Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

November 6, 2003

Mr. Paul Plotkin
Manatee Plant General Manager
Florida Power & Light Company
19050 State Road 62
Parrish, FL 34219-9220

Re: Title V Air Operation Permit Renewal
Proposed Permit Project No.: 0810010-009-AV
Manatee Plant

Dear Mr. Plotkin:

One copy of the "PROPOSED Determination" for the renewal of a Title V Air Operation Permit for the Manatee Plant located at 19050 State Road 62, Parrish, Manatte County, is enclosed. This letter is only a courtesy to inform you that the DRAFT Permit has become a PROPOSED Permit.

An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

" **http://www.dep.state.fl.us/air/permitting/airpermits/AirSearch_ltd.asp** ".

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED Permit is made by the USEPA within 45 days, the PROPOSED Permit will become a FINAL Permit no later than 55 days after the date on which the PROPOSED Permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED Permit, the FINAL Permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Ms. Cindy L. Phillips, P.E. at 850-921-9534 or Cindy. Phillips@dep.state.fl.us .

Sincerely,

Trina L. Vielhauer

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/CLP

Enclosures

copy furnished to:

USEPA, Region 4 (INTERNET E-mail Memorandum)
Ms. Nancy Kierspe, D.R., FPL
Mr. Kennard F. Kosky, P.E.
Mr. Kevin Washington, FPL
Mr. Jerry Kissel, FDEP-SWD Office
Ms. Karen Collins-Fleming, Manatee County EMD
Mr. Doug Beason, FDEP-OGC
Mr. Wayne Hrydziusko, FDEP-Cabinet Affairs
Senator Michael S. Bennett
Mr. Clarence G. Troxell, Coalition for Clean Air
Shannon Staub, Chair of Sarasota Board of County Commissioners
Joan Perry, League of Women Voters
Dr. Dan Kumarich, President, MCAP
Mr. Glenn Compton, Chairman – ManaSota-88
Ms. Mary Sheppard, Sierra Club
Mr. Frank Curcillo, Sarasota Citizens Against Pollution
Mr. Dave Miner
Ms. Marjorie C. Sagman
W.K.Williams
Ms. Gesien McGrath
Ms. Margaret Jean Cannon
H. J. Webb
Ms. JoAnn Osmer
Mr. Henry A. Mosler
Mr. Jal N. Bharucha
Ms. Jane Finch
Ms. Wilhelmina McFee
Mr. Thomas Nunn
Ms. Peggy Simone
Mr. Victor Coveduck
William Rex and Jill Res
Mr. Sanfor Danziger
Ms. Bunny Garst
Mr. Ernest S. Marshall, P.A.
Ms. Madeleine Havlick

I. Public Notice.

An "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" to Florida Power & Light Company for the Manatee Plant located at 19050 State Road 62, Parrish, Manatee County was clerked on August 29, 2003. The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" was published in the Bradenton Herald on September 5, 2003. The DRAFT Permit was available for public inspection at the FDEP Southwest District Air Program Office in Tampa and the permitting authority's office in Tallahassee. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" was received on September 15, 2003.

II. Public Comments.

A. Thirty-one written documents with questions and comments were received from 27 respondents during the 30-day public comment period. Listed below is each written document in the chronological order of receipt, and a response to each document. The questions and comments included in the written documents will not be restated.

1. Letter from Marjorie C. Sagman dated September 12, 2003, and received on September 15, 2003.

Response:
-FPL is not required by law to have a flue gas desulfurization system to reduce sulfur dioxide emissions. Sulfur dioxide emissions are reduced by restricting the sulfur content in the fuel oil to 1% or less.
-FPL is not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides.
-Florida Power & Light (FPL) is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides.
-FPL is not required by law to provide real-time emissions data on a web site.

2. Letter from Karen Collins-Fleming, Director of the Manatee County EMD, dated September 8, 2003, and received on September 17, 2003.

Response: The 30-day public comment will not be extended. When it was received on May 27, 2003, a copy of the permit renewal application was provided to the EMD. A copy of the draft renewal permit was provided to the EMD on September 2, 2003. The public comment period started September 5, 2003 and ended on October 6, 2003.

3. Letter from W.K.Williams dated September 12, 2003, and received on September 17, 2003.

Response: Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

4. Letter from Ms. Gesien McGrath dated September 14, 2003, and received on September 17, 2003.

Response: This letter was forwarded to the FDEP Southwest District Office and Manatee County EPD because it contained a complaint concerning black particles in air. Complaint inspector from the FDEP Southwest District Office phoned Ms. McGrath to ask if she could come by to collect a sample of the black substance from Ms. McGrath's home to have it analyzed. Ms. McGrath said that she had washed her windowsills and there was nothing left to collect. The complaint inspector asked Ms. McGrath to contact her if the problem recurred. The complaint inspector will also follow-up with a written letter to Ms. McGarth asking Ms. McGrath to contact her if the problem recurs.

5. FAX from Mr. Clarence Troxell dated and received September 18, 2003.

Response:
A request was made for boiler opacity limitations for other FPL facilities within the state. Although this information was provided previously under a public records request, it does not relate to the terms and conditions of this permit. Therefore, it will not be restated herein.

6. Letter from Ms. Margaret Jean Cannon dated September 14, 2003, and received September 19, 2003.

Response: Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

7. Letter from H. J. Webb dated September 16, 2003, and received September 19, 2003.

Response:

-FPL is not required by law to have a flue gas desulfurization system to reduce sulfur dioxide emissions. Sulfur dioxide emissions are reduced by restricting the sulfur content in the fuel oil to 1% or less.

-FPL is not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides.

-Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

8. FAX from Mr. Clarence Troxell dated and received September 23, 2003.

Response: The Department held a public meeting on October 2, 2003 to receive comments on the draft Title V renewal permit.

9. FAX from Mr. Clarence Troxell dated and received September 26, 2003.

Response:

-Florida Power & Light (FPL) is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. They are not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides.

- Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

-Soot-blowing is allowed for up to 3 hours in any 24-hour period. There is no further restriction on how many times per day that soot-blowing is performed.

-FPL is not required by law to have a flue gas desulfurization system to reduce sulfur dioxide emissions. Sulfur dioxide emissions are reduced by restricting the sulfur content in the fuel oil to 1% or less.

-EPA has concluded that the burning of used oil containing less than 50 ppm in a utility or an industrial boiler and furnace is unlikely to cause unreasonable risk of injury to human health or the environment. Based on this information, the Division of Air Resources Management has concluded that the burning of used oil with a PCB content of less than 50 ppm is allowed in an industrial/electric utility boiler or an industrial furnace by the federal regulations. "On-specification" used oil containing less than 2 ppm PCBs can be burned in any combustion device (industrial or nonindustrial) if authorized by a Department permit.

-The voluntary "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" which was signed by FPL and the Department on September 19, 2002, was noticed as a term and condition of this draft Title V permit renewal.

- FPL is not required by law to provide real-time emissions data on a web site.

10. Letter from Shannon Staub, Chair of Sarasota Board of County Commissioners, dated September 24, 2003, and received September 29, 2003.

Response:

-Though the Sarasota Board is concerned that the Title V permit renewal is unable to adequately protect air quality, regularly-collected ambient air quality data in Sarasota County shows that the air quality is in attainment of state and federal standards.

-In addition, FPL volunteered to reduce emissions of nitrogen oxides in coming years by using reburn technology and signed an "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" on September 19, 2002.

-The reporting requirements contained in the permit are consistent with the Florida Administrative Code.

-Florida Power & Light (FPL) is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. The Department does not have the authority to imposed additional requirements for a facility complying with Department rules and its current operating permit.

11. Letter from Ms. JoAnn Osmer dated September 25, 2003, and received on September 29, 2003.

Response: The reburn technology to reduce emissions of nitrogen oxides was voluntarily agreed to by Florida Power & Light. The Department does not have the authority to impose more stringent reductions in emissions of nitrogen oxides nor more stringent reporting requirements when renewing an operating permit for a facility complying with Department rules and its current operating permit.

12. Letter from Karen Collins-Fleming, Director of the Manatee County EMD, dated and received on September 30, 2003.

Response:

-The Department does not have the authority to require FPL to post emissions data on the internet. By the end of each calendar year quarter, the USEPA posts Hourly sulfur dioxide (SO2), nitrogen oxides (NOx), carbon dioxide (CO2), and heat input for the previous calendar year quarter on the USEPA website http://www.epa.gov/airmarkets/emissions/raw/index.html . The Department does not have the authority to imposed additional requirements for a facility complying with Department rules and its current operating permit.

- No particulate matter control information has been required or provided within the context of this current permitting action.

-FPL has stated that their System Dispatch Model typically dispatches more efficient units, such as Manatee Unit #3, ahead of Manatee Units 1&2. FPL has agreed to submit an annual report by April 15, 2004 to Manatee County reporting on the Economic Dispatch History of the past year of Manatee Unit 3, and FPL's existing Manatee Units 1 & 2. If requested by the Board of County Commissioners (BOCC), FPL also agrees to make a presentation to the BOCC on the annual report.

- As a result of your request, the following permitting note has been added to the specific condition A.32 on page 14 of the permit:
{Permitting Note: In the event of excess emissions as noted above, FPL's Manatee Plant agrees to provide an informational notification to: Manatee County EMD, 202 6Th Avenue East, Bradenton, FL 34208, Attn: Director}

- As a result of your request, the following permitting note has been added to the specific condition A.33 on page 14 of the permit:
{Permitting Note: In addition to the quarterly report submitted to the Compliance Authority noted above, FPL's Manatee Plant agrees to provide an informational copy to: Manatee County EMD, 202 6Th Avenue East, Bradenton, FL 34208, Attn: Director}

-As stated in condition No. 8 of the "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone", "...FPL shall be entitled to retain all nitrogen oxides reduction credits and trading rights that **may be** authorized by Florida law in the future." If Florida law does not authorize the reduction credits and trading rights requested in the agreement, then they will not be allowed.

13. Letter from Mr. Henry A. Mosler date September 29, and received October 1, 2003.

Response: Florida Power & Light (FPL) is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. The Department does not have the authority to imposed additional requirements for a facility complying with Department rules and its current operating permit.

14. Letter from Glen Compton, ManaSota-88, dated and received October 2, 2003.

Response:

-This permit contains the legally-required methods for determining compliance with applicable emissions limitations.

-Though ManaSota-88 contends that the Title V permit renewal is unable to adequately protect air quality, regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

-The reporting requirements contained in the permit are consistent with the Florida Administrative Code.

-The voluntary "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" which was signed by FPL and the Department on September 19, 2002, was noticed as a term and condition of this draft Title V permit renewal. Manasota-88's Notice of Intent to be a Party dated August 13, 2002, was specifically for Siting Application No. PA02-44 which was for the construction of Unit 3 at FPL's Manatee Plant. The agreement signed on September 19, 2002 only applies to Units 1 and 2 and is not part of the Siting project.

As a result of this comment, the following permitting note has been added to Facility-wide condition no. 15 on page 5 of the permit: {Permitting note: FPL will need to obtain a non-PSD air construction permit from the Department prior to the reburn construction project described in the above Agreement.}

-This permitting action does not include Unit 3 nor any associated air emissions increases. The Title V permit will be reopened after the completion of construction of Unit 3 to then incorporate operation conditions for Unit 3. Opportunity for public comment will also be provided for that permitting process.

-The Department cannot speculate what might be allowed by Florida law in the future. However, permitting actions will comply with applicable laws.

- Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. The emissions units and activities listed in Appendix I-1, including those that emit hazardous air pollutants, meet the criteria.

-The annual Statement of Compliance contains, as stated in Facility-wide Condition 11 on page 4 of the draft permit, the information required by DEP Form No. 62-213.900(7), F.A.C. The Form requires that one of the following three options must be selected:

A. This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part, and there were no reportable incidents of deviations from applicable requirements associated with any malfunction or breakdown of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above.

B. This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part; however, there were one or more reportable incidents of deviations from applicable requirements associated with malfunctions or breakdowns of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above, which were reported to the Department. For each incident of deviation, the following information is included:

1. Date of report previously submitted identifying the incident of deviation.
2. Description of the incident.

C. This facility was in compliance with all terms and conditions of the Title V Air Operation Permit and, if applicable, the Acid Rain Part, EXCEPT those identified in the pages attached to this report and any reportable incidents of deviations from applicable requirements associated with malfunctions or breakdowns of process, fuel burning or emission control equipment, or monitoring systems during the reporting period identified above, which were reported to the Department. For each item of noncompliance, the following information is included:

1. Emissions unit identification number.
2. Specific permit condition number (note whether the permit condition has been added, deleted, or changed during certification period).
3. Description of the requirement of the permit condition.

4. Basis for the determination of noncompliance (for monitored parameters, indicate whether monitoring was continuous, i.e., recorded at least every 15 minutes, or intermittent).
5. Beginning and ending dates of periods of noncompliance.
6. Identification of the probable cause of noncompliance and description of corrective action or preventative measures implemented.
7. Dates of any reports previously submitted identifying this incident of noncompliance.

For each incident of deviation, as described in paragraph **B.** above, the following information is included:

1. Date of report previously submitted identifying the incident of deviation.
2. Description of the incident..

The Statement of Compliance must be signed by the Title V Source Responsible Official and, if applicable, the Acid Rain Source Designated Representative. The Department keeps these annual Statements of Compliance on file and they are available for review by the public.

-FPL has stated that their System Dispatch Model typically dispatches more efficient units, such as Manatee Unit #3, ahead of Manatee Units 1&2. FPL has agreed to submit an annual report by April 15, 2004 to Manatee County reporting on the Economic Dispatch History of the past year of Manatee Unit 3, and FPL's existing Manatee Units 1 & 2. If requested by the Board of County Commissioners, FPL also agrees to make a presentation to the BOCC on the annual report.

- FPL is not required by law to have a flue gas desulfurization system to reduce sulfur dioxide emissions. Sulfur dioxide emissions are reduced by restricting the sulfur content in the fuel oil to 1% or less.

-FPL is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. They are not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides, though they have volunteered to install reburn technology to reduce these emissions.

-Reporting of deviations from permit requirements was addressed in several places specific condition A.32., in the draft permit. The language found in 40 CFR 70.6(a)(3)(iii)(B) is reflected in Rule 62-213.440(1)(b)3.b., F.A.C., "Deviation from Permit Requirements Reports", which is Condition No. 44 in Appendix TV-4. Condition No. 44 references Rule 62-4.130, F.A.C., "Plant Operations-Problems" which is Condition No. 9 in Appendix TV-4. Condition No. 44 also references Rule 62-210.700(6), Excess Emissions from malfunctions, which is specific condition A.32. of the draft permit. Appendix TV-4 also contains condition 12(8). This conditions states "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."

The Department believes that these conditions adequately addresses reporting of deviations from permit requirements.

As a result of this comment, a new table, Table 3-1, has been added to the permit to summarize FPL's reporting requirements. Though not on the internet, these reports are made available to the public upon request.

-FPL is required to use continuous opacity monitors for periodic monitoring. However Method 9 is the required method of determining with the opacity limits.

-The permit does not need to state that the Method 9 testing shall be performed by persons with current EPA Reference Method 9 certification. Method 9 itself requires that the observations be made by

a qualified observer. Since the permit does allow visible emissions (40%, and 60% during soot-blowing and load-change for 3 hours out of every 24 hours) there is no reason to "require prompt Method 9 testing following the observation of visible emissions" as if the opacity limit were 0%. A Method 9 test is legally only required annually for each unit. The Department does not have the authority to impose additional requirements for a facility complying with Department rules and its current operating permit.

- EPA has concluded that the burning of used oil containing less than 50 ppm in a utility or an industrial boiler and furnace is unlikely to cause unreasonable risk of injury to human health or the environment. Based on this information, the Division of Air Resources Management has concluded that the burning of used oil with a PCB content of less than 50 ppm is allowed in an industrial/electric utility boiler or an industrial furnace by the federal regulations. "On-specification" used oil containing less than 2 ppm PCBs can be burned in any combustion device (industrial or nonindustrial) if authorized by a Department permit.

-A Pollution Control Project, such as reburn technology, that is being added at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) is not subject to New Source Review.

15. Letter from Mary Sheppard, Sierra Club, dated and received October 2, 2003.

Response:

- Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

-Reporting of deviations from permit requirements was addressed in several places specific condition A.32., in the draft permit. The language found in 40 CFR 70.6(a)(3)(iii)(B) is reflected in Rule 62-213.440(1)(b)3.b., F.A.C., "Deviation from Permit Requirements Reports", which is Condition No. 44 in Appendix TV-4. Condition No. 44 references Rule 62-4.130, F.A.C., "Plant Operations-Problems" which is Condition No. 9 in Appendix TV-4. Condition No. 44 also references Rule 62-210.700(6), Excess Emissions from malfunctions, which is specific condition A.32. of the draft permit. Appendix TV-4 also contains condition 12(8). This conditions states "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."

The Department believes that these conditions adequately addresses reporting of deviations from permit requirements. **However, a new table, Table 3-1, has been added to the permit to summarize FPL's reporting requirements. Though not on the internet, these reports are made available to the public upon request.**

-A Pollution Control Project, such as reburn technology, that is being added at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) is not subject to New Source Review.

-FPL is required to use continuous opacity monitors for periodic monitoring. However Method 9 is the required method of determining with the opacity limits.

16. Letter from Joan Perry, League of Women Voters, dated and received October 2, 2003.

Response:

-The "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" does not list the **best-suited** emission reduction technology as reburn technology. The term "best-suited" is not mentioned in the agreement at all.

-This operation permit renewal does not revise the operating capacity of Boiler Units 1 and 2. This permitting action does not include Unit 3 nor any associated air emissions increases. The Title V permit will be reopened after the completion of construction of Unit 3 to then incorporate operation conditions for Unit 3. Opportunity for public comment will also be provided for that permitting process.

-The Department does not have the authority to impose additional requirements, including requiring the use of only natural gas in Units 1 and 2, for a facility complying with Department rules and its current operating permit.

17. Letter from Jal N. Bharucha, dated and received October 2, 2003.

Response:

-Yes, it is possible to emit 160% of the maximum limit of NOx emissions for 15 days, and emit much less for the next 15 days, and still be able to satisfy the 30-day rolling average requirement.

- Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

-As stated in condition No. 8 of the "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone", "...FPL shall be entitled to retain all nitrogen oxides reduction credits and trading rights that **may be** authorized by Florida law in the future." If Florida law does not authorize the reduction credits and trading rights requested in the agreement, then they will not be allowed.

-The Department can not speculate what might be allowed by Florida law in the future.

-A Pollution Control Project, such as reburn technology, that is being added at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) is not subject to New Source Review and so there is no "objective to have BAT" (Best Available [Control] Technology [BACT]). The Department does not have the authority to impose additional requirements for a facility complying with Department rules and its current operating permit.

-Information on the cost of installing SCR at the Manatee Plant was not required within the scope of this permit renewal application.

18. Letters and written comments from Jane Finch, received October 2, 2003.

Response: These letters were forwarded to the FDEP Southwest District Office because they contained a complaint concerning oily black gooey gum that is deposited on outside furniture. Complaint inspector from the FDEP Southwest District Office phoned Ms. Finch and left several messages on her answering machine telling her that she would like to come by and sample the deposits. The complaint inspector left her phone number in case Ms. Finch would like to call her. As of October 24, 2003, Ms. Finch had still not contacted the complaint investigator. The complaint inspector will follow-up with a written letter and await Ms. Finch's response.

19. Written comments from Wilhelmina McFee, received October 2, 2003.

Response:

-A 30-day rolling average for emissions limits means that all valid data over a 30-day period must meet the emission limit when averaged together. Therefore, it is possible that, at times, the daily or hourly emission may be higher than the amount identified as the 30-day rolling average limit. So, if a limit is 0.3 pounds per million Btu heat input, FPL could emit 0.4 pounds per million Btu heat input by averaging with emissions less that 0.3 pounds per million Btu heat input during the 30-day averaging periods.

- Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

20. Written comments from Thomas Nunn, received October 2, 2003.

Response: The Florida Department of Environmental Regulation does not enforce construction labor contract agreements.

21. Written comments from Peggy Simone, received October 2, 2003.

Response:

-A Pollution Control Project, such as reburn technology, that is being added at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) is not subject to New Source Review and so there is no requirement for Best Available Control Technology (BACT). The Department does not have the authority to impose additional requirements for a facility complying with the Department rules and its current operating permit.

-Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

22. Letter from Dr. Dan Kumarich, Manatee County Citizens Against Pollution, dated and received October 2, 2003.

Response:

-It is possible for FPL to fire only fuel oil in Units 1 & 2 and increase their current operating capacity to their maximum permitted operating capacity.

-Based on the permit application, total potential emissions, in **tons per year**, from the Manatee Plant at maximum capacity are:

Pollutant	Total of Units 1&2
PM/PM10	9,472
SO_2	83,352
NO_x	22,732

- Based on the Annual Operating Report submitted by the Manatee Plant for the year 2002, the actual emissions, in **tons per year**, of the following criteria pollutants were:

Pollutant	Total of Units 1&2
CO	20,214
VOC	160

- Based on the Annual Operating Report submitted by the Manatee Plant for the year 2002, the actual emissions, in **tons per year**, of the following hazardous air pollutants were:

Pollutant	Total of Units 1&2
Cobalt Compounds	1
Formaldehyde	7
Hydrochloric Acid	73
Hydrogen Fluoride	8
Nickel Compounds	18
Phosphorous	2
Toluene	1
Total HAPs	114

-A Pollution Control Project, such as reburn technology, that is being added at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) is not subject to New Source Review and so there is no requirement for Best Available Control Technology (BACT). This operation permit renewal does not revise the operating capacity of Boiler Units 1 and 2. This permitting action does not include Unit 3 nor any associated air emissions increases. The Title V permit will be reopened after the completion of construction of Unit 3 to then incorporate operation conditions for Unit 3. Opportunity for public comment will also be provided for that permitting process.

-Specific condition A.40, which was added for Units 1 and 2 to be able to fire natural gas without going through a full PSD review, only requires PSD applicability reports to be submitted for **five** years because of Rule 62-212.200(11)(d), F.A.C. This rule defines *actual emissions* for these units as:

> "For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following a physical or operational change shall equal the representative actual annual emissions of the unit following the physical or operational change, provided the owner or operator maintains and submits to the Department on an annual basis, for a period of **5 years** representative of normal post-change operations of the unit, within the period not longer than 10 years following the change, information demonstrating that the physical or operational change did not result in an emissions increase. The definition of "representative actual annual emissions" found in 40 CFR 52.21(b)(33) is adopted and incorporated by reference in Rule 62-204.800, F.A.C."

23. Written comments from Clarence Troxell, Coalition for Clean Air, received October 2, 2003.

Response:

-Though the FPL Martin and Manatee Plants are similar, they "commenced construction" at different times and, as a consequence, are subject to different regulations.

-There was a Public Meeting held in Palm Beach County on September 23, 2003, to provide an opportunity for the public to comment on the draft Title V renewal permit for the FPL Riveria Plant. The Riveria Plant and the Martin Plant also commenced construction at different times, and as a consequence, are subject to different regulations. The Riviera Plant Title V permit renewal has been proposed. No changes were made to the draft permit. It still allows a 30-day rolling average of the NOx emissions.

- Addressing concerns about soot:

There is one $PM_{2.5}$ (particulate matter, diameter of 2.5 microns or less) monitor located in Manatee County. It is located at 5502 33rd Avenue West, Bradenton. There is one PM_{10} (particulate matter, diameter of 10 microns or less) monitor located in Manatee County, on Buckeye Road There is one $PM_{2.5}$ monitor in Sarasota County. It is co-located with a PM_{10} monitor at Bee Ridge Park in Sarasota. There are two other PM_{10} monitors in Sarasota County, one at 1642 12th Street, Sarasota, and one at 448 E. Venice Avenue, Venice. Both counties are in attainment of the National Ambient Air Quality Standards for PM_{10} and PM2.5

-For answers to questions concerning plant operations, such as number of, and duration of, soot-blowing occurrences during a 24-hour period, please contact the FPL Manatee Plant at 941-776-5211.

- FPL is not required by law to have a flue gas desulfurization system to reduce sulfur dioxide emissions. Sulfur dioxide emissions are reduced by restricting the sulfur content in the fuel oil to 1% or less.

- EPA has concluded that the burning of used oil containing less than 50 ppm in a utility or an industrial boiler and furnace is unlikely to cause unreasonable risk of injury to human health or the environment. Based on this information, the Division of Air Resources Management has concluded that the burning of used oil with a PCB content of less than 50 ppm is allowed in an industrial/electric utility boiler or an industrial furnace by the federal regulations. "On-specification" used oil containing less than 2 ppm PCBs can be burned in any combustion device (industrial or nonindustrial) if authorized by a Department permit.

-The voluntary "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" which was signed by FPL and the Department on September 19, 2002 was noticed as a term and condition of this draft Title V permit renewal.

-The Department does not have the authority to require FPL to post emissions data on the internet. By the end of each calendar year quarter, the USEPA posts Hourly sulfur dioxide (SO2), nitrogen oxides (NOx), carbon dioxide (CO2), and heat input for the previous calendar year quarter on the USEPA website http://www.epa.gov/airmarkets/emissions/raw/index.html . The Department does not have the authority to impose additional requirements for a facility complying with Department rules and its current operating permit.

24. Anonymous written comments, received October 2, 2003.

Response: Comments concerning the ratepayers costs vs. FPL voluntary reductions in air pollutants should be addressed to Florida Power & Light.

25. E-mailed comments from Frank Curcillo, Sarasota Citizens Against Pollution, received October 3, 2003.

Response: Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

26. E-mailed comments from Victor Coveduck, received October 3, 2003.

Response:

-Though the FPL Martin and Manatee Plants are similar, they "commenced construction" at different times and, as a consequence, are subject to different regulations.

- Addressing concerns about soot:

There is one $PM_{2.5}$ (particulate matter, diameter of 2.5 microns or less) monitor located in Manatee County. It is located at 5502 33rd Avenue West, Bradenton. There is one PM_{10} (particulate matter, diameter of 10 microns or less) monitor located in Manatee County, on Buckeye Road There is one $PM_{2.5}$ monitor in Sarasota County. It is co-located with a PM_{10} monitor at Bee Ridge Park in Sarasota. There are two other PM_{10} monitors in Sarasota County, one at 1642 12th Street, Sarasota, and one at 448 E. Venice Avenue, Venice. Both counties are in attainment of the National Ambient Air Quality Standards for PM_{10} and PM2.5

-FPL Manatee is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. They are not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides, though they have volunteered to install reburn technology to reduce these emissions.

-This permit continues to allow FPL to fire natural gas in Manatee Plant Units 1 and 2 but does not require that only natural gas be fired.

-The Department does not have the authority to impose additional requirements, such as requiring that only natural gas be fired or requiring the posting of emissions data to the internet, for a facility complying with Department rules and its current operating permit.

-The Department's rules are based on Florida Statutes. The Department can not amend rules to go beyond statutory authority.

27. E-mailed comments from William Rex and Jill Res, received October 3, 2003.

Response:

- Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

-FPL volunteered to reduce emissions of nitrogen oxides in coming years by using reburn technology and signed an "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" on September 19, 2002.

28. Written comments form Sanford Danziger, dated and received October 4, 2003.

Response:

-FPL is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. They are not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides, though they have volunteered to install reburn technology to reduce these emissions.

-The Department does not have the authority to impose additional requirements, such as the posting of emissions data to the internet, for a facility complying with Department rules and its current operating permit.

-New Sources are subject to more stringent emissions requirements and may require SCR to meet these more stringent requirements. This permitting action does not trigger New Source Review for Manatee Units 1 and 2. Though the FPL Martin and Manatee Plants are similar, they "commenced construction" at different times and, as a consequence, are subject to different regulations.

-This operation permit does not include Manatee Unit No. 3. The construction of Unit No. 3 is covered under the conditions of construction permit 0810010-006-AC.

29. Written comments from Bunny Garst, received on October 5, 2003.

Response: Regularly-collected ambient air quality data in Manatee and Sarasota Counties shows that the air quality, in both counties, is in attainment of state and federal standards.

30. Letter from Ernest S. Marshall, P.A., dated October 2, 2003 and received October 6, 2003.

Response:

-Though the FPL Martin and Manatee Plants are similar, they "commenced construction" at different times and, as a consequence, are subject to different regulations. Florida Power & Light (FPL) is allowed by law to have a 30-day averaging period to report emissions of nitrogen oxides. They are not required by law to install SCR (Selective Catalytic Reduction) to reduce emissions of nitrogen oxides, though they have volunteered to install reburn technology to reduce these emissions.

- Addressing concerns about soot:

There is one $PM_{2.5}$ (particulate matter, diameter of 2.5 microns or less) monitor located in Manatee County. It is located at 5502 33rd Avenue West, Bradenton. There is one PM_{10} (particulate matter, diameter of 10 microns or less) monitor located in Manatee County, on Buckeye Road There is one $PM_{2.5}$ monitor in Sarasota County. It is co-located with a PM_{10} monitor at Bee Ridge Park in Sarasota. There are two other PM_{10} monitors in Sarasota County, one at 1642 12th Street, Sarasota, and one at 448 E. Venice Avenue, Venice. Both counties are in attainment of the National Ambient Air Quality Standards for PM_{10} and PM2.5

31. Letter from Jal Bharucha, dated October 3, 2003, and received October 6, 2003.

Response:

-New Source Review (NSR) can be performed for air emissions sources in counties that are in attainment of the ambient air quality standards, as well as for air emissions sources in counties that are not in attainment of the ambient air quality standards. However, in the context of this permitting action, Manatee Units 1 and 2 have not triggered NSR.

-Manatee County is not in the Tampa Bay Airshed which historically includes Hillsborough and Pinellas Counties. It is adjacent to the Tampa Bay Airshed. However, Manatee County is in the Tampa Bay **area**. So, if any other county in the Tampa Bay area becomes classified in "nonattainment" of the ambient air quality standard for ozone, the Department may decide to impose more stringent regulations on sources of NOx or VOC in Manatee County that may be contributing to the problem. Manatee County is actually in the same Metropolitan Statistical Area (MSA) as Sarasota County. Therefore, if either one of these two counties became "nonattainment" for ozone, air emissions sources in both counties would likely be subject to more stringent NOx or VOC regulations, even if the other counties in the Tampa Bay area are still in attainment . In summary, if, in the future, any county in the Tampa Bay area becomes classified as "nonattainment" for ozone, the Department may decide to impose more stringent regulations on any source of NOx or VOC in the Tampa Bay area, regardless of which county the source may be located in.

- The federal Standard of Performance for New Stationary Sources that the Martin Plant is subject to is 40 CFR 60 Subpart D. This Subpart D, which does not allow for a 30-day rolling average for NOx, is effective for fossil-fuel-fired steam generators for which construction was commenced after August 17, 1971 and prior to September 19, 1978. The Martin Plant commenced construction during

this 7-year timeframe. The Manatee Plant Units 1 and 2 commenced construction before August 17, 1971 because FPL entered into a binding contract prior to that date to purchase the boilers. Therefore Manatee Plant Units 1 and 2 are not subject to the federal Standards of Performance for New Stationary Sources.

-Information concerning the Public Service Commission's tariff approval process should be obtained from the Public Service Commission. The Department does not have this information on file.

-There was no opportunity for the public to discuss a draft of the voluntary "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" before it was signed by FPL and the Department on September 19, 2002. However, this agreement was noticed as a term and condition of this draft Title V permit renewal.

- On July 25, 2002, an article in the Sarasota Herald-Tribune discussed FPL's potential plans for a reburn project at the Manatee Plant. The "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" signed September 19, 2002, was announced to the press by the Department, and on October 1, 2002, an article about the signed agreement appeared on page 1B of the Bradenton Herald.

-The public can respond to the information provided by the Department in this Proposed Determination for the Title V permit renewal at any time. However, the public comment period for this permitting action ended on October 6, 2003. Comments received after that date will not be incorporated into the Department's proposed permit.

B. Verbal comments were accepted on tape from 14 people at a Public Meeting at the Manatee County Civic Center on October 2, 2003. Many of these verbal comments were also submitted in writing and, if so, are addressed above. The remaining verbal comments have been combined by topic and are addressed collectively as follows:

1. Comment: FPL is well ahead of the curve and trying to balance affordable power and ideal environmental situation.

Response: This is Senator Bennett's opinion.

2. Comment: The Environmental Defense Scorecard website, www.scorecard.org, lists the FPL Manatee Plant as the worst polluter in Manatee County.

Response: Though the Environmental Defense Scorecard website ranks Manatee County high in terms of emissions, the Scorecard ranks Manatee County low in terms of exposures.

3. Comment: There should be a vote, or referendum, as to whether citizens should pay more for electricity in order to have cleaner air.

Response: This is outside the realm of the Department's authority.

4. Comment: The low NOx burners that have been installed on Manatee Units 1 and 2 have not actually reduced NOx emissions.

Response: The low-NOx burners were installed pursuant to a previous permit. These burners were previously incorporated into the facility's Title V permit. These burners are not the subject of this Title V air operation permit renewal. However, the Department notes this comment.

5. Comment: In the future, the Department should not hold public meetings during the 5:00-7:00 p.m. timeframe on weekdays because people who work have a hard time making it to meetings at that time.

Response: The Division of Air Resource Management will keep this in mind when planning any future public meetings.

C. Documents on file with the permitting authority:

1. Letter from Marjorie C. Sagman dated September 12, 2003, and received on September 15, 2003.
2. Letter from Karen Collins-Fleming, Director of the Manatee County EMD, dated September 8, 2003, and received on September 17, 2003.
3. Letter from W.K.Williams dated September 12, 2003, and received on September 17, 2003.
4. Letter from Ms. Gesien McGrath dated September 14, 2003, and received on September 17, 2003.
5. FAX from Mr. Clarence Troxell dated and received September 18, 2003.
6. Letter from Ms. Margaret Jean Cannon dated September 14, 2003, and received September 19, 2003.
7. Letter from H. J. Webb dated September 16, 2003, and received September 19, 2003.
8. FAX from Mr. Clarence Troxell dated and received September 23, 2003.
9. FAX from Mr. Clarence Troxell dated and received September 26, 2003.
10. Letter from Shannon Staub, Chair of Sarasota Board of County Commissioners, dated September 24, 2003, and received September 29, 2003.
11. Letter from Ms. JoAnn Osmer dated September 25, 2003, and received on September 29, 2003.
12. Letter from Karen Collins-Fleming, Director of the Manatee County EMD, dated and received on September 30, 2003.
13. Letter from Mr. Henry A. Mosler date September 29, and received October 1, 2003.
14. Letter from Glen Compton, ManaSota-88, dated and received October 2, 2003.
15. Letter from Mary Sheppard, Sierra Club, dated and received October 2, 2003.
16. Letter from Joan Perry, League of Women Voters, dated and received October 2, 2003.
17. Letter from Jal N. Bharucha, dated and received October 2, 2003.
18. Letters and written comments from Jane Finch, received October 2, 2003.
19. Written comments from Wilhelmina McFee, received October 2, 2003.
20. Written comments from Thomas Nunn, received October 2, 2003.
21. Written comments from Peggy Simone, received October 2, 2003.
22. Letter from Dr. Dan Kumarich, Manatee County Citizens Against Pollution, dated and received October 2, 2003.
23. Written comments from Clarence Troxell, Coalition for Clean Air, received October 2, 2003.
24. Anonymous written comments, received October 2, 2003.
25. E-mailed comments from Frank Curcillo, Sarasota Citizens Against Pollution, received October 3, 2003.
26. E-mailed comments from Victor Coveduck, received October 3, 2003.
27. E-mailed comments from William Rex and Jill Res, received October 3, 2003.
28. Written comments form Sanford Danziger, dated and received October 4, 2003.

C. Documents on file with the permitting authority (continued):

29. Written comments from Bunny Garst, FAXed on October 5, 2003.
30. Letter from Ernest S. Marshall, P.A., dated October 2, 2003 and received October 6, 2003.
31. Letter from Jal Bharucha, dated October 3, 2003, and received October 6, 2003.
32. Letter from Madeleine Havlick, dated October 9, 2003 and received October 13, 2003, after 30-day comment period ended.

III. Miscellaneous

A. For Facility-wide Condition 9, "and in the renewal Title V permit application received May 27, 2003"was added to the rule cite.

B. For Specific Condition A.40., "Permit No. 0810010-007-AC" was added to the rule cite.

C. The referenced attachment "Phase II Acid Rain Application/Compliance Plan" that was received May 27, 2003 and dated April 7, 2003; replaces the same attachment dated December 4, 1995 that was inadvertently attached to the DRAFT Permit.

IV. Conclusion.

The DRAFT Permit was changed. The changes were not considered significant enough to reissue the DRAFT Permit and require another Public Notice. The permitting authority hereby issues the PROPOSED Permit, with changes noted above.

Florida Power & Light Company
Manatee Power Plant
Facility ID No. 0810010
Manatee County

Title V Air Operation Permit Renewal

PROPOSED Permit No. 0810010-009-AV

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

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

Telephone: 850/488-0114
Fax: 850/921-9533

Compliance Authority:

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, FL 33619-8218
Telephone: 813/744-6100 Fax: 813/744-6458

Title V Air Operation Permit Renewal
PROPOSED Permit No. 0810010-009-AV

Table of Contents

Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

Permittee:
Florida Power & Light Company
Manatee Plant
19050 State Road 62
Parrish, FL 34219-9220

PROPOSED Permit No. 0810010-009-AV
Facility ID No. 0810010
SIC Nos. 49, 4911
Project: Revised Title V Air Operation Permit

The purpose of this permit is to renew the Title V Air Operation Permit and to incorporate an agreement between the permittee and the permitting authority. This existing facility is located at 19050 State Road 62, Parrish, Manatee County; UTM Coordinates: Zone 17, 367.250 km East and 3054.150 km North; Latitude: 27° 36' 21" North and Longitude: 82° 20' 44" West.

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Previous administrative permit corrections incorporated into revised Title V permit:
Notice of Administrative Permit Correction dated 07/16/98
Notice of Administrative Permit Correction dated 09/14/98

Referenced attachments made a part of this permit:
Appendix U-1, List of Unregulated Emissions Units and/or Activities
Appendix I-1, List of Insignificant Emissions Units and/or Activities
Appendix TV-4, Title V Conditions (version dated 2/02/02)
Appendix SS-1, Stack Sampling Facilities (version dated 10/07/96)
Table 297.310-1, Calibration Schedule (version dated 10/07/96)
Phase II Acid Rain Application/Compliance Plan received 5/27/03
Alternate Sampling Procedure: ASP Number 97-B-01
Order Granting Reduced Sampling Frequency, OGC Case Nos. 83-0580 and 83-0581, Order dated April 24, 1984
Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone dated September 19, 2002

Effective Date: January 1, 2004
Renewal Application Due Date: July 5, 2008
Expiration Date: December 31, 2008

Michael G. Cooke, Director
Division of Air Resource Management

MGC/TLV/CLP

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of two fossil fuel steam generators, Unit 1 and Unit 2, each rated at 800 megawatts (MW) (900 MW gross capacity) output. The steam generators each burn a variable combination of natural gas, No. 6 fuel oil, No. 2 fuel oil, propane, and used oil from FPL operations, discharging pollutants through a stack 499 feet above ground level. Each unit is a Foster-Wheeler oil fired steam generator, equipped with multiple cyclones, a flue gas recirculation system and staged combustion. Each operates a Westinghouse tandem compound, reheat-type extraction turbine.

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

Based on the Title V Air Operation Permit Renewal application received May 27, 2003, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID Nos. and Brief Descriptions.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2
Unregulated Emissions Units and/or Activities	
003	Emergency Diesel Generator, Miscellaneous Mobile Equipment and Internal Combustion Engines
004	Painting of Plant Equipment and Non-halogenated Solvent Cleaning Operations

Please reference the Permit No., Facility ID No., and appropriate Emissions Units ID Nos. on all correspondence, test report submittals, applications, etc.

Subsection C. Relevant Documents.

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

These documents are provided to the permittee for information purposes only:
Table 1-1, Summary of Air Pollutant Standards and Terms
Table 2-1, Summary of Compliance Requirements
Table 3-1, Summary of Reporting Requirements
Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
Appendix H-1, Permit History/ID Number Changes
Statement of Basis

These documents are on file with the permitting authority:
Initial Title V Air Operation Permit effective January 1, 1999
Air Permit No. 0810010-007-AC issued on August 12, 2002
Title V Air Operation Permit Revision issued December 3, 2002
Additional Information Request dated June 27, 2003
Additional Information Responses received July 10 and 14, 2003

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX TV-4, TITLE V CONDITIONS, is a part of this permit.
{Permitting note: APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a copy when requested or otherwise appropriate.}

2. Not Federally Enforceable. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.
[Rule 62-296.320(2), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.
[Rule 62-296.320(4)(b)1. & 4, F.A.C.]

4. Prevention of Accidental Releases (Section 112(r) of CAA).
a. The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updated to submittals, should be sent to:

RMP Reporting Center
Post Office Box 3346
Merrifield, VA 22116-3346
Telephone: 703/816-4434

and,
b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.
[40 CFR 68]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.
[Rule 62-213.440(1), F.A.C.]

6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.
[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

7. Compliance Plan. [See Specific Conditions **A.38.** Construction Notifications; **A.39.** Initial Compliance Tests for Gas Firing.; and **A.40.** PSD Applicability Report.]

8. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic

compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. The following requirements are "not federally enforceable:
The owner or operator shall:

a. Tightly cover or close all VOC or OS containers when they are not in use.
b. Tightly cover all open tanks which contain VOC or OS when they are not in use.
c. Maintain all pipes, valves, fittings, etc., which handle VOC or OS in good operating condition.
d. Immediately confine and clean up VOC or OS spills and make sure wastes are placed in closed containers for reuse, recycling or proper disposal.

[Rule 62-296.320(1)(a), F.A.C.; 0810010-008-AV]

9. Emissions of Unconfined Particulate Matter. Pursuant to Rules 296.320(4)(c)1., 3., & 4., F.A.C., reasonable precautions to prevent emissions of unconfined particulate matter at this facility include the following requirements (see Condition 57. of APPENDIX TV-4, TITLE V CONDITIONS): The following requirements are not federally enforceable: Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

a. The facility shall construct temporary sandblasting enclosures when necessary, in order to perform sandblasting on fixed plant equipment.
b. Maintenance of paved areas as needed.
c. Regular mowing of grass and care of vegetation.
d. Limiting access to plant property by unnecessary vehicles.
e. Bagged chemical products are stored in concrete block buildings until they are used.
f. Spills of powdered chemical products are cleaned up as soon as practicable.

[Rule 62-296.320(4)(c)2., F.A.C., proposed by the applicant in the initial Title V permit application received June 12, 1996, and in the renewal Title V permit application received May 27, 2003.]

10. 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.]

11. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)(2), F.A.C., shall be submitted to the Department and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C.
[Rule 62-213.440(3) and 62-213.900, F.A.C.]

{Permitting Note: This condition implements the requirements of Rules 62-213.440(3)(a)2. & 3., F.A.C. (see Condition 51. of APPENDIX TV-4, TITLE V CONDITIONS).}

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

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, FL 33619-8218
Telephone: 813/744-6100 Fax: 813/744-6458

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

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air and EPCRA Enforcement Branch
Air Enforcement Section
61 Forsyth Street
Atlanta, GA 30303-8960
Phone: 404/562-9155
Fax: 404/562-9163

14. 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. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.
[Rule 62-213.420(4), F.A.C.]

15. The permittee shall comply with the terms of the attached "AGREEMENT FOR THE PURPOSE OF ENSURING COMPLIANCE WITH AMBIENT AIR QUALITY STANDARDS FOR OZONE" dated 9/19/02.
{Permitting note: FPL will need to obtain a non-PSD air construction permit from the Department prior to the reburn construction project described in the above Agreement.}

Section III. Emissions Units and Conditions.

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

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

Fossil fuel fired steam generators Unit 1 and Unit 2 are each nominal 800 megawatt (900 MW gross capacity) (electric) steam generators designated as Manatee Plant Unit 1 and Unit 2. The emissions units are fired on a variable combination of natural gas, No. 6 fuel oil, No. 2 fuel oil, propane, and used oil from FPL operations. Propane is utilized primarily for ignition of the main fuel. When firing fuel oil (or combinations of authorized fuels), the maximum heat input for each boiler is 8650 mmBtu per hour. When firing natural gas alone, the maximum heat input for each boiler is 5670 mmBtu per hour.

Each emissions unit consists of a boiler which drives a turbine generator. Emissions are controlled with multiple cyclones, a flue gas recirculation system and staged combustion. The twin register low-NOx burners (ABB Combustion Services, Ltd.) are dual fuel with mechanical atomization for oil firing. Each unit is equipped with a 499 foot stack.

{Permitting notes: These emissions units are regulated under Acid Rain, Phase II; and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input. Fossil fuel fired steam generator Unit 1 began commercial operation in 1976 and fossil fuel fired steam generator Unit 2 began commercial operation in 1977. These emissions units may inject additives such as magnesium oxide, magnesium hydroxide and related compounds into each boiler.}

The following specific conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum operation heat input rates are as follows:

Unit No.	mmBtu/hr Heat Input	Fuel Type
1	8650	No. 2 or 6 Fuel Oil (Alone or w/Natural Gas)
	5670	Natural Gas (Alone)
2	8650	No. 2 or 6 Fuel Oil (Alone or w/Natural Gas)
	5670	Natural Gas (Alone)

[Rules 62-4.160(2), 62-210.200(PTE) and 62-296.405, F.A.C.; Permit No. 0810010-007-AC]

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability.}

A.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition **A.26** and **A.27** of this permit.
[Rule 62-297.310(2), F.A.C.]

A.3. Methods of Operation - Fuels.

a. Startup: The only fuels allowed to be burned are any combination of natural gas, No. 6 fuel oil, No. 2 fuel oil and propane.
b. Normal: The only fuels allowed to be burned are any combination of natural gas, No. 6 fuel oil, No. 2 fuel oil, propane and on-specification used oil from FPL operations.

When available, the Department strongly encourages the permittee to fire natural gas as a clean-burning alternative to fuel oil.

[Rule 62-213.410, F.A.C.; Permit No. 0810010-007-AC]

A.4. Hours of Operation. The emissions units may operate continuously, i.e., 8,760 hours/year.
[Rule 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

{Permitting Note: Unless otherwise specified, the averaging times for Specific Conditions A.5.-A.10. are based on the specified averaging time of the applicable test method. The attached Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.5. Visible Emissions. Visible emissions shall not exceed 40 percent opacity. Emissions units governed by this visible emissions standard shall compliance test for particulate matter emissions annually.
[Rule 62-296.405(1)(a), F.A.C.; and OGC Case Nos. 83-0580 & 83-0581, Order dated April 24, 1984.]

A.6. Visible Emissions - Soot Blowing and Load Change. Visible emissions shall not exceed 60 percent opacity during the 3-hours in any 24 hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.

A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.

Visible emissions above 60 percent opacity shall be allowed for not more than 4, six (6)-minute periods, during the 3-hour period of excess emissions allowed by this condition.
[Rule 62-210.700(3), F.A.C., Note: these units have operational continuous opacity monitors.]

A.7. Particulate Matter. Particulate matter emissions shall not exceed 0.1 pound per million Btu heat input, as measured by applicable compliance methods.
[Rule 62-296.405(1)(b), F.A.C.]

A.8. Particulate Matter - Soot Blowing and Load Change. Particulate matter emissions shall not exceed an average of 0.3 pound per million Btu heat input during the 3-hours in any 24-hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.
[Rule 62-210.700(3), F.A.C.]

A.9. Sulfur Dioxide. The sulfur content of fuel oils burned shall not exceed 1.0 percent by weight, as received at the plant. The blending of natural gas shall not be used to demonstrate compliance with the sulfur dioxide standard for "liquid fuel" in Rule 62-296.405(c), F.A.C. See specific conditions **A.9, A.15, A.23 and A.24** of this permit.

{Permitting Note: The maximum fuel sulfur content of pipeline natural gas is 10 grains of sulfur per 100 standard cubic feet of natural gas. However, pipeline natural gas typically contains less than 1 grain of sulfur per 100 SCF of natural gas.}

[Rules 62-213.440 and 62-296.405(1)(c)1.g., F.A.C., applicant agreement with EPA on March 3, 1998, and Permit No. 0810010-007-AC]

A.10. Nitrogen Oxides. Nitrogen oxides emissions shall not exceed 0.30 pounds per million Btu heat input. Compliance shall be demonstrated based on a 30-day rolling average as measured by a continuous emission monitoring system (CEMS). The CEMS must meet the performance specifications contained in 40 CFR 75.
[Rules 62-296.405(1)(d)2. and (1)(d)4., F.A.C., AO 41-204804 and AO 41-219341, Issued August 30, 1993]

Excess Emissions

A.11. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.]

A.12. Excess emissions resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.
[Rule 62-210.700(2), F.A.C.]

A.13. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited.
[Rule 62-210.700(4), F.A.C.]

Monitoring of Operations

A.14. Annual Tests Required. Except as provided in specific conditions **A.17** through **A.19** of this permit, emission testing for particulate emissions and visible emissions shall be performed annually, each federal fiscal year, except for units that are not operating because of scheduled maintenance outages and emergency repairs, which will be tested within thirty days of returning to service.
[Rules 62-4.070(3) and 62-213.440, F.A.C.]

A.15. Sulfur Dioxide. **The permittee elected to demonstrate compliance using fuel sampling and analysis.** This protocol is allowed because the emissions unit does not have an operating flue gas desulfurization device. See specific conditions **A.9, A.23 and A.24** of this permit.
[Rule 62-296.405(1)(f)1.b., F.A.C.]

A.16. Determination of Process Variables.

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

conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

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

(c) The permittee shall install, operate, and maintain a system to continuously monitor and record the amount of natural gas consumption and heat input. This system shall be designed to interact with the existing continuous emissions monitors.

[Rule 62-297.310(5) and 62-4.070(3), F.A.C.; Permit No. 0810010-007-AC]

A.17. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

1. [Reserved.]

2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid fuel for more than 400 hours other than during startup.

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

   a. Did not operate; or

   b. In the case of a fuel burning emissions unit, burned liquid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

   a. Visible emissions, if there is an applicable standard;

   b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 100 tons per year or more of any other regulated air pollutant; and

   c. Each NESHAP pollutant, if there is an applicable emission standard.

5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid fuel, other than during startup, for a total of more than 400 hours.

6-8. [Reserved.]

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

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

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

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

A.18. When VE Tests Not Required. By this permit, annual emissions compliance testing for visible emissions is not required for these emissions units while burning:

a. only gaseous fuel(s); or
b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or
c. only liquid fuel(s) for less than 400 hours per year.

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

A.19. When PM Tests Not Required. Annual and permit renewal compliance testing for particulate matter emissions is not required for these emissions units while burning:

a. only gaseous fuel(s); or
b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or
c. only liquid fuel(s) for less than 400 hours per year.

[Rules 62-297.310(7)(a)3. & 5., F.A.C.; and, ASP Number 97-B-01.]

Test Methods and Procedures

{Permitting Note: The attached Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.20. Visible emissions. The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated according to Rule 62-297.520, F.A.C. See specific condition **A.21** of this permit. VE testing shall be conducted in accordance with the requirements of specific condition **A.27** of this permit. [Rule 62-296.405(1)(e)1., F.A.C.]

A.21. DEP Method 9. The provisions of EPA Method 9 (40 CFR 60, Appendix A) are adopted by reference with the following exceptions:

1. EPA Method 9, Section 2.4, Recording Observations. Opacity observations shall be made and recorded by a certified observer at sequential fifteen second intervals during the required period of observation.
2. EPA Method 9, Section 2.5, Data Reduction. For a set of observations to be acceptable, the observer shall have made and recorded, or verified the recording of, at least 90 percent of the possible individual observations during the required observation period. For single-valued opacity standards (e.g., 20 percent opacity), the test result shall be the highest valid six-minute average for the set of observations taken. For multiple-valued opacity standards (e.g., 20 percent opacity, except that an opacity of 40 percent is permissible for not more than two minutes per hour) opacity shall be computed as follows:
   a. For the basic part of the standard (i.e., 20 percent opacity) the opacity shall be determined as specified above for a single-valued opacity standard.
   b. For the short-term average part of the standard, opacity shall be the highest valid short-term average (i.e., two-minute, three-minute average) for the set of observations taken.

In order to be valid, any required average (i.e., a six-minute or two-minute average) shall be based on all of the valid observations in the sequential subset of observations selected, and the selected subset shall contain at least 90 percent of the observations possible for the required averaging time. Each required average shall be calculated by summing the opacity value of each of the valid observations in the appropriate subset, dividing this sum by the number of valid observations in the subset, and rounding the result to the nearest whole number. The number of missing observations in the subset shall be indicated in parenthesis after the subset average value. [Rule 62-297.401, F.A.C.]

A.22. Particulate Matter. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, incorporated by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. The owner or operator may use EPA Method 5 to demonstrate compliance. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen based F-factor, computed according to EPA Method 19, is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17. Particulate testing shall be conducted in accordance with the requirements of specific conditions **A.26** and **A.27** of this permit.
[Rules 62-213.440, 62-296.405(1)(e)2., and 62-297.401, F.A.C.]

A.23. Sulfur Dioxide. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B, or 6C, incorporated by reference in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure is incorporated into the operation permit for the emissions unit. If the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C., the procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedences of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards. **The permittee may use the EPA test methods, referenced above, to demonstrate compliance; however, as an alternate sampling procedure authorized by permit, the permittee elected to demonstrate compliance using fuel sampling and analysis.** See specific conditions **A.9 and A.24** of this permit.

[Rules 62-213.440, 62-296.405(1)(e)3. and 62-297.401, F.A.C.]

A.24. The following fuel sampling and analysis protocol shall be used as an alternate sampling procedure authorized by permit to demonstrate compliance with the sulfur dioxide standard:

Compliance with the liquid fuel sulfur limit shall be verified by a fuel analysis provided by the vendor or performed by FPL upon each fuel delivery at the Port Manatee Fuel Oil Terminal with the following exception: in cases where No. 6 fuel oil is received with a sulfur content exceeding 1.0 percent by weight, and blending at the terminal is required to obtain a fuel mix equal to the applicable percent sulfur limit, an analysis of a fuel sample representative of fuel from the fuel storage tanks shall be performed by FPL prior to transferring oil to the Manatee plant. Reports of percent sulfur content of these analyses shall be maintained at the power plant facility.

The owner or operator shall maintain records of the as-fired fuel oil heating value, density or specific gravity, and the percent sulfur content. Fuel sulfur content, percent by weight, for liquid fuels shall be determined by either ASTM D2622-94, ASTM D4294-90 (95), ASTM D1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 (or latest editions) to analyze a representative sample of the fuel oil.

[Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.440, F.A.C.; Applicant agreement with EPA on March 3, 1998.]

A.25. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.
[Rule 62-297.310(1), F.A.C.]

A.26. Operating Rate During Testing. Testing of emissions shall be conducted with each emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.
[Rules 62-297.310(2) & (2)(b), F.A.C.]

A.27. Operating Conditions During Testing - PM and VE. When required, testing for particulate matter and visible emissions shall be conducted while firing No. 6 fuel oil at the maximum allowable rate of 8650 million Btu per hour, except as provided below. Particulate and visible

emissions shall be conducted under both sootblowing and non-sootblowing conditions, and shall be conducted while injecting additives consistent with normal operating practices.

Testing may be conducted while firing No. 6 fuel oil at less than 90 percent of the maximum allowable rate; however, subsequent emissions unit operation is limited as described in specific condition **A.26** of this permit.
[Rules 62-4.070(3) and 62-213.440 F.A.C., AO 41-204804 Specific Condition 5, AO 41-219341 Specific Condition 5]

A.28. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.
[Rule 62-297.310(3), F.A.C.]

A.29. Applicable Test Procedures.
(a) Required Sampling Time.
1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.
(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1 (attached to this permit).
(e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.
[Rule 62-297.310(4), F.A.C.]

A.30. Required Stack Sampling Facilities. When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.
[Rule 62-297.310(6), F.A.C.]

A.31. Testing While Injecting Additives. The owner or operator shall conduct emission tests while injecting additives consistent with normal operating practices.
[Rule 62-213.440, F.A.C., applicant agreement with EPA on March 3, 1998]

Record Keeping and Reporting Requirements

A.32. Excess Emissions - Malfunctions. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department's Southwest District, Air Section, in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department's Southwest District, Air Section. [Rule 62-210.700(6), F.A.C.]
{Permitting Note: In the event of excess emissions as noted above, Manatee Plant agrees to provide an informational notification to the office of the Director of the Manatee County Environmental Management Department}

A.33. Excess Emissions - Reports. Submit to the Department's Southwest District, Air Section, a written report of emissions in excess of emission limiting standards for opacity and sulfur dioxide as set forth in Rule 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excess emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of five years. [Rules 62-213.440 and 62-296.405(1)(g), F.A.C.]
{Permitting Note: In addition to the quarterly report submitted to the Compliance Authority noted above, Manatee Plant agrees to provide an informational copy to the office of the Director of the Manatee County Environmental Management Department}

A.34. Test Reports.
(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department's Southwest District, Air Section, on the results of each such test.
(b) The required test report shall be filed with the Department's Southwest District, Air Section, as soon as practical but no later than 45 days after the last sampling run of each test is completed.
(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department's Southwest District, Air Section, to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.

10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

[Rules 62-213.440 and 62-297.310(8), F.A.C.]

A.35. Fuel Analysis Report. The owner or operator shall, by the fifteenth day following each calendar month, submit to the Department's Southwest District, Air Section, a report of fuel analyses that are representative of each fuel received in the preceding month. The report shall document the heating value, density or specific gravity, and the percent sulfur content by weight of each fuel fired.
[Rule 62-4.070(3) and 62-213.440, F.A.C., AO 41-204804 Specific Condition 6, AO 41-219341 Specific Condition 6]

A.36. COMS for Periodic Monitoring. The owner or operator is required to install continuous opacity monitoring systems (COMS) pursuant to 40 CFR Part 75. The owner or operator shall maintain and operate COMS and shall make and maintain records of opacity measured by the COMS, for purposes of periodic monitoring.
[Rule 62-213.440, F.A.C., and applicant agreement with EPA on March 3, 1998]

Miscellaneous Conditions

A.37. Used Oil. Burning of on-specification used oil is allowed at this facility in accordance with all other conditions of this permit and the following additional conditions:

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

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

   Arsenic shall not exceed 5.0 ppm;
   Cadmium shall not exceed 2.0 ppm;

Chromium shall not exceed 10.0 ppm;
Lead shall not exceed 100.0 ppm;
Total halogens shall not exceed 1000 ppm;
Flash point shall not be less than 100 degrees F.

b. Quantity Limited: The maximum total quantity of used oil that may be burned in both emissions units is 40,000 gallons in any consecutive 12-month period.

c. Used Oil Containing PCBs Not Allowed: Used oil containing a PCB concentration of 50 or more ppm shall not be burned at this facility. Used oil shall not be blended to meet this requirement.

d. PCB Concentration of 2 to less than 50 ppm: On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall be burned only at normal source operating temperatures. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall not be burned during periods of startup or shutdown.

e. Testing Required: The owner or operator shall sample and analyze each batch of used oil to be burned for the following parameters:

Arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs.

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

Split samples of the used oil shall be retained for three months after analysis for further testing if necessary.
[AO 41-204804 Specific Condition 9, and AO 41-219341 Specific Condition 9]

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

(1) The gallons of on-specification used oil received and burned each month. (This record shall be completed no later than the fifteenth day of the succeeding month.)
(2) The total gallons of on-specification used oil burned in the preceding consecutive 12-month period. (This record shall be completed no later than the fifteenth day of the succeeding month.)
(3) Results of the analyses required above.

g. Reporting Required: The owner or operator shall submit to the Department's Southwest District, Air Section, within thirty days of the end of each calendar month in which used oil is burned, the analytical results and the total amount of on-specification used oil burned during the previous calendar month

The owner or operator shall submit, with the Annual Operation Report form, the analytical results and the total amount of on-specification used oil burned during the previous calendar year.

[Rules 62-4.070(3) and 62-213.440, F.A.C., 40 CFR 279 and 40 CFR 761, unless otherwise noted]

A.38. Construction Notifications: Within 15 days of beginning construction, the permittee shall notify the Compliance Authority that construction has commenced. Within 15 days of completing construction, the permittee shall notify the Compliance Authority that construction has concluded. Each notification shall include an updated proposed schedule of activities through the initial shakedown period and the firing of natural gas. [Rule 62-4.070(3), F.A.C.; Permit No. 0810010-007-AC]

A.39. Initial Compliance Tests for Gas Firing: When firing 100% natural gas, the permittee shall conduct initial compliance tests to determine the emissions of particulate matter and level of opacity from Units 1 and 2. Test results shall demonstrate compliance with the applicable standards. A transmissometer calibrated in accordance with Rule 62-297.520, F.A.C., may also be used to demonstrate compliance with the visible emissions standard. Initial tests shall be conducted within 60 days after completing shakedown for each unit, but not later than 180 days after first fire on natural gas. [Rule 62-296.405(1)(e)1, F.A.C.; Permit No. 0810010-007-AC]

A.40. PSD Applicability Report: Before August 1st of each year, the permittee shall submit a report to the Bureau of Air Regulation and the Compliance Authority summarizing actual annual emissions for the previous calendar year. The reports shall be used to verify the permittee's predictions of future representative actual annual emissions. The reports shall be submitted for five separate years that are representative of normal post-change operations after completing construction of the natural gas project. The reports shall begin during the first year that natural gas is fired and continue for five years. Reports are subject to the following conditions.

a. The Department determines the "past actual emissions" for Units 1 and 2 as follows:

Pollutant	Past Actual Emissions Two-Year Average Tons per Year	Future Representative Actual Annual Emissions Calculation Methods
Carbon Monoxide (CO)	18,987	AOR (oil); Initial/Annual Performance Tests (gas)
Nitrogen Oxides (NOx)	8762	CEMS; Acid Rain Reporting
Particulate Matter (PM)	2384	AOR (oil); Initial Performance Test (gas)
Sulfur Dioxide (SO2)	31,753	CEMS; Acid Rain Reporting
Volatile Organic Compounds (VOC)	149	AOR (oil); Initial Performance Test (gas)

"Past actual annual emissions" are based on: the two-year average for operation during 2000 and 2001; annual CO, PM, and VOC emissions reported in the certified Annual Operating Reports submitted by the permittee; and data collected by the Continuous Emissions Monitoring Systems for NOx and SO2 emissions as indicated by the EPA Scorecard values for the Acid Rain Program. "Future actual annual emissions" shall be based on: actual annual fuel combustion (heat input) rates; initial tested emission rates for PM (gas) and VOC (gas); a series of annual tested emission rates for CO (gas); certified Annual Operating Report data for CO (oil), PM (oil), and VOC (oil); and data collected by the Continuous Emissions Monitoring Systems for NOx and SO2 emissions as indicated by the EPA Scorecard values for the Acid Rain Program. The calculation methodology shall remain consistent from year to year.

b. In accordance with 40 CFR 52.21(b)(33)(ii), the permittee shall, "Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole." The permittee shall identify and quantify the excluded emissions and present a justification for the exclusion.

c. Each report shall compare the actual emissions for the given year with the past actual annual emissions as described above. If the difference between the current actual annual emissions and the past actual annual emissions defined above is greater than the PSD significant emission rates defined in Table 212.400-2 of Chapter 62-212, F.A.C., then Units 1 and 2 shall be subject to a full PSD review at that time. This review shall include a determination of the Best Available Control Technology (BACT) for each PSD-significant pollutant.

[Rules 62-204.800, 62-210.200(11) and 62-212.400, F.A.C.; 40 CFR 52.21(b)(33)(ii); Permit No. 0810010-007-AC]

Section IV. This section is the Acid Rain Part.

Operated by: Florida Power and Light Company
ORIS code: 6042

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

The emissions units listed below are regulated under Acid Rain, Phase II.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

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

a. DEP Form No. 62-210.900(1)(a), dated 7/1/95, received 5/27/03.

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

A.2. Sulfur dioxide (SO_2) allowance allocations for each Acid Rain unit are as follows:

E.U. ID No.	EPA ID	Year	2004	2005	2006	2007	2008
001	ID No. 01 PMT1	SO2 allowances, under Table 2 or 3 of 40 CFR Part 73	13773*	13773*	13773*	13773*	13773*
002	ID No. 02 PMT2	SO2 allowances, under Table 2 or 3 of 40 CFR Part 73	12697*	12697*	12697*	12697*	12697*

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

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

1. No permit revision shall be required for 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. Fast-Track Revisions of Acid Rain Parts. Those Acid Rain sources making a change described at Rule 62-214.370(4), F.A.C., may request such change as provided in Rule 62-213.413, Fast-Track Revisions of Acid Rain Parts.
[Rule 62-213.413, F.A.C.]

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

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

The below listed emissions units and/or activities are neither 'regulated emissions units' nor 'insignificant emissions units'.

E.U. ID No.	Brief Description of Emissions Units and/or Activity
003	Emergency Diesel Generator, Miscellaneous Mobile Equipment and Internal Combustion Engines
004	Painting of Plant Equipment and Non-halogenated Solvent Cleaning Operations

Appendix I-1: List of Insignificant Emissions Units and/or Activities

Florida Power & Light Company
Manatee Plant

PROPOSED Permit No.: 0810010-009-AV
Facility ID No.: 0810010

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, or that meet the criteria specified in Rule 62-210.300(3)(b)1., F.A.C., Generic Emissions Unit Exemption, are exempt from the permitting requirements of Chapters 62-210, 62-212 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

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

Brief Description of Emissions Units and/or Activities

1. Spent boiler chemical cleaning liquid evaporation:
   maximum 6000 gallons per hour, and maximum 1 million gallons per year.
2. Propane relief valves
3. 350-gallon closed hydrazine mixing tank and relief valves. Typical annual usage of hydrazine is 1200 gallons of a 35% solution. The hydrazine is used in the boiler feedwater system to scavenge dissolved oxygen, a highly reactive corrosive agent, from the boiler feedwater. Hydrazine reacts with the dissolved oxygen to yield water and ammonia.
4. Fuel oil storage tanks and related equipment, including two 500,000 BBL #6 Fuel Oil Storage Tanks, two 24,000 BBL fuel metering tanks, and one 2000 BBL #2 Light Oil tank.
5. Lube oil tank vents and extraction vents
6. Oil/water separators and related equipment
7. Miscellaneous mobile vehicle operation (cars, light trucks, heavy-duty trucks, backhoes, tractors, forklifts, cranes, etc.)
8. Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
9. Vacuum pumps in laboratory operations.
10. Equipment used for steam cleaning.
11. Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
12. Equipment used exclusively for space heating, other than boilers.
13. Laboratory equipment used exclusively for chemical or physical analyses.
14. Brazing, soldering or welding equipment.
15. Laundry dryers, extractors, or tumblers for fabrics cleaned with only water solutions of bleach or detergents
16. One or more emergency generators located within a single facility provided:
    a. None of the emergency generators is subject to the Federal Acid Rain Program; and
    b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.

Appendix I-1: List of Insignificant Emissions Units and/or Activities (continued)

Florida Power & Light Company
Manatee Plant

PROPOSED Permit No.: 0810010-009-AV
Facility ID No.: 0810010

17. One or more heating units and general purpose internal combustion engines located within a single facility provided:
    a. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program; and
    b. Total fuel consumption by all such heating units and general purpose internal combustion engines within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
18. Fire and safety equipment.
19. Surface coating operation within a single facility if the total quantity of coatings containing greater than 5.0 percent VOCs, by volume, used is 6.0 gallons per day or less, averaged monthly, provided the amount of coating used shall include any solvents and thinners used in the process including those used for cleanup.
20. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.

APPENDIX TV-4, TITLE V CONDITIONS (version dated 02/12/02)

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

{Permitting note: APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

Chapter 62-4, F.A.C.

1. **Not federally enforceable.** General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, constructed, expanded, 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.** Procedures to Obtain Permits and Other Authorizations: Applications.
(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 non-Title V source 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 for the same time duration except for modification under Chapter 62-45, F.A.C.
[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: **(also, see Condition No. 38.)**.

(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 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, 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 his agent:

(a) Submitted false or inaccurate information in his 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.

(4) No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

[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. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.
(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. **(also, see Condition No. 10.)**.
[Rule 62-4.130, F.A.C.]

10. For purposes of notification to the Department pursuant to Condition No. 9., Condition No. 12.(8), and 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; and, for purposes of 40 CFR 70.6(a)(3)(iii)(B), "prompt" shall have the same meaning as "immediately". **[also, see Conditions Nos. 9. and 12.(8).]**
[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(7) 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 reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

(8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: **(also, see Condition No. 10.)**

(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;
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. **Not federally enforceable.** Operation Permit for New Sources. To properly apply for an operation permit for new sources, the applicant shall submit the appropriate fee and 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.]

Chapters 28-106 and 62-110, 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 Rules 62-110.106 and 62-210.350, F.A.C.
[Rules 62-110.106, 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 Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.
[Rules 28-106.201, 28-106.301 and 62-110.106, 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 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 an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., 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 Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 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.

(b) Notwithstanding the expiration of an air construction permit, all limitations and requirements of such permit that are applicable to the design and operation of the permitted facility or emissions unit shall remain in effect until the facility or emissions unit is permanently shut down, except for any such limitation or requirement that is obsolete by its nature (such as a requirement for initial compliance testing) or any such limitation or requirement that is changed in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C. Either the applicant or the Department can propose that certain conditions be considered obsolete. Any conditions or language in an air construction permit that are included for informational purposes only, if they are transferred to the air operation permit, shall be transferred for informational purposes only and shall not become enforceable conditions unless voluntarily agreed to by the permittee or otherwise required under Department rules.

1. Except for those limitations or requirements that are obsolete, all limitations and requirements of an air construction permit shall be included and identified in any air operation permit for the facility or emissions unit. The limitations and requirements included in the air operation permit can be changed, and thereby superseded, through the issuance of an air construction permit, federally enforceable state air operation permit, federally enforceable air general permit, or Title V air operation permit; provided, however, that:

a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;

b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(10)(d)2., Rule 62-212.400, or Rule 62-212.500, F.A.C., as appropriate.

2. The force and effect of any change in a permit limitation or requirement made in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C., shall be the same as if such change were made to the original air construction permit.

3. Nothing in Rule 62-210.300(1)(b), F.A.C., shall be construed as to allow operation of a facility or emissions unit without a valid air operation permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification, or subsequent to the creation of or change to a bubble, and demonstration of compliance with the conditions of the construction permit for any new or modified facility or emissions unit, any air emissions bubble, or as otherwise provided in Chapter 62-210, F.A.C., or Chapter 62-213, F.A.C., the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit or general 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, F.A.C., Chapter 62-213, F.A.C., and Chapter 62-4, F.A.C.

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

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;

2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

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

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

(i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,

(ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,

(iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

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

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

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

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

19. **Not federally enforceable.** Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date.

(a) The notification shall include information as to the 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. Transfer of Air Permits.
(a) An air permit is transferable only after submission of an Application for Transfer of Air Permit (DEP Form 62-210.900(7)) and Department approval in accordance with Rule 62-4.120, F.A.C. For Title V permit transfers only, a complete application for transfer of air permit shall include the requirements of 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Within 30 days after approval of the transfer of permit, the Department shall update the permit by an administrative permit correction pursuant to Rule 62-210.360, F.A.C.
(b) For an air general permit, the provision of Rules 62-210.300(7)(a) and 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new owner must submit an air general permit notification to the Department in accordance with Rule 62-210.300(4), F.A.C., or Rule 62-213.300(2)(b), F.A.C.
[Rule 62-210.300(7), F.A.C.]

22. Public Notice and Comment.
(1) Public Notice of Proposed Agency Action.
(a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:
1. An air construction permit;
2. An air operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C., (i.e., a FESOP), except as provided in Rule 62-210.300(2)(b)1.b., F.A.C.; or
3. An air operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except Title V air general permits or 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 62-110.106, F.A.C. A public notice under Rule 62-210.350(1)(a)1., F.A.C., for an air construction permit may be combined with any required public notice under Rule 62-210.350(1)(a)2. or 3., F.A.C., for air operation permits. If such notices are combined, the public notice must comply with the requirements for both notices.
(c) Except as otherwise provided at Rules 62-210.350(2) and (5), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.
(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 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:
1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and,

3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and, notifying the public of the opportunity for submitting comments and requesting a public hearing.

(b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, 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 62-110.106, 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 62-110.106, 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 62-110.106, 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. If written comments received during the 30-day comment period on a draft permit result in the Department's issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C.

(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 Rule 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,

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.]

23. 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) A change requiring more frequent monitoring or reporting by the permittee;

(d) A change in ownership or operational control of a facility, subject to the following provisions:

1. The Department determines that no other change in the permit is necessary;

2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and

3. The new permittee has notified the Department of the effective date of sale or legal transfer.

(e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., 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) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., 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 62-210.360(1)(e), F.A.C.; and,

(g) Any other similar minor administrative change at the source.

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

(3) After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.

(4) For Title V source permits, other than general permits, a copy of the corrected permit 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.

(5) The Department shall incorporate requirements resulting from issuance of a new or revised construction permit into an existing Title V source permit, if the construction permit or permit revision incorporates 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.]

24. 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.]

25. 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.]

26. 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. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) Application for Air Permit - Title V Source, Form and Instructions (Effective 02/11/1999).
  (a) Acid Rain Part (Phase II), Form and Instructions (Effective 04/16/2001).
    1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995).
    2. New Unit Exemption, Form and Instructions (Effective 04/16/2001).
    3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001).
    4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998).
    5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998).
  (b) Reserved.
(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 02/11/1999).
(7) Application for Transfer of Air Permit – Title V and Non-Title V Source, (Effective 04/16/2001).

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

Chapter 62-213, F.A.C.

27. 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 an amount determined as set forth in Rule 62-213.205(1), F.A.C.

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

28. 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.]

29. 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)(i), F.A.C.]

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

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

31. Air Operation Permit Fees. 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(4), F.A.C.]

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

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

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:
  (a) Constitutes a modification;
  (b) Violates any applicable requirement;
  (c) Exceeds the allowable emissions of any air pollutant from any unit within the source;
  (d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;
  (e) Requires 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 Chapters 62-212 or 62-296, F.A.C.;
  (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
  (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;

(h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;
(i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1),(2),or (3),(b)(1) or (b)(3), hereby incorporated by reference;
(j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;
(k) Is a request for industrial-utility unit exemption pursuant to Rule 62-214.340, F.A.C.
[Rules 62-213.400(1) & (2), 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, as defined in Rule 62-210.200, F.A.C., 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 the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision in accordance with this section, 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 which 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 Rules 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, F.A.C., and Rules 62-4.050(1) through (3), 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, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, 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. **(also, see Condition No. 50.)**
[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. 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. No Title V permit will be issued for a new term except through the renewal process.
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 permit 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. **(also, see Condition No. 4.)**

(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)]

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

(a) All requests for determination of insignificant emissions units or activities made pursuant to Rule 62-213.420(3)(m), F.A.C., shall be processed in conjunction with the permit, permit renewal or permit revision application submitted pursuant to Chapter 62-213, F.A.C. Insignificant emissions units or activities shall be approved by the Department consistent with the provisions of Rule 62-4.040(1)(b), F.A.C. Emissions units or activities which are added to a Title V source after issuance of a permit under Chapter 62-213, F.A.C., shall be incorporated into the permit at its next renewal, provided such emissions units or activities have been exempted from the requirement to obtain an air construction permit and also qualify as insignificant pursuant to Rule 62-213.430(6), F.A.C.
(b) An emissions unit or activity shall be considered insignificant if all of the following criteria are met:

1. Such unit or activity would be subject to no unit-specific applicable requirement;
2. Such unit or activity, in combination with other units or activities proposed as insignificant, would not cause the facility to exceed any major source threshold(s) as defined in Rule 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s);
3. Such unit or activity would not emit or have the potential to emit:
    a. 500 pounds per year or more of lead and lead compounds expressed as lead;
    b. 1,000 pounds per year or more of any hazardous air pollutant;
    c. 2,500 pounds per year or more of total hazardous air pollutants; or
    d. 5.0 tons per year or more of any other regulated pollutant.

[Rule 62-213.430(6), F.A.C.]

40. Permit Duration. Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. 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 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., 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.]

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. Any 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. **(also, see Condition No. 36.)**.
[Rule 62-213.440(1)(d)6., F.A.C.]

51. Statement of Compliance. (a)2. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit using DEP Form No. 62-213.900(7). Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. Such statement shall be submitted (postmarked) to the Department and EPA:

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.

3. The statement of compliance status shall include all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C.

(b) The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.

[Rules 62-213.440(3)(a)2. & 3. and (b), 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, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, 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 Form. (Effective 01/03/2001)

(7) Statement of Compliance Form. (Effective 01/03/2001)

[Rule 62-213.900, F.A.C.: Forms (1) and (7)]

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. 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 activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

3. Reasonable precautions include 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 activities.

d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.

e. Landscaping or planting of vegetation.

f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.

g. Confining abrasive blasting where possible.

h. Enclosure or covering of conveyor systems.

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

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

[electronic file name: tv-4.doc]

Phase II Acid Rain Part Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31 and Chapter 62-214, F.A.C.

This submission is: ☐ New ■ Revised

STEP 1
Identify the source by plant name, State, and ORIS code from NADB

Plant Name MANATEE Plant	State FL	ORIS Code 6042

STEP 2 Enter the unit ID# for each affected unit and indicate whether a unit is being repowered and the repowering plan being renewed by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e.

a	b	c	d	e
Unit ID#	Compliance Plan: Unit will hold allowances in accordance with 40 CFR 72.9(c)(1)	Compliance Plan: Repowering Plan	New Units: Commence Operation Date	New Units: Monitor Certification Deadline
PMT1	Yes	NO	N/A	N/A
PMT2	Yes	NO	N/A	N/A
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

STEP 3
Check the box if the response in column c of Step 2 is "Yes" for any unit

☐ For each unit that is being repowered, the Repowering Extension Plan form is included.

STEP 4
Read the standard requirements and certification, enter the name of the designated representative, and sign and date

Plant Name (from Step 1)
MANATEE Plant

Standard Requirements

Acid Rain Part Requirements.

(1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Submit a complete Acid Rain part application (including a compliance plan) under 40 CFR part 72 and Rules 62-214.320 and 330, F.A.C., in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
(ii) Submit in a timely manner any supplemental information that the Department determines is necessary in order to review an Acid Rain part application and issue or deny an Acid Rain part;
(2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain part application or a superseding Acid Rain part issued by the Department; and
(ii) Have an Acid Rain Part.

Monitoring Requirements.

(1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

(1) The owners and operators of each source and each Acid Rain unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An Acid Rain unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an Acid Rain unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an Acid Rain unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1)(i) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain part application, the Acid Rain part, or an exemption under 40 CFR 72.7, 72.8, or 72.14 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements. The owners and operators of the source and each Acid Rain unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements.

(1) The designated representative of an Acid Rain unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an Acid Rain unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the EPA or the Department:
(i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

Plant Name (from Step 1)
MANATEE Plant

Recordkeeping and Reporting Requirements (cont)

(iv) Copies of all documents used to complete an Acid Rain part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.

(2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability.

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or an exemption under 40 CFR 72.7, 72.8 or 72.14, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
(6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 75, 76, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or an exemption under 40 CFR 72.7, 72.8, or 72.14 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: Nancy Kierspe	
Signature Nancy Kierspe	4-7-03 Date

AGREEMENT
FOR THE PURPOSE OF
ENSURING COMPLIANCE WITH
AMBIENT AIR QUALITY STANDARDS FOR OZONE

This Agreement is entered into between the Florida Department of Environmental Protection ("FDEP") and Florida Power & Light Company ("FPL") to reduce emissions of nitrogen oxides from an existing electrical generating facility for the exclusive purpose of ensuring compliance with the ambient air quality standards for ozone, as provided for by Section 366.8255(1)(d)7, Florida Statutes (2002).

WHEREAS:

I. The Florida Legislature enacted Chapter 2002-276, Laws of Florida, to allow agreements between electric utilities and FDEP for the purpose of ensuring compliance with ozone ambient air quality standards, and further to provide for the recovery of costs and expenses prudently incurred by an electric utility pursuant to such an agreement entered into prior to October 1, 2002;

II. FDEP has the statutory duty and authority, pursuant to Chapter 403, Florida Statutes, and rules adopted under Chapter 62, Florida Administrative Code, to protect and maintain Florida's air quality, including ensuring compliance with ambient air quality standards for ozone;

III. The U.S. Environmental Protection Agency ("U.S. EPA") has promulgated a new ambient air quality standard for ozone that establishes a permissible limit on the level of ozone during any 8-hour period;

IV. Manatee County is located in the vicinity of the Tampa Bay Airshed, which has experienced recent episodes of elevated ozone levels higher than the U.S. EPA's new ambient air quality standard for ozone on at least 15 separate days in the past four years;

V. Nitrogen oxides emissions from electrical generating facilities owned by electric utilities can contribute to the formation of ozone in the vicinity of an electrical generating facility;

Based upon the best available information, including ambient air quality monitoring data, it is not clear whether the Tampa Bay Airshed will be in compliance with the 8-hour ozone standard in 2004/2005.

FPL is an electric utility that owns and operates an electrical generating facility known as the Manatee Plant, located in unincorporated Manatee County, Florida, comprised of two 800 megawatt class fossil fuel-fired generating units known as Manatee Units 1 and 2 or jointly as "the facility";

FPL is regulated by the Florida Public Service Commission, and the Manatee Plant provides electric power to consumers in FPL's service area;

Manatee Units 1 and 2 emit nitrogen oxides, a precursor to regional ozone formation, into the atmosphere of Manatee County and surrounding areas, including the Tampa Bay Airshed;

X. The Manatee Plant, together with other regional power plants, commercial and industrial activities, and transportation, are the main sources of nitrogen oxides affecting regional ozone formation in the Tampa Bay Airshed;

XI. FPL has identified a nitrogen oxides emissions control technology known as "reburn" that is a "pollution prevention" system, which can reduce nitrogen oxides emissions from Manatee Units 1 and 2 without the use of reagents, catalysts, pollution collection or removal equipment;

XII. Use of the proposed reburn emissions control technology in Manatee Units 1 and 2 will require FPL to incur certain costs and expenses to install, operate and maintain that control technology; and,

XIII. Installation of reburn technology in FPL's Manatee Units 1 and 2 and the

achievement of an emissions rate of no greater than 0.25 pounds per million BTU on a 30-day rolling average basis will help to ensure that the Tampa Bay Airshed will comply with the ozone ambient air quality standards established by U.S. EPA and by FDEP.

NOW THEREFORE, in consideration of the premises and mutual agreements contained herein, and intending to be legally bound, FDEP and FPL hereby agree as follows:

1. This Agreement is entered into by FDEP and FPL for the exclusive purpose of ensuring compliance with ozone ambient air quality standards.

2. This Agreement is in full force and effect upon the signature of both parties unless the Florida Public Service Commission (FPSC) does not issue a final order authorizing FPL to recover the costs incurred pursuant to this Agreement through the Environmental Cost Recovery Clause within 120 days of the execution of the Agreement at which time the parties may mutually agree, in writing, to extend the Agreement. In the event the FPSC does not issue a final order within 120 days of the execution of the Agreement and the parties do not mutually agree to extend the Agreement, the Agreement becomes null and void. A final order is one that is no longer subject to review or appeal by a court of competent jurisdiction. FPL will exercise good faith in seeking approval of such cost recovery from the FPSC in a timely manner. FDEP agrees to support FPL's request for such approval by the FPSC. FDEP and FPL agree that installation of reburn technology in Manatee Units 1 and 2, in conjunction with the achievement of an emissions rate of no greater than 0.25 pounds per million BTU on a 30-day rolling average, will reduce nitrogen oxides emissions from the facility in a potential ozone nonattainment area.

3. FPL shall commence installation of reburn technology in one of the existing Manatee Units (either Unit 1 or Unit 2) no later than 18 months after receiving all required state, federal or local environmental permits. FPL shall commence installation of reburn technology on the other unit no later than 12 months after installation has commenced on the first Unit. Installation of reburn technology in each Unit shall be completed no later than 12 months after commencement of installation in that Unit. The reburn technology will consist of a combustion

modification process that utilizes fuel (either oil or natural gas) and air staging within the boilers to reduce nitrogen oxides emissions. In addition, overfire air (OFA) may be injected above the reburn zone within the boilers of Manatee Units 1 and 2 to reduce overall nitrogen oxides emissions.

4. The reburn technology installed in Manatee Units 1 and 2 shall be designed to achieve a nitrogen oxides emissions goal of 0.20 pounds per million BTU heat input on a 30-day rolling average. It is anticipated that achievement of this emissions goal will be achieved by utilizing the reburn when operating the Unit at greater than or equal to 350 megawatts.

5. Upon completion of installation of the reburn technology in each Unit, FPL shall optimize the operation of that Unit with reburn technology. After this optimization period has been completed for a Unit, or after a six month period, whichever occurs first, the reburn technology shall be utilized to minimize nitrogen oxides emissions when that Unit is in operation.

6. After completion of the optimization period for each Unit described in Paragraph 5, a nitrogen oxides emissions limit of 0.25 pounds per million BTU (30-day rolling average) shall apply to that Unit. This nitrogen oxides emissions limit shall apply during the data collection, testing and evaluation program described in Paragraph 7 and shall be incorporated into the Manatee Plant's Title V permit at the time of the next renewal.

7. Beginning upon completion of the optimization period for the first of the Manatee Units in which reburn technology is installed, FPL shall conduct an 18 month program designed to evaluate nitrogen oxides emissions rates, boiler performance and Unit operation with the goal of identifying and implementing the lowest emissions rate possible for Manatee Units 1 and 2. This program shall include collection and analysis of data on nitrogen oxides emissions, boiler operating parameters, Unit performance characteristics and emissions of other pollutants, as well as projections of emissions rates assuming alternative, non-tested operating parameters and scenarios, including variations in fuels fired, Unit load and load-changing conditions, boiler and burner performance and any other factors relevant in evaluating possible changes to the nitrogen

oxides emissions limit for Manatee Units 1 and 2. At the end of the 18 month period, FPL shall submit a report to FDEP summarizing the results of the program and addressing whether any further change in the applicable nitrogen oxides emissions limit is possible under tested and other alternative operating scenarios. Following receipt of the report, FDEP and FPL shall meet to discuss whether any further change in the applicable nitrogen oxides emissions limit for Manatee Units and 2 is possible. If FDEP and FPL mutually agree on a change in the nitrogen oxides emissions limit for Manatee Units 1 and 2, FPL shall submit a Title V application for the Manatee Plant's Title V permit to incorporate the new, agreed-upon limit. If FDEP and FPL do not agree on any new nitrogen oxides emissions limit for Manatee Units 1 and 2, the limit established in Paragraph 6 shall remain applicable.

8. In the event state or federal law changes to require a change in nitrogen oxides emissions or the Tampa Bay Airshed is declared non-attainment for ozone, any reduction requirements would be in accordance with all applicable state and federal requirements. FDEP concurs that the changes contemplated by this Agreement will not constitute "modifications" that trigger New Source Review. In addition, although Florida currently has no state statute providing for nitrogen oxides trading or credits, FPL shall be entitled to retain all nitrogen oxides reduction credits and trading rights that may be authorized by Florida law in the future.

9. FDEP concurs that the steps and changes described in paragraphs 3 through 7, above, are prudent for purposes of (a) ensuring that FPL's Manatee Plant located within the Tampa Bay Airshed supports the area's compliance with the 8-hour ozone ambient air quality standard and (b) authorizing related cost recovery pursuant to Section 366.8255(1)(d), Florida Statutes, as amended by the Florida Legislature in its 2002 session and signed into law by the Governor of the State of Florida.

10. FDEP shall process in a timely manner any permit applications or requests for approvals necessary to implement this Agreement.

11. This Agreement is not and shall not be construed to be a permit issued or required pursuant to any federal, state or local law, rule or regulation including those of FDEP and Manatee County.

12. FPL shall be entitled to relief from the time requirements of this Agreement in the event of a *force majeur*, which includes, but is not limited to, delays in regulatory approvals, construction, labor, material, or equipment delays, fuel supply delays, acts of God or other similar events that are beyond the control of FPL and do not result from its own actions, for the length of time necessarily imposed by any such delay.

13. There shall be no modifications or amendments of this Agreement without the written agreement of all parties to this Agreement.

14. This Agreement shall apply to and be binding upon FDEP and FPL and their successors and assigns. Each person signing this Agreement certifies that he or she is authorized to execute this Agreement and to legally bind the party on whose behalf he or she signs this Agreement.

By their signatures affixed below, the parties agree to be bound by the terms and conditions of this Agreement.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

9-19-02
Date

BY: _____
Allan Bedwell, Deputy Secretary

FLORIDA POWER & LIGHT COMPANY

9-19-02
Date

BY: _____
Randall LaBauve, Vice President
Environmental Services

Table 1-1, Summary of Air Pollutant Emission Standards

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

Emissions Unit	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

			Allowable Emissions			Equivalent Emissions[1]			
Pollutant	Fuel(s)	Hours per Year	Standard(s)	lb/hour	TPY	lb/hour	TPY	Regulatory Citations	See Permit Condition(s)
VE Steady State	Gas, Oil, Propane	8760	40% opacity					Rule 62-296.405(1)(a), F.A.C.	**A.5**
VE Soot Blowing or Load Change	Gas, Oil, Propane	8760	60 % opacity (>60% opacity for not more than 4, six-minute periods during 3 hours of excess emissions)					Rule 62-210.700(3), F.A.C.	**A.6**
PM Steady State	Gas/Oil, Propane	8760	0.1 lb/mmBtu			865, 865	3,789, 43*	Rule 62-296.405(1)(b), F.A.C.	**A.7**
PM Soot Blowing or Load Change	Gas/Oil, Propane	8760	0.3 lb/mmBtu			2,595, 2,595	1,421, 130*	Rule 62-210.700(3), F.A.C.	**A.8**

* The equivalent annual emissions for propane are based on the expected annual usage of propane reported by the applicant primarily as a startup fuel. Propane usage is not limited by this permit.

Table 1-1, Summary of Air Pollutant Emission Standards, Continued

Emissions Unit	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

			Allowable Emissions			Equivalent Emissions[1]			
Pollutant	Fuels	Hours per Year	Standard(s)	lb/hour	TPY	lb/hour	TPY	Regulatory Citations	See Permit Condition(s)
SO_2	Oil, Propane	8760	1.1 lb/mmBtu			9,515 (oil)	41,676 (oil)	Rules 62-213.440 & 62-296.405(1)(c)1.g., F.A.C.	**A.9**
NO_x	Gas/Oil Propane	8760	0.30 lb/mmBtu			2,595 2,712	11,366 11,879	Rules 62-296.405(1)(d)2., F.A.C.	**A.10**

Notes:

[1] The "Equivalent Emissions" listed are for informational purposes only. Equivalent emissions are for each emissions unit.

Table 2-1, Summary of Compliance Requirements

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.

Emissions Unit	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

Pollutant or Parameter	Fuels	Compliance Method	Testing Frequency	Frequency Base Date[1]	Minimum Compliance Test Duration	CMS[2]	See Permit Condition(s)
SO_2	Oil	Fuel sampling & analysis	As received			Yes	**A.9, A.15, A.23 & A.24**
NO_x	Gas, Oil, Propane	Continuous Emissions Monitor	Continuous			Yes	**A.10**
PM	Oil, Propane	Rule 62-296.405(1)(e)2	Annual	July	3 hours		**A.19, A.22, A.26 & A.27**
VE	Oil, Propane	DEP Method 9	Annual	July	1 hour	Yes	**A.18, A.20, A.21 & A.27**
On-spec. Used Oil		Record Keeping and Analysis	As fired				**A.37**

Notes:

[1] Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.
[2] CMS = continuous monitoring system

Table 3-1, Summary of Reporting Requirements

This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit. The permittee shall hold at the facility, for 5 years from the date of the report, a copy of each report that is required to be submitted. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.

Emissions Unit	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2

Report Type/Content	Frequency	Deadline	Regulatory Citations	See Permit Condition(s)
Annual Statement of Compliance Content: As required by DEP Form 62-213.900(7), F.A.C.	Annually	March 1 (February 29 in Leap years)	Rule 62-213.440(3); Rule 62-213.900, F.A.C.	Facility-wide No.11
Annual Operating Report Content: 1. Analytical results and the total amount of on-specification used oil burned during the previous calendar year 2. Information required by DEP Form 62-210.900(5), F.A.C.	Annually	March 1	Rule 62-210.370(3), F.A.C.	TV-4 No. 24; A.37.g
Major Source Annual Emissions Fee Form Content: As required by DEP Form 62-213.900(1), F.A.C.	Annually	March 1	Rule 62-213.205(1), F.A.C.	TV-4 No. 30
Deviation from Permit Requirements (report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C.) Immediate Content: 1. Probable cause of such deviation 2. Corrective and/or preventive measures taken. Quarterly Content (if requested by the Department): Full written report on malfunctions	As occurs; **and** if requested quarterly	Immediately, per 62-4.130; **and** if requested by Department, at end of the quarter, per 62-210.700(6)	Rule 62-213.440(1)(b)3.b., F.A.C.; Rule 62-210.700(6), F.A.C.; Rule 62-4.130, F.A.C.; 40 CFR 70.6(a)(3)(iii)(B)	TV-4 No. 44; TV-4 No. 9

Table 3-1, Summary of Reporting Requirements

Report Type/Content	Frequency	Deadline	Regulatory Citations	See Permit Condition(s)
Noncompliance with any Permit Condition or Limitation Content: 1. Description and cause of noncompliance 2. 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.	As occurs	Immediately [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.]	Rule 62-4.160, F.A.C.	TV-4 No. 12(8); TV-4 No. 10
Plant Operations-Problems (causing temporary non-compliance) 1. cause of the problem 2 . steps being taken to correct the problem and to prevent its recurrence 3. if applicable, intent toward reconstruction of equipment destroyed	As occurs	Immediately [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.]	Rule 62-4.130, F.A.C.	TV-4 No. 9 TV-4 No. 10
Excess Emissions – Malfunctions (even if 2 hours or less in a 24-hr period.) Content: 1. cause of the problem 2. steps being taken to correct the problem and to prevent its recurrence 3. if applicable, intent toward reconstruction of equipment destroyed Quarterly Content (if requested by the Department): Full written report on malfunctions	As occurs; **and** if requested quarterly	Immediately, per 62-4.130; **and** if requested by Department, at end of the quarter, per 62-210.700(6)	Rule 62-210.700(6), F.A.C.; Rule 62-4.130, F.A.C.	A.32

Table 3-1, Summary of Reporting Requirements

Report Type/Content	Frequency	Deadline	Regulatory Citations	See Permit Condition(s)
Excess Emissions : Sulfur dioxide and opacity Content: Report of emissions in excess of emissions limiting standards, including explanation of nature and cause of excess emissions.	Quarterly	End of quarter	Rule 62-296.405(1), F.A.C.; Rule 62-213.440, F.A.C.	A.33
Notification of implementation of operating changes (as defined in Rule 62-210.200, F.A.C.) Content: 1. Date on which change will occur 2. Description of the change within the permitted source 3. The pollutants emitted and any change in emissions; and 4. any term or condition becoming applicable or no longer applicable as a result of the change	As occurs	7 days written notice prior to implementation	Rule 62-213.410, F.A.C.; Rule 62.210.200, F.A.C.	TV-4 No. 33
Compliance Test Report Content: See specific condition A.34	PM and Opacity Annually	As soon as practical, but no later than 45 days after the last sampling run of each test is done	Rule 62-297.310(8), F.A.C.; Rule 62-213.440, F.A.C.	A.34
Notification of startup (for any emission unit or facility which has a valid operating permit which has been shut down more than one year) Contents: 1. Startup date 2. Anticipated emission rates or pollutants released 3. Changes to processes or control devices which will result in changes to emission rates, and 4. Any other conditions which may differ from the valid outstanding operation permit	As occurs	At least 60 days prior to intended startup; or, if an emergency, as soon as possible after the startup date is ascertained	Rule 62-210.300(5), F.A.C.	TV-4 No. 19

Table 3-1, Summary of Reporting Requirements

Report Type/Content	Frequency	Deadline	Regulatory Citations	See Permit Condition(s)
Fuel Analysis Report Content: For each fuel received in the preceding month: 1. Heating value 2. Density or specific gravity 3. Percent sulfur content by weight	Monthly	15th day following each calendar month	Rule 62-4.070(3), F.A.C.; Rule 62-213.440, F.A.C.	A.35
Used Oil Report Monthly content: Analytical results and the total amount of on-specification used oil burned during the previous calendar month Annual content: Analytical results and the total amount of on-specification used oil burned during the previous calendar year	Monthly and annually	Within 30 days of the end each calendar month in which used oil is burned during the previous calendar month; and March 1 with AOR	40 CFR 279 and 761; Rule 62-4.070(3), F.A.C.; Rule 62-213.440, F.A.C.	A.37.g
Risk Management Plan		When, and if, necessary	40 CFR 68	Facility-wide No. 4.
Construction Notifications Content: Updated proposed schedule of activities through the initial shakedown period and the firing of natural gas.	As necessary	Within 15 days of beginning construction	Rule 62-4.070(3), F.A.C.; Permit No. 0810010-007-AC	A.38
PSD Applicability Report Content: Summary of actual emission for the previous calendar year.	Annually	Before August 1 each year	Rule 62-204.800, F.A.C.; Rule 62-210.200(11), F.A.C.; Rule 62-212.400, F.A.C.; 40 CFR 52.21(b)(33)(ii)	A.40
Department Requested Information Content: Information required by law which in needed to determine compliance with the permit	If needed to determine compliance with permit Conditions	Within a reasonable time	Rule 62-4.160, F.A.C.; Rule 62-213.440(1)(b), F.A.C.	TV-4 No. 12(15)
Report Type/Content	**Frequency**	**Deadline**	**Regulatory Citations**	**See Permit Condition(s)**

Table 3-1, Summary of Reporting Requirements

Monitoring Reports Content: Reports of any required monitoring and all instances of deviations from permit requirements.	Every 6 months		Rule 62-213.440(1)(b)3.a., F.A.C.	TV-4 No. 43
Acid Rain Reporting Requirements				
Report Type/Content	**Frequency**	**Deadline**	**Regulatory Citations**	**See Permit Condition(s)**
Acid Rain Excess Emissions Proposed Offset Plan Content: As required by 40 CFR 77 for an Acid Rain Unit that has excess emission in any calendar year)	Annually, if an exceedance occurred during the calendar year	March 1 (February 29 in Leap years) following the calendar year in which the exceedance(s) occurred.	40 CFR 77	Phase II Acid Rain Part Application, Excess Emissions Requirements
Acid Rain Annual Compliance Certifications Content: As required by 40 CFR 72 Subpart I	Annually	March 1 (February 29 in Leap years) following the calendar year	40 CFR 72 Subpart I	Phase II Acid Rain Part Application, Recordkeeping and Reporting Requirements
Acid Rain Continuous Emission Monitoring Reports Content: As required by 40 CFR 75	See 40 CFR Part 75	See 40 CFR Part 75	40 CFR Part 75	Phase II Acid Rain Part Application, Recordkeeping and Reporting Requirements

Appendix H-1: Permit History

Florida Power & Light Company
Manatee Plant

PROPOSED Permit No.: 0810010-009-AV
Facility ID No.: 0810010

E.U. ID No.	Description	Permit No.	Effective Date	Expiration Date	Project Type [1]
All	Facility	0810010-001-AV	01/01/1999	12/31/2003	Initial
All	Facility	0810010-003-AV	01/01/1999	12/31/2003	Administration Correction
All	Facility	0810010-004-AV	01/01/1999	12/31/2003	Administration Correction
001, 002	Fossil Fuel Steam Generators 1 & 2	0810010-005-AC	12/23/1999	12/23/2000	Construction (mod.)
005	Fossil Fuel Steam Generator 3	0810010-006-AC	04/15/2003	12/31/2006	Construction (new.)
001, 002	Fossil Fuel Steam Generators 1 & 2	0810010-007-AC	08/12/2002	07/01/2003	Construction (mod.)
001, 002	Fossil Fuel Steam Generators 1 & 2	0810010-008-AV	12/03/2002	12/31/2003	Revision
All	Facility	0810010-009-AV	Pending[2]	12/31/2008	Renewal

[1] Project Type: Title V - Initial, Revision, Renewal, or Administrative Correction; Construction (new or mod.); Extension (AC only); or, Withdrawn or Denied.

[2] ARMS day 55 from the date of posting the PROPOSED Permit for EPA review (see confirmation e-mail from Tallahassee) or the date that EPA confirms resolvement of any objections.

STATEMENT OF BASIS

Florida Power & Light Company
Manatee Plant
Facility ID No.: 0810010
Manatee County

Title V Air Operation Permit Renewal
PROPOSED Permit Project No.: 0810010-009-AV

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit is for the renewal of Title V Air Operation Permit and the incorporation of an "Agreement for the Purpose of Ensuring Compliance with Ambient Air Quality Standards for Ozone" dated September 19, 2002.

This facility consists of Fossil Fuel Steam Generators Unit 1 and Unit 2.

Fossil fuel fired steam generators Unit 1 and Unit 2 are each nominal 800 megawatt (900 MW gross capacity) (electric) steam generators designated as Manatee Plant Unit 1 and Unit 2. The emissions units are fired on a variable combination of natural gas, No. 6 fuel oil, No. 2 fuel oil, propane, and used oil from FPL operations. Propane is utilized primarily for ignition of the main fuel. When firing fuel oil (or combinations of authorized fuels), the maximum heat input for each boiler is 8650 mmBtu per hour. When firing natural gas alone, the maximum heat input for each boiler is 5670 mmBtu per hour.

Each emissions unit consists of a boiler which drives a turbine generator. Emissions are controlled with multiple cyclones, a flue gas recirculation system and staged combustion. The twin register low-NOx burners (ABB Combustion Services, Ltd.) are dual fuel with mechanical atomization for oil firing. Each unit is equipped with a 499 foot stack.

These emissions units are regulated under Acid Rain, Phase II; and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input. Fossil fuel fired steam generator Unit 1 began commercial operation in 1976 and fossil fuel fired steam generator Unit 2 began commercial operation in 1977. These emissions units may inject additives such as magnesium oxide, magnesium hydroxide and related compounds into each boiler.

CAM does not apply to the mechanical dust collectors installed within the steam generators because a mechanical dust collector: is inherent process equipment contained entirely within the flue gas ductwork; is a passive method of particle separation from the flue gas stream; is a device to recover unburned carbon and ash from the flue gas stream; and has no moving parts, no control inputs, nor any controllable parameters.

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

Based on the Title V Air Operation Permit Renewal application received May 27, 2003, this facility is a major source of hazardous air pollutants (HAPs).