedule found in EPA guidance titled "Authority for Approval of Custom Fuel Monitoring Schedules Under NSPS Subpart GG," dated August 14, 1987. Accordingly, we believe that this schedule is appropriate to be included in this Proposed Title V Permit, and we would appreciate your prompt concurrence on this matter.

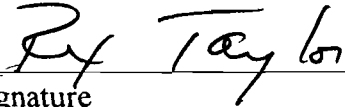
If you have any questions, or wish to discuss this matter further, please contact me at (850) 488-1344.

Sincerely,

Clair Fancy, P.E.  
Bureau Chief  
Florida Department of Environmental Protection

cc: Scott Sheplak, DEP  
Richard M. Siefert, Vero Beach  
Robert Manning, HGSS

**Owner/Authorized Representative or Responsible Official**

1. Name and Title of Owner/Authorized Representative or Responsible Official: <b>Rex Taylor, City Manager, Utilities Director</b>
2. Owner/Authorized Representative or Responsible Official Mailing Address: Organization/Firm: <b>City of Vero Beach</b> Street Address: <b>1053 20th Place PO Box 1389</b> City: <b>Vero Beach</b> State: <b>FL</b> Zip Code: <b>32961-1389</b>
3. Owner/Authorized Representative or Responsible Official Telephone Numbers:  Telephone: <b>(407) 567-5151</b> Fax: <b>(407) 569-0130</b>
4. Owner/Authorized Representative or Responsible Official Statement:  <i>I, the undersigned, am the owner or authorized representative* of the non-Title V source addressed in this Application for Air Permit or the responsible official, as defined in Rule 62-210.200, F.A.C., of the Title V source addressed in this application, whichever is applicable. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i>  <p style="text-align: center;"> Signature _____ Date <u>8/14/97</u></p>

\* Attach letter of authorization if not currently on file.

4. Professional Engineer's Statement:

*I, the undersigned, hereby certify, except as particularly noted herein\*, that:*

*(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and*

*(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.*

*If the purpose of this application is to obtain a Title V source air operation permit (check here [  ] if so), I further certify that each emissions unit described in this Application for Air Permit, when properly operated and maintained, will comply with the applicable requirements identified in this application to which the unit is subject, except those emissions units for which a compliance schedule is submitted with this application.*

*If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [  ] if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.*

*If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [  ] if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.*

*Kenneth F. Kelly*

Signature  
(seal)

12 August 1997  
Date

\*Attach any exception to certification statement.



**Segment Description and Rate:** Segment 4 of 4

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Distillate Oil, Grade No. 1 and 2</b>	
2. Source Classification Code (SCC): <b>1-01-005-01</b>	
3. SCC Units: <b>Thousand Gallons Burned (all liquid fuels)</b>	
4. Maximum Hourly Rate: <b>1.011</b>	5. Maximum Annual Rate:
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>0.25</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>139</b>	
10. Segment Comment (limit to 200 characters): <b>Million Btu per SCC Unit: 138.5. High heating value (HHV) reported for heat content.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment  1  of  5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External combustion boiler, Electric generation, Natural gas, Boilers &gt; 100 MMBtu/hr</b>	
2. Source Classification Code (SCC):  <b>1-01-006-01</b>	
3. SCC Units: <b>Million Cubic Feet Burned</b>	
4. Maximum Hourly Rate:  <b>0.241</b>	5. Maximum Annual Rate:  <b>2,109</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>1,030</b>	
10. Segment Comment (limit to 200 characters):  <b>High Heating Value (HHV) reported for heat content. Max sulfur content: 1 grain/100 cubic ft.</b>	

**Segment Description and Rate:** Segment 2 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External combustion boilers, Electric generation, Residual oil, Grade 6 oil; normal firing</b>	
2. Source Classification Code (SCC): <b>1-01-004-01</b>	
3. SCC Units: <b>1000 gallons burned</b>	
4. Maximum Hourly Rate: <b>1.62</b>	5. Maximum Annual Rate: <b>14,191</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>1.5</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>150</b>	
10. Segment Comment (limit to 200 characters): <b>Maximum percent sulfur based on small boiler BACT of 1.5% sulfur (&lt;250 MMBtu/hr). High Heating Value (HHV) is reported for heat content.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 3 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External Combustion Boilers, Electric Generation, Grade No.4 Oil, Normal Firing</b>	
2. Source Classification Code (SCC):  <b>1-01-005-04</b>	
3. SCC Units:  <b>Thousand Gallons Burned</b>	
4. Maximum Hourly Rate:  <b>1.688</b>	5. Maximum Annual Rate:  <b>14,783</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:  <b>0.7</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>144</b>	
10. Segment Comment (limit to 200 characters):  <b>High heating value (HHV) reported for heat content.</b>	



Segment Description and Rate: Segment  4  of  5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Distillate Oil, Grade No.1 and No.2</b>	
2. Source Classification Code (SCC): <b>1-01-005-01</b>	
3. SCC Units: <b>1,000 Gallons</b>	
4. Maximum Hourly Rate: <b>1.78</b>	5. Maximum Annual Rate: <b>15,629</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>0.25</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>139</b>	
10. Segment Comment (limit to 200 characters): <b>Million Btu per SCC Unit: 138.5 High Heating Value (HHV) reported for maximum heat content of unit fuel will not increase emissions.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 5 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>Electric Utility Boiler - Liquefied Petroleum Gas (LPG) - Propane</b>	
2. Source Classification Code (SCC):  <b>1-01-010-02</b>	
3. SCC Units:  <b>Thousand Gallons Burned</b>	
4. Maximum Hourly Rate:  <b>2.74</b>	5. Maximum Annual Rate:  <b>24,005</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>91</b>	
10. Segment Comment (limit to 200 characters):  <b>Million Btu per SCC Unit: 90.5 (rounded to 91). Reported for maximum heat input of unit. Fuel does not increase emissions.</b>	

**Segment Description and Rate:** Segment   of

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):	
2. Source Classification Code (SCC):	
3. SCC Units:	
4. Maximum Hourly Rate:	5. Maximum Annual Rate:
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:	
10. Segment Comment (limit to 200 characters):	

**ATTACHMENT VB-EU2-L2**  
**FUEL ANALYSIS OR SPECIFICATION**

Fuel	Density (lb/gal) <sup>a</sup>	Moisture (%)	Maximum % Weight Content			Heat Capacity
			Sulfur	Nitrogen	Ash	
Natural Gas	0.045 <sup>b</sup>	—	1 <sup>c</sup>	0.43 <sup>d</sup>	—	23,100 BTU/lb 1,030 Btu/ft <sup>3</sup>
Propane	4.27	—	—	<0.8	—	21,190 BTU/lb 90,500 BTU/gal
No. 2 Fuel Oil	7.1	0.01	0.25	0.02	<0.01	19,500 BTU/lb 138,500 BTU/gal
No. 4 Fuel Oil	7.6	0.05	0.7	0.18	<0.01	19,000 BTU/lb 144,000 Btu/gal
No. 6 Fuel Oil	8.15	0.20	2.5	0.32	0.05	18,400 BTU/lb 150,000 BTU/gal

<sup>a</sup> At 60 degrees F.

<sup>b</sup> Represented as lb/ft<sup>3</sup>. Based on heat capacities presented.

<sup>c</sup> Represented as grains/100 ft<sup>3</sup>.

<sup>d</sup> Atmospheric nitrogen.

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 1 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External Combustion Boiler, Electric Generation, Natural Gas, Boilers &gt; 100 MMBtu/hr</b>	
2. Source Classification Code (SCC):  <b>1-01-006-01</b>	
3. SCC Units:  <b>Million cubic feet burned</b>	
4. Maximum Hourly Rate:  <b>0.405</b>	5. Maximum Annual Rate:  <b>3,546</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>1,030</b>	
10. Segment Comment (limit to 200 characters):  <b>High Heating Value (HHV) reported for heat content. Max. sulfur content: 1 grain/100 cubic foot.</b>	

**Segment Description and Rate:** Segment  2  of  5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Grade 6 oil; Normal firing</b>	
2. Source Classification Code (SCC): <b>1-01-004-01</b>	
3. SCC Units: <b>1000 gallons burned</b>	
4. Maximum Hourly Rate: <b>2.733</b>	5. Maximum Annual Rate: <b>23,944</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>2.5</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>150</b>	
10. Segment Comment (limit to 200 characters): <b>Maximum percent sulfur based on permitted SO2 emission rate of 2.75 lb/MMBTU. High Heating Value (HHV) is reported for heat content.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 3 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External Combustion Boilers, Electric Generation, Distillate Oil, Grade No.4, Normal.</b>	
2. Source Classification Code (SCC):  <b>1-01-005-04</b>	
3. SCC Units:  <b>1000 gallons burned</b>	
4. Maximum Hourly Rate:  <b>2.847</b>	5. Maximum Annual Rate:  <b>24,942</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:  <b>0.7</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>144</b>	
10. Segment Comment (limit to 200 characters):  <b>High heating value (HHV) reported for heat content.</b>	

**Segment Description and Rate:** Segment 4 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Distillate Oil, Grade No.1 and No.2</b>	
2. Source Classification Code (SCC): <b>1-01-005-01</b>	
3. SCC Units: <b>1,000 Gallons</b>	
4. Maximum Hourly Rate: <b>3.01</b>	5. Maximum Annual Rate: <b>26,375</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>0.25</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>139</b>	
10. Segment Comment (limit to 200 characters): <b>Million Btu per SCC Unit: 138.5 High Heating Value (HHV) reported for maximum heat content of unit fuel will not increase emissions.</b>	



**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 5 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>Electric Utility Boiler - Liquefied Petroleum Gas (LPG) - Propane</b>	
2. Source Classification Code (SCC):  <b>1-01-010-02</b>	
3. SCC Units: <b>Thousand Gallons Burned</b>	
4. Maximum Hourly Rate:  <b>4.61</b>	5. Maximum Annual Rate:  <b>40,364</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>91</b>	
10. Segment Comment (limit to 200 characters):  <b>Million Btu per SCC Unit: 90.5 (rounded to 91). Reported for maximum heat input of unit. Fuel does not increase emissions.</b>	

**Segment Description and Rate:** Segment   of

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):	
2. Source Classification Code (SCC):	
3. SCC Units:	
4. Maximum Hourly Rate:	5. Maximum Annual Rate:
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:	
10. Segment Comment (limit to 200 characters):	

**ATTACHMENT VB-EU3-L2**  
**FUEL ANALYSIS OR SPECIFICATION**

Fuel	Density (lb/gal) <sup>a</sup>	Moisture (%)	Maximum % Weight Content			Heat Capacity
			Sulfur	Nitrogen	Ash	
Natural Gas	0.045 <sup>b</sup>	—	1 <sup>c</sup>	0.43 <sup>d</sup>	—	23,100 BTU/lb 1,030 Btu/ft <sup>3</sup>
Propane	4.27	—	—	<0.8	—	21,190 BTU/lb 90,500 BTU/gal
No. 2 Fuel Oil	7.1	0.01	0.25	0.02	<0.01	19,500 BTU/lb 138,500 BTU/gal
No. 4 Fuel Oil	7.6	0.05	0.7	0.18	<0.01	19,000 BTU/lb 144,000 Btu/gal
No. 6 Fuel Oil	8.15	0.20	1.5	0.32	0.05	18,400 BTU/lb 150,000 BTU/gal

<sup>a</sup> At 60 degrees F.

<sup>b</sup> Represented as lb/ft<sup>3</sup>. Based on heat capacities presented.

<sup>c</sup> Represented as grains/100 ft<sup>3</sup>.

<sup>d</sup> Atmospheric nitrogen.

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 1 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External Combustion Boilers, Electric Generation, Natural Gas, Boilers &gt; 100 MMBtu/hr</b>	
2. Source Classification Code (SCC):  <b>1-01-006-01</b>	
3. SCC Units:  <b>Million Cubic Feet Burned</b>	
4. Maximum Hourly Rate:  <b>0.665</b>	5. Maximum Annual Rate:  <b>5,825</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>1,030</b>	
10. Segment Comment (limit to 200 characters):  <b>High Heating Value (HHV) reported for heat content. Max. sulfur content: 1 grain/100 cubic ft.</b>	

Segment Description and Rate: Segment 2 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Residual oil, Grade 6 oil; Normal firing, Cofiring with gas</b>	
2. Source Classification Code (SCC): <b>1-01-004-01</b>	
3. SCC Units: <b>1000 gallons burned</b>	
4. Maximum Hourly Rate: <b>1.461</b>	5. Maximum Annual Rate: <b>12,801</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>2.5</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>150</b>	
10. Segment Comment (limit to 200 characters): <b>No.6 Fuel oil to be fired in combination with natural gas at a rate to meet SO2 emission limit. High Heating Value (HHV) reported for heat content.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION  
(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 3 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>External Combustion Boilers, Electric Generation, Grade 4 oil; Normal Firing</b>	
2. Source Classification Code (SCC):  <p style="text-align: center;"><b>1-01-005-04</b></p>	
3. SCC Units:  <p style="text-align: center;"><b>1000 gallons burned</b></p>	
4. Maximum Hourly Rate:  <p style="text-align: center;"><b>4.757</b></p>	5. Maximum Annual Rate:  <p style="text-align: center;"><b>41,671</b></p>
6. Estimated Annual Activity Factor:  	
7. Maximum Percent Sulfur:  <p style="text-align: center;"><b>0.7</b></p>	8. Maximum Percent Ash:  
9. Million Btu per SCC Unit:  <p style="text-align: center;"><b>144</b></p>	
10. Segment Comment (limit to 200 characters):  <p style="text-align: center;"><b>No. 4 fuel oil permitted for use as a backup fuel to natural gas. High Heating Value (HHV) reported for heat content.</b></p>	

**Segment Description and Rate:** Segment 4 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters): <b>External Combustion Boilers, Electric Generation, Distillate Oil, Grade No.1 and No.2</b>	
2. Source Classification Code (SCC): <b>1-01-005-01</b>	
3. SCC Units: <b>1,000 Gallons</b>	
4. Maximum Hourly Rate: <b>4.95</b>	5. Maximum Annual Rate: <b>43,326</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur: <b>0.25</b>	8. Maximum Percent Ash:
9. Million Btu per SCC Unit: <b>139</b>	
10. Segment Comment (limit to 200 characters): <b>Million Btu per SCC Unit: 138.5 High Heating Value (HHV) reported for maximum heat content of unit fuel will not increase emissions.</b>	

**F. SEGMENT (PROCESS/FUEL) INFORMATION**  
**(Regulated and Unregulated Emissions Units)**

**Segment Description and Rate:** Segment 5 of 5

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):  <b>Electric Utility Boiler - Liquefied Petroleum Gas (LPG) - Propane</b>	
2. Source Classification Code (SCC):  <b>1-01-010-02</b>	
3. SCC Units:  <b>Thousand Gallons Burned</b>	
4. Maximum Hourly Rate:  <b>7.54</b>	5. Maximum Annual Rate:  <b>66,086</b>
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:  <b>91</b>	
10. Segment Comment (limit to 200 characters):  <b>Million Btu per SCC Unit: 90.5 (rounded to 91). Reported for maximum heat input of unit. Fuel does not increase emissions.</b>	



**Segment Description and Rate:** Segment      of     

1. Segment Description (Process/Fuel Type and Associated Operating Method/Mode) (limit to 500 characters):	
2. Source Classification Code (SCC):	
3. SCC Units:	
4. Maximum Hourly Rate:	5. Maximum Annual Rate:
6. Estimated Annual Activity Factor:	
7. Maximum Percent Sulfur:	8. Maximum Percent Ash:
9. Million Btu per SCC Unit:	
10. Segment Comment (limit to 200 characters):	

**ATTACHMENT VB-EU4-L2**  
**FUEL ANALYSIS OR SPECIFICATION**

Fuel	Density (lb/gal) <sup>a</sup>	Moisture (%)	Maximum % Weight Content			Heat Capacity
			Sulfur	Nitrogen	Ash	
Natural Gas	0.045 <sup>b</sup>	—	1 <sup>c</sup>	0.43 <sup>d</sup>	—	23,100 BTU/lb 1,030 Btu/ft <sup>3</sup>
Propane	4.27	—	—	<0.8	—	21,190 BTU/lb 90,500 BTU/gal
No. 2 Fuel Oil	7.1	0.01	0.25	0.02	<0.01	19,500 BTU/lb 138,500 BTU/gal
No. 4 Fuel Oil	7.6	0.05	0.7	0.18	<0.01	19,000 BTU/lb 144,000 Btu/gal
No. 6 Fuel Oil	8.15	0.20	2.5	0.32	0.05	18,400 BTU/lb 150,000 BTU/gal

<sup>a</sup> At 60 degrees F.

<sup>b</sup> Represented as lb/ft<sup>3</sup>. Based on heat capacities presented.

<sup>c</sup> Represented as grains/100 ft<sup>3</sup>.

<sup>d</sup> Atmospheric nitrogen.

**ATTACHMENT VB-EU4-L10**  
**ALTERNATE METHODS OF OPERATION**  
**Fossil Fuel Steam Generator Unit 4**

Unit 4 is authorized under 60.43(c) to burn either natural gas or a combination of natural gas and No. 6 or No. 4 fuel oils that is not to exceed the SO<sub>2</sub> emission limit of 0.8 lb/MMBtu. The unit may also burn low-sulfur No. 4 fuel oil (0.7 percent sulfur, maximum). The unit may operate continuously (i.e., 8,760 hours per year).

**HOPPING GREEN SAMS & SMITH**

PROFESSIONAL ASSOCIATION

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

POST OFFICE BOX 6526

TALLAHASSEE, FLORIDA 32314

(904) 222-7500

FAX (904) 224-8551

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R. SCOTT RUTH  
W. STEVE SYKES  
T. KENT WETHERELL, II

OF COUNSEL  
W. ROBERT FOKES

Writer's Direct Dial No.  
(904) 425-2263  
E-mail: manningr@hgss.com

September 3, 1997

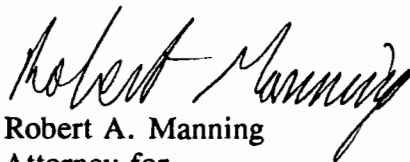
Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental  
Protection  
3900 Commonwealth Blvd., Room 638  
Tallahassee, FL 32399-3000

RE: Notice of Withdrawal of Request for Extension of Time  
for City of Vero Beach  
Draft Title V Permit No. 0610029-002-AV

Dear Ms. Carter:

Attached for filing is a Notice of Withdrawal for Extension of Time on the above-referenced permitting matter. If you have any questions regarding this filing, please contact me at the number listed above.

Sincerely,



Robert A. Manning  
Attorney for  
City of Vero Beach

cc: Clair Fancy, P.E., DEP  
✓ Scott Sheplak, DEP  
Jeffrey Brown, DEP OGC  
Joseph Kahn, P.E., DEP  
Susan DeVore, DEP  
Ken Kosky, Golder  
Mike Siefert, Vero Beach

**RECEIVED**

SEP 04 1997

BUREAU OF  
AIR REGULATION

THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO. \_\_\_\_\_

City of Vero Beach Municipal Utilities  
100 - 17th Street  
Vero Beach, FL 32961

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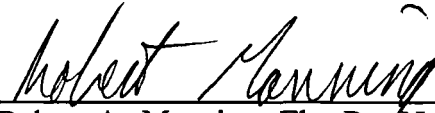
DRAFT Permit No.: 0610029-002-AV  
Vero Beach Power Plant  
Indian River County, Florida

**NOTICE OF WITHDRAWAL OF REQUEST  
FOR EXTENSION OF TIME**

The City of Vero Beach Municipal Utilities (Vero Beach), by and through undersigned counsel, hereby withdraws its Request for Extension of Time to file a petition for formal administrative proceedings in accordance with Chapter 120, Florida Statutes. Vero Beach filed its Request for Extension of Time on August 1, 1997, in response to the "Intent to Issue Title V Air Operation Permit" (Permit No. 0610029-002-AV) for the Vero Beach Power Plant located in Indian River County, Florida, to negotiate certain changes in the draft proposed Title V air operation permit with the Department of Environmental Protection (Department). Based on the Vero Beach comment letter dated August 15, 1997, and subsequent discussions with Department representatives, Vero Beach and the Department have come to an agreement on the issues involving the above-referenced draft Title V permit. The agreement between Vero Beach and the Department is contained in the correspondence from the Department dated August 28, August 29 and September 3, 1997, copies of which are attached to this Notice. Therefore, Vero Beach hereby withdraws its Request for Extension, conditioned upon the Department's issuance of the Proposed Permit in accordance with the Department's agreement with Vero Beach.

Respectfully submitted this 3rd day of September, 1997.

HOPPING GREEN SAMS & SMITH, P.A.

A handwritten signature in cursive script that reads "Robert Manning". The signature is written in black ink and is positioned above a horizontal line.

Robert A. Manning, Fla. Bar No. 0035173  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(904) 222-7500

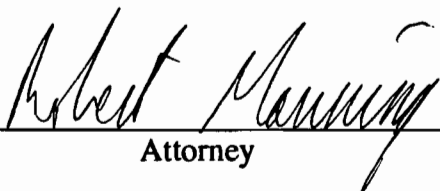
Attorney for CITY OF VERO BEACH  
MUNICIPAL UTILITIES

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following  
by U.S. Mail on this 3rd day of September, 1997:

Clair H. Fancy, P.E.  
Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

Jeffrey Brown  
Office of General Counsel  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Attorney

**HOPPING GREEN SAMS & SMITH**

PROFESSIONAL ASSOCIATION

ATTORNEYS AND COUNSELORS

123 SOUTH CALHOUN STREET

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T. KENT WETHERELL, II  
  
OF COUNSEL  
W. ROBERT FOKES

Writer's Direct Dial No.

(904) 425-2263

E-mail:manningr@hgss.com

August 1, 1997


Ms. Kathy Carter  
Office of General Counsel  
Florida Department of Environmental Protection  
3900 Commonwealth Blvd., Room 638  
Tallahassee, FL 32399-3000

Re: Request for Extension of Time for City of Vero Beach  
DRAFT Title V Permit No. 0610029-002-AV

Dear Ms. Carter:

Attached for filing is a Request for Extension of Time on the above-referenced permitting matter. If you have any questions regarding this filing, please contact me at the number listed above.

Sincerely,



Robert A. Manning  
Attorney for  
City of Vero Beach

cc: Clair Fancy, P.E., DEP  
Scott Sheplak, DEP  
Jeffrey Brown, DEP OGC  
Joseph Kahn, P.E., DEP  
Susan DeVore, DEP  
Ken Kosky, Golder  
Mike Seifert, Vero Beach

**RECEIVED**

AUG 04 1997

BUREAU OF  
AIR REGULATION



THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of an  
Application for Permit by:

OGC CASE NO. \_\_\_\_\_

City of Vero Beach  
Municipal Utilities

---

DRAFT Permit No.: 0610029-002-AV

**REQUEST FOR EXTENSION OF TIME**

By and through undersigned counsel, City of Vero Beach Municipal Utilities ("City") hereby requests, pursuant to Florida Administrative Code Rules 28-106.111(3) and 62-103.050(1), an extension of time, to and including September 3, 1997, in which to file a Petition for Administrative Proceedings or a Request for Mediation in the above-styled matter. As good cause for granting this request, the City states the following:

1. On or about July 21, 1997, the City received from the Department of Environmental Protection (Department) an "Intent to Issue Title V Air Operation Permit" (Permit No. 0610029-002-AV) for the Vero Beach Power Plant in Indian River County, Florida. Along with the Intent to Issue, the City received a Draft air operation permit and "Public Notice of Intent to Issue Air Operation Permit."

2. The Draft air permit contains several provisions that warrant clarification or correction.

3. The City plans to discuss these provisions with staff of the Department's Bureau of Air Regulation to resolve the City's concerns.

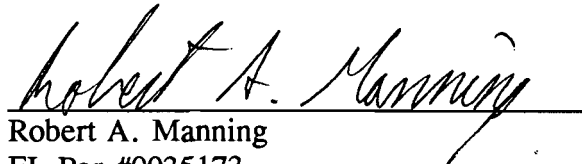
4. This request is filed simply as a protective measure to avoid waiver of the City's right to challenge certain conditions contained in the air permit. Grant of this request will not prejudice either party, but will further their mutual interest and likely avoid the need to file a petition and proceed to a formal administrative hearing or formal mediation.

5. Mr. Joseph Kahn with the Department has agreed to the City's request for an extension of time for 30 days until September 3, 1997.

WHEREFORE, the City respectfully requests that the time for filing of a Petition for Administrative Proceedings or a Request for Mediation in regard to the Department's Intent to Issue Air Operation Permit for Permit No. 0610029-002-AV be formally extended to and including September 3, 1997.

Respectfully submitted this 1st day of August, 1997.

HOPPING GREEN SAMS & SMITH, P.A.



Robert A. Manning  
FL Bar #0035173  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, FL 32314  
(904) 222-7500

Attorney for City of Vero Beach  
Municipal Utilities

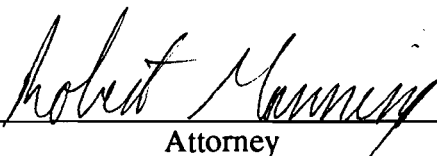
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following  
by U.S. Mail on this 1st day of August, 1997:

Clair H. Fancy, P.E.  
Chief  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

Jeffrey Brown  
Office of General Counsel  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

Scott Sheplak  
Bureau of Air Regulation  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, FL 32399-2600

  
\_\_\_\_\_  
Attorney

**C O V E R****FAX****S H E E T**

**To:** Joseph Kahn, P.E. / Florida Department of Environmental Protection  
**Fax #:** 1-904-922-6979  
**Subject:** Copy of Public Notice of Intent to Issue Title V Air Operation Permit  
**Date:** August 1, 1997  
**Pages:** 2, including this cover sheet.

Please find attached a copy of the Public Notice of Intent to Issue Title V Air Operation Permit for the City of Vero Beach Power Plant. As soon as we receive the newspaper affidavit we will mail it to your office.

If you have any questions regarding this, please advise. Thank you.

From the desk of...  
Diana Gelasky  
Administrative Secretary  
P. O. Box 1389  
Vero Beach, Florida 32961-1389

561-562-7231  
Fax: 561-569-5981

12D Press Journal, Friday, August 1, 1997

10 Legals

10 Legals

PUBLIC NOTICE OF INTENT TO  
ISSUE TITLE V AIR OPERATION  
PERMITSTATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTIONTitle V DRAFT Permit  
No.: 0610079-002-AV  
City of Vero Beach  
Municipal Utilities  
Indian River County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to City of Vero Beach for the City of Vero Beach Municipal Utilities located at 100 17th Street, Vero Beach, Indian River County. A case-by-case Maximum Achievable Control Technology (MACT) determination was not required in this permitting action. The applicant's name and address are: City of Vero Beach, Rex Taylor, City Manager, Utilities Director, City of Vero Beach, 1053 20th Place, PO Box 1389, Vero Beach, FL 32961-1389.

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

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

The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes (F.S.), or a party requests mediation as an alternative remedy under Section 120.573, F.S., before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 904/488-9730; fax: 904/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. A petitioner must mail a copy of the petition to the applicant or the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;

(b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;

(c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;

(d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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

A person whose substantial interests are affected by the permitting authority's proposed permitting decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department of Environmental Protection a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, FL 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

(a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;

(b) A statement of the preliminary agency action;

(c) A statement of the relief sought; and,

(d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

(a) The names, addresses, and telephone numbers of any persons who may attend the mediation;

(b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;

(c) The agreed allocation of the costs and fees associated with the mediation;

(d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;

(e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;

(f) The name of each party's representative who shall have authority to settle or recommend settlement; and,

(g) The signatures of all parties or their authorized representatives.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within 60 (sixty) days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department of Environmental Protection must enter an order incorporating the agreement of the parties in accordance with the provisions of Section 403.087(2)(7), F.S. If mediation terminates without settlement of the dispute, the permitting authority shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., remain available for disposition of the dispute, and the notice will specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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 410 M. Street, S.W. Washington, D.C. 20460.

A complete project file is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at:

Permitting Authority:

Department of Environmental Protection

Bureau of Air Regulation

111 South Magnolia Drive, Suite 4

Tallahassee, Florida 32301

Telephone: 904/488-1344

Fax: 904/922-6979

Affected District/Local Program:

Control District

3319 Maguire Boulevard, Suite 232,

Orlando, FL 32803-3767

Telephone: 407/894-7555

Fax: 407/897-2966

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Scott M. Shopjak, P.E., at the above address, or call 904/488-1344, for additional information.

July 28, 29, 30, 31

August 1, 2, 4, 1997

1127799r