


## MEMORANDUM

TO: Howard L. Rhodes

FROM: Trina Vielhauer 

DATE: December 23, 2002

SUBJECT: FINAL Permit Renewal No. **0990045-003-AV**  
City of Lake Worth Utilities  
**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

The subject of this permit is for the renewal of Title V Air Operation Permit No. 0990045-002-AV.

This facility is an electric power generating plant and an adjacent potable water treatment facility and consists of:

Five 2000 kW diesel engine generators; Fossil Fuel Steam Generating Units 1 (S-1), 3 (S-3) and 4 (S-4); Gas Turbine # 1, (GT-1); and a Combined Cycle Unit, (GT-2/S-5). No activities at the water treatment plant were required to be included in this permit as emissions units. Also included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units.

The only comments received concerning the DRAFT Title V Permit that was clerked on September 27, 2002, were from the Applicant, and *all comments were resolved*. No comments were received from U.S. EPA, Region 4, concerning the PROPOSED Title V Permit that was posted on the Department's web site on November 6, 2002.

I recommend your signature.

Attachment

TV/tbc



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

## NOTICE OF FINAL PERMIT

In the Matter of an  
Application for Permit by:

Mr. Patrick D. Miller  
Assistant City Manager and Responsible Official  
City of Lake Worth Utilities Department  
1900 2<sup>nd</sup> Avenue North  
Lake Worth, FL 33461

Title V Permit Renewal No. **0990045-003-AV**  
**Tom G. Smith Power Plant and Lake Worth**  
**Water Treatment Plant**  
Facility ID **0990045**; ORIS Code: **0673**

Enclosed is FINAL Title V Permit Renewal Number 0990045-003-AV for the Tom G. Smith Power Plant and Lake Worth Water Treatment Plant located at 117 South College Street, Lake Worth, Palm Beach County, issued pursuant to Chapter 403, Florida Statutes (F.S.).

Any party to this order (permit) has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Legal Office, and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 (thirty) days from the date this Notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

Trina Vielhauer, Chief  
Bureau of Air Regulation

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7000 0600 0021 6524 2472

Article Sent To:  
**Mr. Patrick D. Miller**

|   |           |
|---|-----------|
| Postage   | \$        |
| Certified Fee                                     |           |
| Return Receipt Fee<br>(Endorsement Required)      |           |
| Restricted Delivery Fee<br>(Endorsement Required) |           |
| <b>Total Postage &amp; Fees</b>                   | <b>\$</b> |

Postmark  
Here

Name (Please Print Clearly) (to be completed by mailer)  
**Mr. Patrick D. Miller**  
 Street, Apt. No., or PO Box No.  
**1900 2nd Avenue North**  
 City, State, ZIP+4  
**Lake Worth, Florida 33461**

**SENDER: COM**

PS Form 3800, July 1999

See Reverse for Instructions **IVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Mr. Patrick D. Miller**  
**Assistant City Manager and**  
**Responsible Official**  
**City of Lake Worth Utilities**  
**Department**  
**1900 2nd Avenue North**  
**Lake Worth, Florida 33461**

A. Signature  
 x *Nancy Miller*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 1/2/03

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
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 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label) **7000 0600 0021 6524 2472**

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT (including the FINAL permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 12/30/02 to the person(s) listed or as otherwise noted:

Patrick D. Miller \*  
Margaret Johnstone, City of Lake Worth Utilities  
Scott A. McCann, P.E., Golder Associates, Inc.  
Thomas Tittle, Southeast District Office  
James Stormer, Palm Beach County Health Department  
U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

12/30/02  
cc - Tom Cascio  
Reading File

Clerk Stamp

**FILING AND ACKNOWLEDGMENT FILED,**  
on this date, pursuant to Section 120.52(7), Florida  
Statutes, with the designated agency Clerk, receipt  
of which is hereby acknowledged.

Barbara J. Sunday 12/30/02  
(Clerk) (Date)

**FINAL PERMIT DETERMINATION**

**I. Comment(s).**

*No comments* were received from U.S. EPA, Region 4, concerning the PROPOSED Title V Permit Renewal that was posted on the Department's web site on November 6, 2002.

**II. Conclusion.**

The permitting authority hereby issues the FINAL Permit Renewal No. 0990045-003-AV with no changes, with the exception of the deletion of an outdated note that followed the list of insignificant activities included in Appendix I-1.

## **Statement of Basis**

Title V Air Operation Permit Renewal No. **0990045-003-AV**

City of Lake Worth Utilities

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Palm Beach County

The initial Title V Air Operation Permit, No. 0990045-002-AV, was issued/effective on January 1, 1998. 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, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit is for the renewal of Title V Air Operation Permit No. 0990045-002-AV.

This facility is an electric power generating plant and an adjacent potable water treatment facility and consists of:

Five 2000 kW diesel engine generators; Fossil Fuel Steam Generating Units 1 (S-1), 3 (S-3) and 4 (S-4); Gas Turbine # 1, (GT-1); and a Combined Cycle Unit, (GT-2/S-5). No activities at the water treatment plant were required to be included in this permit as emissions units.

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

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units.

Based on the Title V permit renewal application received July 5, 2002, this facility *is not* a major source of hazardous air pollutants (HAPs). The facility holds ORIS code **0673** under the Federal Acid Rain Program.

City of Lake Worth Utilities  
**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. **0990045**  
Palm Beach County

Title V Air Operation Permit Renewal  
FINAL Permit No. **0990045-003-AV**

Permitting Authority:

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

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

Telephone: 850/488-0114  
Fax: 850/922-6979

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

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# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

Permittee:  
**City of Lake Worth Utilities**  
1900 2<sup>nd</sup> Avenue North  
Lake Worth, FL 33461

FINAL Permit No. **0990045-003-AV**  
Facility ID No. **0990045**  
SIC Nos.: 49, 4931  
Project: Title V Air Operation Permit Renewal

The purpose of this permit is to renew Title V Air Operation Permit No. 0990045-002-AV, issued on January 1, 1998, for the operation of the **Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**. This facility is located at 117 College Street, Lake Worth, FL 33461; UTM Coordinates: Zone 17, 592.8 km East and 2943.7 km North; Latitude: 26° 36' 45" North and Longitude: 80° 04' 04" 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, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

**Referenced attachments made a part of this permit:**

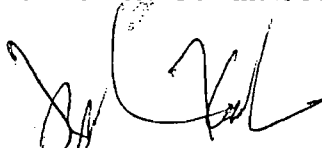
Appendix U-1, List of Unregulated Emissions Units and/or Activities  
Appendix I-1, List of Insignificant Emissions Units and/or Activities  
Appendix TV-4, Title V Conditions (version dated 2/12/02)  
Appendix SS-1, Stack Sampling Facilities (version dated 10/07/96)  
Table 297.310-1, Calibration Schedule (version dated 10/07/96)  
Phase II Acid Rain Part Renewal Application received 08/23/02  
Alternate Sampling Procedure: ASP Number 97-B-01  
Scrivener's Order dated July 9, 1997 correcting ASP 97-B-01

**Effective Date:** January 1, 2003

**Renewal Application Due Date:** July 5, 2007

**Expiration Date:** December 31, 2007

JOSEPH KAHN  
FOR

  
Howard L. Rhodes, Director  
Division of Air Resource  
Management

HLR/tbc

"More Protection, Less Process"

Printed on recycled paper.

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**Section I. Facility Information.****Subsection A. Facility Description.**

This facility is an electric power generating plant and an adjacent potable water treatment facility and consists of:

Five 2000 kW diesel engine generators; Fossil Fuel Steam Generating Units 1 (S-1), 3 (S-3) and 4 (S-4); Gas Turbine # 1, (GT-1); and a Combined Cycle Unit, (GT-2/S-5).

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

No activities at the water treatment plant were required to be included in this permit as emissions units.

Based on the Title V permit renewal application received July 5, 2002, this facility is *not* a major source of hazardous air pollutants (HAPs).

**Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).**

| <b>E.U. ID No.</b> | <b>Brief Description</b>  |
|--------------------|---|
| 001 to 005         | Five 2000 kW diesel engine generators, an MP 36 Power Pack; each diesel generator is a model 567D4 manufactured by GM Electro Motive Division.  |
| 007                | Fossil Fuel Steam Generating Unit 1 (S-1), nominally rated at 7.5 MW, 111 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 60 ft. stack  |
| 009                | Fossil Fuel Steam Generating Unit 3 (S-3), nominally rated at 26.5 MW, 325.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 113 ft. stack  |
| 010                | Fossil Fuel Steam Generating Unit 4, (S-4), nominally rated at 33 MW, 419.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 115 ft. stack   |
| 006                | Gas Turbine # 1, (GT-1), nominally rated at 30 MW, 435 mmBtu/hr, capable of burning number 2 fuel oil, with emissions exhausted through a 46 ft. stack  |
| 011                | Combined Cycle Unit, (GT-2/S-5), nominally rated at 29.5 MW, consists of a gas turbine (GT-2) nominally rated at 20 MW and a heat recovery steam generator (S5) nominally rated at 10 MW. GT-2 has a maximum heat input of 317.6 mmBtu/hr, capable of burning any combination of natural gas and number 2 fuel oil, with emissions exhausted through a 75 ft. stack |

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

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**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:

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers  
Appendix H-1, Permit History/ID Number Changes  
Table 1-1, Summary of Air Pollutant Standards and Terms  
Table 2-1, Summary of Compliance Requirements  
Statement of Basis

These documents are on file with the permitting authority:

Title V Permit Renewal Application received July 5, 2002.  
Additional Information Request dated August 15, 2002.  
Additional Information Response received August 23, 2002.  
DRAFT Title V Permit clerked on September 27, 2002.  
Comments from the applicant on the DRAFT Title V Permit dated October 9, 2002.  
PROPOSED Title V Permit posted for EPA review on November 6, 2002.

These documents are on file with USEPA:

The Responsible Official has certified that the Risk Management Plan was submitted to the RMP Reporting Center.

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**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. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.
  - b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.
  - c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S., and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs  
Division of Emergency Management  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Telephone: 850/413-9921, Fax: 850/488-1739

Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:

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

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

Any required reports to be sent to the National Response Center, should be sent to:

National Response Center  
EPA Office of Solid Waste and Emergency Response  
USEPA (5305 W)  
401 M Street, SW  
Washington, D.C. 20460  
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:

Cashier  
Department of Community Affairs  
State Emergency Response Commission  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S.; and, Rule 9G-21, F.A.C.]

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. [Reserved.]

8. **Not Federally Enforceable.** 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 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. As soon as practicable, 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.]

9. **Not Federally Enforceable.** Unconfined Particulate Matter. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity without taking reasonable precautions to prevent such emissions. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

- a. When performing sandblasting on fixed plant equipment, the facility shall construct temporary enclosures when practical and necessary, in order to prevent unconfined particulate emissions.
- b. Maintenance of paved areas.
- c. Regular care of vegetation.
- d. Limiting access to plant property by unnecessary vehicles.
- e. Bagged chemical products shall be stored in buildings until they are used.
- f. Spills of powdered chemical products are cleaned up as soon as practicable.

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

- g. Sweeping paved roads with a wet vacuum truck.
- h. Watering, if necessary, the lime backwash residue holding area.

[Rule 62-296.320(4)(c)2., F.A.C.; and Title V Permit Renewal Application received July 5, 2002]

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.

[Rules 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. Submittals. All reports, tests, notifications or other submittals required by this permit shall be submitted to the Palm Beach County Health Department's Air Section, and copies of those submittals shall be sent to the Department of Environmental Protection, Southeast District Office, Air Section. Addresses and telephone numbers are:

Palm Beach County Health Department  
Air Section  
P.O. Box 29  
West Palm Beach, FL 33402-0029  
Phone: 561/355-3070

Department of Environmental Protection  
Southeast District Office, Air Section  
P.O. Box 15425  
West Palm Beach, FL 33416  
Phone: 561/681-6600

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  
61 Forsyth Street  
Atlanta, Georgia 30303-8960  
Telephone: 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

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

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.]

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

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

**Subsection A. This section addresses the following emissions units.**

| E.U. ID No. | Brief Description  |
|-------------|--|
| 001 to 005  | Five 2000 kW diesel engine generators, an MP 36 Power Pack; each diesel generator is a model 567D4 manufactured by GM Electro Motive Division. |

{Permitting note(s): These emissions units are regulated under Rule 62-296.570, F.A.C., NOx RACT.}

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units.

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

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

**A.1. Methods of Operation - (i.e., Fuels).** These emissions units shall burn only diesel fuel.

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

**Emission Limitations and Standards**

{Permitting note: Unless otherwise specified, the averaging time for Specific Condition **A.2.** is based on the specified averaging time of the applicable test method.}

**A.2. NOx RACT.** Emissions of nitrogen oxides (NOx) from these emissions units shall not exceed 4.75 pounds per million Btu.

[Rule 62-296.570, F.A.C.]

**Test Methods and Procedures**

**A.3. NOx Testing.** Compliance with the NOx emission limitation shall be demonstrated by annual emission testing in accordance with EPA Test Method 7E or other EPA- or DEP-approved test method.

[Rule 62-296.570, F.A.C.]

**Monitoring of Operations**

**A.4. Annual Tests Required - NOx.** Except as provided in specific conditions **E.6** through **E.8** of this permit, emission testing for nitrogen oxide emissions shall be performed annually, no later than the end of each federal fiscal year (September 30), 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. Annual compliance testing while firing oil is not required for units that operated on oil for less than 400 hours in the previous federal fiscal year (ending September 30th).

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



**Record Keeping and Reporting Requirements**

**A.5.** The owner or operator shall make and keep records of:

- a. The number of hours each emissions unit operates every year; and
- b. The total fuel consumption of all five units combined each year.

Such records shall be prepared no later than thirty days after the end of each fiscal year.

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

**Common Conditions**

**A.6.** This emissions unit is also subject to conditions **E.1** through **E.19**, **except for E.3, E.10, E.11 and E.18**, contained in **Subsection E. Common Conditions**.

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**Subsection B. This section addresses the following emissions unit.**

| E.U. ID No. | Brief Description  |
|-------------|--|
| 007         | Fossil Fuel Steam Generating Unit 1 (S-1), nominally rated at 7.5 MW, 111 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 60 ft. stack |

{Permitting note(s): The emissions unit is regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with Less than 250 million Btu per Hour Heat Input, and Rule 62-296.570, F.A.C., NOx RACT. Fossil fuel fired steam generator Unit 1 (S-1) began commercial operation in 1961.}

Compliance Assurance Monitoring (CAM) *does not apply* to this emissions unit.

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

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

**B.1. Permitted Capacity.** The maximum operation heat input rate is as follows:

| Unit No. | mmBtu/hr Heat Input | Fuel Type      |
|----------|---------------------|----------------|
| 007      | 111                 | Natural Gas    |
|          | 111                 | No. 6 Fuel Oil |

[Rules 62-4.160(2), 62-210.200(PTE) and 62-296.406, F.A.C.]

{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. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.}

**B.2. Emissions Unit Operating Rate Limitation After Testing.** See specific condition **E.14.**

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

**B.3. Methods of Operation. Fuels.**

- a. Startup: The only fuel(s) allowed to be burned are any combination of natural gas and/or number 6 fuel oil.
- b. Normal: The only fuel(s) allowed to be burned are any combination of natural gas and/or number 6 fuel oil.

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

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**Emission Limitations and Standards**

{Permitting note: Unless otherwise specified, the averaging time for Specific Conditions **B.4.** through **B.8.** are based on the specified averaging time of the applicable test method.}

**B.4. Visible Emissions.** Visible emissions shall not exceed 20 percent opacity, except for one two-minute period per hour during which opacity shall not exceed 40 percent.  
[Rule 62-296.406(1), F.A.C.]

**B.5. 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.  
[Rule 62-210.700(3), F.A.C.]

**B.6. Particulate Matter.** Particulate matter emissions shall be controlled by the firing of natural gas and/or low sulfur content liquid fuel. See specific condition **B.7.**  
[Rules 62-4.070(3) and 62-296.406(2), F.A.C.]

**B.7. Sulfur Dioxide - Sulfur Content.** The No. 6 fuel oil sulfur content shall not exceed 2.25 percent, by weight. See specific condition **B.10.**  
[Rules 62-4.070(3) and 62-296.406(3), F.A.C.; BACT for this unit assumed to equal the sulfur limit established by PPSC No. PA 74-05 for units S-3 and S-4]

**B.8. NOx RACT.** Emissions of nitrogen oxides (NOx) from these emissions units shall not exceed 0.50 pounds per million Btu while firing natural gas or number 6 fuel oil.  
[Rule 62-296.570, F.A.C.]

**Test Methods and Procedures**

**B.9. Sulfur Dioxide - Sulfur Content.** The permittee shall demonstrate compliance with the liquid fuel sulfur limit by fuel sampling and analysis. See specific conditions **B.7.** and **B.10.**  
[Rules 62-213.440 and 62-296.406(3), F.A.C.]

**B.10. Fuel Sampling & Analysis - Sulfur.** For this emissions unit, the following fuel sampling and analysis protocol shall be used to demonstrate compliance with the fuel sulfur limitation of specific condition B.7 of this permit:

- a. Sample the as-fired fuel oil each day fuel oil is fired.
- b. Composite the daily samples and each month determine and record the as-fired fuel sulfur content, percent by weight, for liquid fuels using 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 composited as-fired fuel oil.

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

**B.11. NOx Testing.** Compliance with the NOx emission limitation shall be demonstrated by annual emission testing in accordance with EPA Test Method 7E or other EPA- or DEP-approved test methods.  
[Rule 62-296.570, F.A.C.]

**Monitoring of Operations**

**B.12. Annual Tests Required - NO<sub>x</sub> and VE.** Except as provided in specific conditions E.6 through E.8 of this permit, emission testing for nitrogen oxide emissions and visible emissions shall be performed annually, no later than the end of each federal fiscal year (September 30), 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. Annual compliance testing while firing oil is not required for units that operated on oil for less than 400 hours in the previous federal fiscal year (ending September 30th). [Rules 62-4.070(3) and 62-213.440, F.A.C.]

**Common Conditions**

**B.13.** This emissions unit is also subject to conditions E.1 through E.19, **except for E.2, E.9 and E.18,** contained in **Subsection E. Common Conditions.**

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**Subsection C. This section addresses the following emissions units.**

|     |  |
|-----|--|
| 009 | Fossil Fuel Steam Generating Unit 3 (S-3), nominally rated at 26.5 MW, 325.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 113 ft. stack |
| 010 | Fossil Fuel Steam Generating Unit 4, (S-4), nominally rated at 33 MW, 419.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil, with emissions exhausted through a 115 ft. stack  |

{Permitting note(s): The emissions units are regulated under Acid Rain, Phase II, Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input, and Rule 62-296.570, F.A.C., NO<sub>x</sub> RACT, Power Plant Siting Certification No. PA 74-05, and the modified conditions of PA 74-05 ordered September 28, 1987. Fossil fuel fired steam generator Unit 3 (S-3) began commercial operation in 1966; and, fossil fuel fired steam generator Unit 4 (S-4) began commercial operation in 1970. The permittee reported it operates the following continuous monitors for Unit S-3: SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, flow, visible emissions, and temperature.}

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units.

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

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

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

| Unit No. | mmBtu/hr Heat Input | Fuel Type      |
|----------|---------------------|----------------|
| 009      | 325.1               | Natural Gas    |
|          | 325.1               | No. 6 Fuel Oil |
| 010      | 419.1               | Natural Gas    |
|          | 419.1               | No. 6 Fuel Oil |

[Rules 62-4.160(2), 62-210.200(PTE) and 62-296.405, F.A.C.]

{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. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.}

**C.2. Emissions Unit Operating Rate Limitation After Testing.** See specific condition **E.14.**

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

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**C.3. Methods of Operation. Fuels.**

- a. Startup: The only fuel(s) allowed to be burned are any combination of natural gas and/or number 6 fuel oil.
- b. Normal: The only fuel(s) allowed to be burned are any combination of natural gas and/or number 6 fuel oil.

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

**Emission Limitations and Standards**

{Permitting note: Unless otherwise specified, the averaging time for Specific Conditions C.4. through C.9. are based on the specified averaging time of the applicable test method.}

**C.4. Visible Emissions.** Visible emissions shall not exceed 20 percent opacity, except for one two-minute period per hour during which opacity shall not exceed 40 percent. Emissions units governed by this visible emissions limit shall compliance test for particulate matter emissions annually and as otherwise required by Chapter 62-297, F.A.C.

[Rule 62-296.405(1)(a), F.A.C.]

**C.5. Visible Emissions - Soot Blowing and Load Change.** **(The following paragraph is applicable only to emissions unit 010 (Unit S-4) and only until installation of an operational continuous opacity monitor at Unit S-4.)** 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.

**(The following paragraph is applicable to emissions unit 009 (Unit S-3) and will become applicable to emissions unit 010 (Unit S-4) only upon installation of an operational continuous opacity monitor at Unit S-4.)** 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: Unit S-3 has an operational continuous opacity monitor. Unit S-4 may install an operational continuous opacity monitor in the future, and at that time be allowed visible emissions greater than 60% opacity pursuant to Rule 62-210.700(3), F.A.C., and specific condition C.5 of this permit.]

**C.6. 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.]

**C.7. 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.]

**C.8. Sulfur Dioxide - Sulfur Content.** The No. 6 fuel oil sulfur content shall not exceed 2.25 percent, by weight. See specific condition C.11.

[Rules 62-4.070(3) and 62-213.440, F.A.C., and Power Plant Siting Certification No. PA 74-05]

**C.9. NO<sub>x</sub> RACT.** Emissions of nitrogen oxides (NO<sub>x</sub>) from these emissions units shall not exceed 0.50 pounds per million Btu while firing natural gas or number 6 fuel oil or combination thereof.

[Rule 62-296.570, F.A.C.]

**Test Methods and Procedures**

**C.10. 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.  
[Rules 62-213.440, 62-296.405(1)(e)2., and 62-297.401, F.A.C.]

**C.11. Sulfur Dioxide - Sulfur Content.** The permittee shall demonstrate compliance with the liquid fuel sulfur limit by fuel sampling and analysis. See specific conditions **C.8. and C.12.**  
[Rules 62-213.440 and 62-296.406(3), F.A.C.]

**C.12. Fuel Sampling & Analysis - Sulfur.** For each emissions unit, the following fuel sampling and analysis protocol shall be used to demonstrate compliance with the the fuel sulfur limitation of specific condition **C.8** of this permit:

- a. Sample the as-fired fuel oil each day fuel oil is fired.
- b. Composite the daily samples and each month determine and record the as-fired fuel sulfur content, percent by weight, for liquid fuels using 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 composited as-fired fuel oil. Each composite sample shall also be analyzed for heating value.
- c. Record monthly the amount of each fuel fired, and maintain records of the monthly analyses of the heating value of each fuel, and the percent sulfur content by weight of each fuel, to enable calculations of sulfur dioxide emissions.

[Rules 62-4.070(3) and 62-213.440, F.A.C., and PPSC PA 74-05]

**C.13. NOx Testing.** Compliance with the NOx emission limitation shall be demonstrated by annual emission testing in accordance with EPA Test Method 7E, for emissions unit 010. If a continuous emission monitoring system (CEMS) for NOx is installed at emissions unit 010, compliance shall then be demonstrated by the CEMS. Compliance with the NOx emission limitation shall be demonstrated by a CEMS for emissions unit 009. See specific conditions **C.15** and **C.16.**

[Rule 62-296.570, F.A.C.]

**Monitoring of Operations**

**C.14. Annual Tests Required - PM and VE.** Except as provided in specific conditions **E.6** through **E.8** of this permit, emission testing for particulate matter emissions and visible emissions shall be performed annually, no later than the end of each federal fiscal year (September 30), 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.]

**C.15. Annual NOx Tests Required - Unit 4 (S-4, Emissions Unit 010).** For emissions unit 010, emission testing for NOx shall be performed annually, no later than the end of each federal fiscal year (September 30), except for units that are not operating because of scheduled maintenance outages and emergency

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repairs, which will be tested within thirty days of returning to service. Annual compliance testing while firing oil is not required for units that operated on oil for less than 400 hours in the previous federal fiscal year (ending September 30th).

Should the owner or operator install a continuous emission monitoring system (CEMS) for NO<sub>x</sub> emissions at emission unit 010, compliance with the NO<sub>x</sub> limitation shall be demonstrated with the CEMS. Compliance shall be based on a 30-day rolling average. The CEMS shall be properly maintained and operated and shall meet the performance specifications of 40 CFR 60, Appendix B, or 40 CFR 75. The CEMS data shall be maintained on site for inspection by the Department.  
[Rules 62-4.070(3), 62-213.410, F.A.C. and 62-296.570(4)(a)3. & 4.]

**C.16. NO<sub>x</sub> CEMS Required - Unit 3 (S-3, Emissions Unit 009).** For emissions unit 009, compliance with the NO<sub>x</sub> limitation shall be demonstrated with a continuous emission monitoring system (CEMS). Compliance shall be based on a 30-day rolling average, excluding periods of startup, shutdown or malfunction as provided by Rule 62-210.700, F.A.C., if the CEMS is properly maintained and operated and meets the performance specifications of 40 CFR 60, Appendix B, or 40 CFR 75. The CEMS data shall be maintained on site for inspection by the Department and need not be submitted to the Department unless specifically requested.

If the CEMS is *not properly maintained and operated, as described in the above paragraph*, compliance with the NO<sub>x</sub> limitation shall be demonstrated by annual emission testing in accordance with EPA Test Method 7E.

[Rules 62-4.070(3), 62-213.440, F.A.C. and 62-296.570(4)(a)4., and request of applicant]

**Common Conditions**

**C.17.** This emissions unit is also subject to conditions **E.1** through **E.19**, **except for E.2 and E.9**, contained in **Subsection E. Common Conditions**.



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**Subsection D. This section addresses the following emissions units.**

|     |   |
|-----|---|
| 006 | Gas Turbine # 1, (GT-1), manufactured by Westinghouse, nominally rated at 30 MW, 435 mmBtu/hr, capable of burning number 2 fuel oil, with emissions exhausted through a 46 ft. stack  |
| 011 | Combined Cycle Unit, (GT-2/S-5), nominally rated at 29.5 MW, consists of a gas turbine (GT-2) nominally rated at 20 MW and a heat recovery steam generator (S5) nominally rated at 10 MW. GT-2 has a maximum heat input of 317.6 mmBtu/hr, capable of burning any combination of natural gas and number 2 fuel oil, with emissions exhausted through a 75 ft. stack |

{Permitting notes: These emissions units are regulated under Rule 62-210.300, F.A.C., Permits Required and Rule 62-296.570, F.A.C., NO<sub>x</sub> RACT. Emissions unit 011 is also regulated under Power Plant Siting Certification No. PA 74-05, and the modified conditions of PA 74-05 ordered September 28, 1987. Based on information submitted by the applicant in the Title V application, these emissions units are *not subject* to 40 CFR 60, Subpart GG, Standards of Performance for New Stationary Gas Turbines. Each combustion turbine has its own stack. Emissions unit 006 (Unit GT-1) began commercial operation in 1976; and, emissions unit 011 (Unit GT-2/S-5) began commercial operation in 1978.}

Compliance Assurance Monitoring (CAM) *does not apply* to these emissions units.

**The following specific conditions apply to the emissions units listed above:****Essential Potential to Emit (PTE) Parameters**

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

| Unit No. | mmBtu/hr Heat Input | Fuel Type      |
|----------|---------------------|----------------|
| 006      | 435                 | No. 2 Fuel Oil |
| 011      | 317.6               | Natural Gas    |
|          | 317.6               | No. 2 Fuel Oil |

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

{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. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.}

**D.2. Emissions Unit Operating Rate Limitation After Testing.** See specific condition **E.14.**

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

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**D.3. Methods of Operation - Fuels.**

- a. Emissions unit 006: Only number 2 fuel oil shall be fired in the combustion turbine.
- b. Emissions unit 011: Only any combination of natural gas and/or number 2 fuel oil shall be fired in the combustion turbine.

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

**Emission Limitations and Standards**

{Permitting note: Unless otherwise specified, the averaging times for Specific Conditions **D.4.** and **D.5.** are based on the specified averaging time of the applicable test method.}

**D.4. Sulfur Dioxide - Sulfur Content - Emissions Unit 011.** For emissions unit 011 (Unit GT-2/S-5), the No. 2 fuel oil sulfur content shall not exceed 0.35 percent, by weight. See specific condition **D.6.**

[Rules 62-4.070(3) and 62-213.440, F.A.C., and Power Plant Siting Certification No. PA 74-05]

**D.5. NO<sub>x</sub> RACT.** Emissions of nitrogen oxides (NO<sub>x</sub>) from these emissions units shall not exceed 0.50 pounds per million Btu while firing natural gas and 0.90 pounds per million Btu while firing number 2 fuel oil.

[Rule 62-296.570, F.A.C.]

**Test Methods and Procedures**

**D.6. Sulfur Dioxide - Sulfur Content - Emissions Unit 011.** The permittee shall demonstrate compliance with the liquid fuel sulfur limit by fuel sampling and analysis. See specific conditions **D.4.** and **D.7.**

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

**D.7. Fuel Sampling & Analysis - Sulfur - Emissions Unit 011.** For each emissions unit, the following fuel sampling and analysis protocol shall be used to demonstrate compliance with the fuel sulfur limitation of specific condition **D.4** of this permit:

- a. Sample the as-fired fuel oil each day fuel oil is fired.
- b. Composite the daily samples and each month determine and record the as-fired fuel sulfur content, percent by weight, for liquid fuels using 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 composited as-fired fuel oil. Each composite sample shall also be analyzed for heating value.
- c. Record monthly the amount of each fuel fired, and maintain records of the monthly analyses of the heating value of each fuel, and the percent sulfur content by weight of each fuel, to enable calculations of sulfur dioxide emissions.

[Rules 62-4.070(3) and 62-213.440, F.A.C., and PPSC PA 74-05]

**D.8. NO<sub>x</sub> Testing.** Compliance with the NO<sub>x</sub> emission limitation shall be demonstrated by annual emission testing in accordance with EPA Test Method 7E.

[Rule 62-296.570, F.A.C.]

**Monitoring of Operations**

**D.9. Annual Tests Required - NO<sub>x</sub> and VE.** Except as provided in specific conditions **E.6** through **E.8** of this permit, emission testing for nitrogen oxide emissions for Unit 006 and 011 and visible emissions for Unit 011 shall be performed annually, no later than the end of each federal fiscal year (September 30); except for units that are not operating because of scheduled maintenance outages and emergency

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repairs, which will be tested within thirty days of returning to service. Annual compliance testing while firing oil is not required for units that operated on oil for less than 400 hours in the previous federal fiscal year (ending September 30th).

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

**D.10.** These emissions units are also subject to conditions **E.1** through **E.19**, **except for E.3, E.10, E.11 and E.18**, contained in **Subsection E. Common Conditions**.

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**Subsection E. Common Conditions.**

| <b>E.U. ID No.</b> | <b>Brief Description</b>                   |
|--------------------|--|
| 001 to 005         | Five 2000 kW diesel engine generators      |
| 007                | Fossil Fuel Steam Generating Unit 1 (S-1)  |
| 009                | Fossil Fuel Steam Generating Unit 3 (S-3)  |
| 010                | Fossil Fuel Steam Generating Unit 4, (S-4) |
| 006                | Gas Turbine # 1, (GT-1)                    |
| 011                | Combined Cycle Unit, (GT-2/S-5)            |

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

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

**E.1. 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: 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.}

**Excess Emissions**

**E.2. (This condition is applicable only to emissions units 001 - 005, 006 and 011.)** Excess emissions resulting from startup, shutdown or malfunction shall be permitted provided (1) that best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]

**E.3. (This condition is applicable only to emissions units 007, 009 and 010.)** 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.

Excess emissions resulting from malfunction shall be permitted provided (1) that best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1) & (2), F.A.C.]

**E.4.** 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****E.5. 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) Heat input rate shall be determined by average fuel use during testing (to be determined by fuel flow meters or fuel tank measurements) and the latest fuel analysis available from the vendor or operator (for Btu content of the fuel used).

[Rules 62-297.310(5) and 62-213.440, F.A.C.]

**E.6. 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.**

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 and/or solid 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: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and

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 and/or solid fuel, other than during startup, for a total of more than 400 hours.

8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.

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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 may 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.]

**E.7. 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.]

**E.8. 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 62-4.070(3), F.A.C.]

**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.}

**E.9. (This condition is applicable only to emissions units 001 - 005, 006 and 011.) Visible Emissions - Turbines, Diesel Engine Generators**. The test method for visible emissions for emissions units 006 (GT-1), 011 (GT-2/S-5), and 001 through 005 (diesel engine generators) shall be EPA Method 9, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and referenced in Chapter 62-297, F.A.C. [Rules 62-204.800, 62-296.320(4)(b)4.a. and 62-297.401, F.A.C., and modified conditions of PA 74-05 ordered September 28, 1987]

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**E.10. (This condition is applicable only to emissions units 007, 009 and 010.) Visible Emissions - Boilers.** The test method for visible emissions for emissions units 007 (S-1), 009 (S-3) and 010 (S-4) 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 E.11.  
[Rule 62-296.405(1)(e)1., F.A.C.]

**E.11. (This condition is applicable only to emissions units 007, 009 and 010.) 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.]

**E.12. 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.]

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**E.13. 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.]

**E.14. Operating Rate During Testing.** Testing of emissions shall be conducted with each emissions unit operating 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.]

**E.15. Applicable Test Procedures.****(a) Required Sampling Time.**

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. **Opacity Compliance Tests.** When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

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.

**(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.]



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**E.16. 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. Temporary stack sampling facilities under Rule 62-297.310(6)(b), F.A.C. may be used in lieu of permanent facilities.

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

**Recordkeeping and Reporting Requirements**

**E.17. Malfunctions - Notification.** In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Palm Beach County Health Department's 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 Palm Beach County Health Department's Air Section.

[Rule 62-210.700(6), F.A.C.]

**E.18. (This condition is applicable only to emissions units 009 and 010.) Excess Emissions - Report.** Submit to the Palm Beach County Health Department's Air Section a written report of emissions in excess of emission limiting standards 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.]

**E.19. Test Reports.**

- (a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Palm Beach County Health Department's Air Section on the results of each such test.
- (b) The required test report shall be filed with the Palm Beach County Health Department's 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 Palm Beach County Health Department's 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.

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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.]

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**Section IV. This section is the Acid Rain Part.****Operated by:** City of Lake Worth Utilities**ORIS code:** 0673**Subsection A. This subsection addresses Acid Rain, Phase II.**

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

| <b>E.U. ID No.</b> | <b>Brief Description</b>                   |
|--------------------|--|
| 009                | Fossil Fuel Steam Generator, Unit 3, (S-3) |
| 010                | Fossil Fuel Steam Generator, Unit 4, (S-4) |

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:

a. DEP Form No. 62-210.900(1)(a), signed by the Designated Representative on 08/21/02.

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

2. Sulfur dioxide (SO<sub>2</sub>) allowance allocations for each Acid Rain unit are as follows:

| <b>E.U. ID No.</b> | <b>EPA ID</b> | <b>Year</b>   | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> |
|--------------------|---------------|---|-------------|-------------|-------------|-------------|-------------|
| 009                | S-3           | <b>SO<sub>2</sub> allowances, under Table 2 of 40 CFR Part 73</b> | 89*         | 89*         | 89*         | 89*         | 89*         |
| 010                | S-4           | <b>SO<sub>2</sub> allowances, under Table 2 of 40 CFR Part 73</b> | 0*          | 0*          | 0*          | 0*          | 0*          |

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

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.]

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

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

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

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.

| <b>Brief Description of Emissions Units and/or Activities</b>   |
|---|
| 1. Dust collector hopper discharge valve for Unit S-3.  |
| 2. Liquid propane gas emergency generator.  |
| 3. Portable electrical generators that can be moved by hand from one location to another.   |
| 4. Air compressors and pneumatically operated equipment, including hand tools.  |
| 5. Storage tanks, vessels, and containers that hold or store liquid substances that will not have the potential to emit VOC or HAPs greater than the de minimis quantities. |
| 6. Janitorial services and consumer use of janitorial products.   |

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**Appendix H-1, Permit History/ID Number Changes****Permit History (for tracking purposes):**

| E.U. ID No.                   | Description  | Permit No.   | Issue Date                       | Expiration Date                  | Revised Date(s)      |
|-------------------------------|--|--|----------------------------------|----------------------------------|----------------------|
| 001                           | Diesel Generator #1 Peaking Unit                             | AO 50-172357   | 01/18/90                         | 07/17/94                         |                      |
| 002                           | Diesel Generator #2 Peaking Unit                             | AO 50-172357   | 01/18/90                         | 07/17/94                         |                      |
| 003                           | Diesel Generator #3 Peaking Unit                             | AO 50-172357   | 01/18/90                         | 07/17/94                         |                      |
| 004                           | Diesel Generator #4 Peaking Unit                             | AO 50-172357   | 01/18/90                         | 07/17/94                         |                      |
| 005                           | Diesel Generator #5 Peaking Unit                             | AO 50-172357   | 01/18/90                         | 07/17/94                         |                      |
| 006                           | Combustion Gas Turbine #1 (GT-1)                             | AO 50-219177<br>AC 50-2168A<br>AC 50-2168  | 11/06/92<br>09/10/76<br>09/28/73 | 10/30/97<br>09/01/77<br>03/01/75 |                      |
| 007                           | Fossil Fuel Steam Generator Unit #1 (S-1)                    | AO 50-169444   | 01/31/96                         | 09/15/96                         |                      |
| 008                           | Fossil Fuel Steam Generator Unit #2 (S-2)*                   |  |                                  |                                  |                      |
| 009                           | Fossil Fuel Steam Generator Unit #3 (S-3)                    | AO 50-169444<br>PA - 74-05   | 01/31/96<br>05/18/76             | 09/15/96                         | 09/28/87<br>03/27/96 |
| 010                           | Fossil Fuel Steam Generator Unit #4 (S-4)                    | AO 50-169444<br>PA - 74-05   | 01/31/96<br>05/18/76             | 09/15/96                         | 09/28/87<br>03/27/96 |
| 011                           | Combined Cycle Gas Turbine (GT-2/S-5)                        | PA - 74-05   | 05/18/76                         |                                  | 09/28/87<br>03/27/96 |
| 001 - 005, 006, 007, 009, 010 | Diesel engine generators #1 - 5<br>GT-1<br>S-1<br>S-3<br>S-4 | 0990045-001-AO (amendment of AO 50-169444, AO 50-172357, AO 50-219177, for NO <sub>x</sub> RACT) | 01/31/96                         |                                  |                      |
|                               | All of the above.  | 0990045-002-AV   | 01/01/98                         | 12/31/02                         |                      |

**ID Number Changes (for tracking purposes):**

From: Facility ID No.: 50PMB500045

To: Facility ID No.: 0990045

\* Unit S-2 is not in service. Operation of this unit is not permitted by this permit.

**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’.

| <b>E.U. ID No.</b> | <b>Brief Description of Emissions Units and/or Activity</b>   |
|--------------------|---|
| 012                | Fuel oil storage tanks (tanks 10 & 11, both 20,134 gallons capacity, and tank 12, 140,785 gallons capacity) subject to NSPS, Subpart Kb.* |
| 013                | Fuel oil storage tanks (tanks 3, 4, 5, 6, and 8), lube oil tanks, fittings and pumps.   |

\*The owner or operator shall keep readily accessible records showing the dimension of each storage vessel (tank) and an analysis showing the capacity of each storage vessel (tank), and shall retain the records as long as each tank remains at the facility.

**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 - 005      |             | Five 2000 kW diesel engine generators |                     |           |     |                                   |        |                               |                         |
|                |             |                                       | Allowable Emissions |           |     | Equivalent Emissions <sup>1</sup> |        |                               |                         |
| Pollutant      | Fuel(s)     | Hours per Year                        | Standard(s)         | lbs./hour | TPY | lbs./hour                         | TPY    | Regulatory Citations          | See Permit Condition(s) |
| <b>VE</b>      | Diesel Fuel | 8760                                  | 20% opacity         |           |     |                                   |        | Rule 62-296.320(4)(b), F.A.C. | Section II, Condition 3 |
| <b>NOx</b>     | Diesel Fuel | 8760                                  | 4.75 lb/mmBtu       |           |     | 99.8                              | 436.91 | Rules 62-296.570., F.A.C.     | A.2                     |

Note for EU 001 - 005: Equivalent emissions are listed for each diesel generator.



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**Table 1-1, Continued**

| Emissions Unit                 |                  | Brief Description   |  |           |     |                      |              |  |                         |
|--------------------------------|------------------|---|--|-----------|-----|----------------------|--------------|--|-------------------------|
| 007                            |                  | Fossil Fuel Steam Generating Unit 1 (S-1), nominally rated at 7.5 MW, 111 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil |  |           |     |                      |              |  |                         |
|                                |                  |   | Allowable Emissions                              |           |     | Equivalent Emissions |              |  |                         |
| Pollutant                      | Fuel(s)          | Hours per Year  | Standard(s)                                      | lbs./hour | TPY | lbs./hour            | TPY          | Regulatory Citations                   | See Permit Condition(s) |
| VE Steady State                | Oil, Natural Gas | 8760  | 20% opacity, except for 40% for 2 min. each hour |           |     |                      |              | Rule 62-296.406(1), F.A.C.             | B.4                     |
| VE Soot Blowing or Load Change | Oil, Natural Gas | 8760  | 60% opacity                                      |           |     |                      |              | Rule 62-210.700(3), F.A.C.             | B.5                     |
| SO <sub>2</sub> (& PM)         | Oil, Natural Gas | 8760  | 2.25% S by weight, fuel oil                      |           |     | 267* (oil)           | 1,170* (oil) | Rules 62-4.070(3) & 296.406(3), F.A.C. | B.7                     |
| NO <sub>x</sub>                | Oil, Natural Gas | 8760  | 0.5 lb/mmBtu                                     |           |     | 56                   | 243          | Rules 62-296.570, F.A.C.               | B.8                     |

\* Equivalent emissions are for SO<sub>2</sub> emissions firing fuel oil.

Table 1-1, Continued

| Emissions Unit                 |                  | Brief Description  |   |           |     |                                   |                              |                               |                         |
|--------------------------------|------------------|--|---|-----------|-----|-----------------------------------|------------------------------|-------------------------------|-------------------------|
| 009                            |                  | Fossil Fuel Steam Generating Unit 3 (S-3), nominally rated at 26.5 MW, 325.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil |   |           |     |                                   |                              |                               |                         |
| 010                            |                  | Fossil Fuel Steam Generating Unit 4, (S-4), nominally rated at 33 MW, 419.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil  |   |           |     |                                   |                              |                               |                         |
|                                |                  |  | Allowable Emissions   |           |     | Equivalent Emissions <sup>1</sup> |                              |                               |                         |
| Pollutant                      | Fuel(s)          | Hours per Year   | Standard(s)   | lbs./hour | TPY | lbs./hour                         | TPY                          | Regulatory Citations          | See Permit Condition(s) |
| VE Steady State                | Oil, Natural Gas | 8760   | 20% opacity, except for 40% for 2 min. each hour  |           |     |                                   |                              | Rule 62-296.405(1)(a), F.A.C. | C.4                     |
| VE Soot Blowing or Load Change | Oil, Natural Gas | 8760   | 60 % opacity (>60% opacity for not more than 4, six-minute periods per hour during 3 hours allowed for sootblowing/load change) |           |     |                                   |                              | Rule 62-210.700(3), F.A.C.    | C.5                     |
| PM Steady State                | Oil, Natural Gas | 8760   | 0.1 lb/mmBtu  |           |     | 33 (EU 009)<br>42 (EU 010)        | 142 (EU 009)<br>184 (EU 010) | Rule 62-296.405(1)(b), F.A.C. | C.6                     |
| PM Soot Blowing or Load Change | Oil, Natural Gas | 8760   | 0.3 lb/mmBtu  |           |     | 99 (EU 009)<br>126 (EU 010)       | 426 (EU 009)<br>552 (EU 010) | Rule 62-210.700(3), F.A.C.    | C.7                     |

Table 1-1, Continued, Emissions Units 009 & 010

| Pollutant       | Fuel(s)             | Hours per Year | Allowable Emissions         |           |     | Equivalent Emissions                                  |  | Regulatory Citations                              | See Permit Condition(s) |
|-----------------|---------------------|----------------|-----------------------------|-----------|-----|---|--|---|-------------------------|
|                 |                     |                | Standard(s)                 | lbs./hour | TPY | lbs./hour   | TPY  |   |                         |
| SO <sub>2</sub> | Oil,<br>Natural Gas | 8760           | 2.25% S by weight, fuel oil |           |     | 832<br>(EU 009)<br>(oil)<br>1072<br>(EU 010)<br>(oil) | 1072<br>(EU 009)<br>(oil)<br>4695<br>(EU 010)<br>(oil) | Rule 62-213.440,<br>F.A.C. & PPSC<br>No. PA 74-05 | C.8                     |
| NO <sub>x</sub> | Oil,<br>Natural Gas | 8760           | 0.5 lb/mmBtu                |           |     | 163 (EU<br>009)<br>210 (EU<br>010)                    | 712 (EU<br>009)<br>918 (EU<br>010)                     | Rules 62-<br>296.570, F.A.C.                      | C.9                     |

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**Table 1-1, Continued**

| Emissions Unit                      |  | Brief Description  |   |           |     |                                   |              |   |                            |
|-------------------------------------|--|--|---|-----------|-----|-----------------------------------|--------------|---|----------------------------|
| 006                                 |  | Gas Turbine # 1, (GT-1), nominally rated at 30 MW, 435 mmBtu/hr, capable of burning number 2 fuel oil  |   |           |     |                                   |              |   |                            |
| 011                                 |  | Combined Cycle Unit, (GT-2/S-5), nominally rated at 29.5 MW, consists of a gas turbine (GT-2) nominally rated at 20 MW and a heat recovery steam generator (S5) nominally rated at 10 MW. GT-2 has a maximum heat input of 317.6 mmBtu/hr, capable of burning any combination of natural gas and number 2 fuel oil |   |           |     |                                   |              |   |                            |
|                                     |  |  | Allowable Emissions                                     |           |     | Equivalent Emissions <sup>1</sup> |              |   |                            |
| Pollutant                           | Fuel(s)  | Hours per Year   | Standard(s)   | lbs./hour | TPY | lbs./hour                         | TPY          | Regulatory Citations                              | See Permit Condition(s)    |
| <b>VE</b>                           | Oil <sup>a</sup> ,<br>Natural Gas <sup>b</sup> | 8760   | 20% Opacity   |           |     |                                   |              | Rule 62-296.320(4)(b),<br>F.A.C.                  | Section II,<br>Condition 3 |
| <b>SO<sub>2</sub> (EU 011 only)</b> | Oil,<br>Natural Gas                            | 8760   | 0.35% S by weight, fuel oil                             |           |     | 109<br>(oil)                      | 478<br>(oil) | Rule 62-213.440,<br>F.A.C. & PPSC<br>No. PA 74-05 | D.4                        |
| <b>NO<sub>x</sub> (EU 006)</b>      | Oil <sup>a</sup> ,<br>Natural Gas <sup>b</sup> | 8760   | 0.90 lb/mmBtu (fuel oil)<br>0.50 lb/mmBtu (natural gas) |           |     | 392<br>218                        | 1715<br>953  | Rules 62-570,<br>F.A.C.                           | D.5                        |
| <b>NO<sub>x</sub> (EU 011)</b>      | Oil <sup>a</sup> ,<br>Natural Gas <sup>b</sup> | 8760   | 0.90 lb/mmBtu (fuel oil)<br>0.50 lb/mmBtu (natural gas) |           |     | 286<br>159                        | 1252<br>696  | Rules 62-570,<br>F.A.C.                           | D.5                        |

a Number 2 fuel oil may be fired in emissions unit 006 or 011.

b Natural gas may be fired in emissions unit 011.

Table 1-1, Continued

| Emissions Unit |         | Brief Description   |  |           |     |                                   |     |                      |                         |
|----------------|---------|---|--|-----------|-----|-----------------------------------|-----|----------------------|-------------------------|
| 012            |         | Fuel oil storage tanks (tanks 10 & 11, both 20,134 gallons capacity, and tank 12, 140,785 gallons capacity) subject to NSPS, Subpart Kb |  |           |     |                                   |     |                      |                         |
|                |         |   | Allowable Emissions                      |           |     | Equivalent Emissions <sup>1</sup> |     |                      |                         |
| Pollutant      | Fuel(s) | Hours per Year  | Standard(s)                              | lbs./hour | TPY | lbs./hour                         | TPY | Regulatory Citations | See Permit Condition(s) |
| None           |         | 8760  | No emission limits - record keeping only |           |     |                                   |     |                      | F.2, F.3                |

Notes for all tables:

<sup>1</sup> The "Equivalent Emissions" listed are for informational purposes only.

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**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 to 005     | Five 2000 kW diesel engine generators |

| Pollutant or Parameter | Fuel(s)     | Compliance Method  | Testing Frequency | Frequency Base Date <sup>1</sup> | Minimum Compliance Test Duration | CMS <sup>2</sup> | See Permit Condition(s) |
|------------------------|-------------|--------------------|-------------------|----------------------------------|----------------------------------|------------------|-------------------------|
| <b>NO<sub>x</sub></b>  | Diesel Fuel | EPA Test Method 7E | Annual            |                                  | 3 hours                          | No               | A.3 & A.4               |
| <b>VE</b>              | Diesel Fuel | EPA Method 9       | Annual            |                                  | 30 min.                          | No               | A.4 & E.9               |

| Emissions Unit | Brief Description   |
|----------------|---|
| 007            | Fossil Fuel Steam Generating Unit 1 (S-1), nominally rated at 7.5 MW, 111 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil |

| Pollutant or Parameter | Fuel(s)          | Compliance Method        | Testing Frequency                             | Frequency Base Date <sup>1</sup> | Minimum Compliance Test Duration | CMS <sup>2</sup> | See Permit Condition(s) |
|------------------------|------------------|--------------------------|---|----------------------------------|----------------------------------|------------------|-------------------------|
| <b>SO<sub>2</sub></b>  | Oil, Natural Gas | Fuel sampling & analysis | Sampling daily, analysis of monthly composite |                                  |                                  | No               | B.7, B.9 & B.10         |
| <b>NO<sub>x</sub></b>  | Oil, Natural Gas | EPA Test Method 7E       | Annual  |                                  | 3 hours                          | No               | B.11 & B.12             |
| <b>VE</b>              | Oil, Natural Gas | DEP Method 9             | Annual  |                                  | 1 hour                           | No               | B.12 & E.10             |

**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**Table 2-1, Continued**

| Emissions Unit              |                  | Brief Description  |   |                                  |                                  |                                 |                         |
|-----------------------------|------------------|--|---|----------------------------------|----------------------------------|---------------------------------|-------------------------|
| 009                         |                  | Fossil Fuel Steam Generating Unit 3 (S-3), nominally rated at 26.5 MW, 325.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil |   |                                  |                                  |                                 |                         |
| 010                         |                  | Fossil Fuel Steam Generating Unit 4, (S-4), nominally rated at 33 MW, 419.1 mmBtu/hr, capable of burning any combination of natural gas and number 6 fuel oil  |   |                                  |                                  |                                 |                         |
| Pollutant or Parameter      | Fuel(s)          | Compliance Method  | Testing Frequency                             | Frequency Base Date <sup>1</sup> | Minimum Compliance Test Duration | CMS <sup>2</sup>                | See Permit Condition(s) |
| SO <sub>2</sub>             | Oil, Natural Gas | Fuel sampling & analysis   | Sampling daily, analysis of monthly composite |                                  |                                  | No <sup>a</sup>                 | C.8, C.11 & C.12        |
| NO <sub>x</sub><br>(EU 009) | Oil, Natural Gas | CEMS   | Continuous                                    |                                  |                                  | Yes                             | C.13 & C.16             |
| NO <sub>x</sub><br>(EU 010) | Oil, Natural Gas | EPA Test Method 7E<br>(If CEMS installed see next row)   | Annual  |                                  | 3 hours                          | No                              | C.13 & C.15             |
| NO <sub>x</sub><br>(EU 010) | Oil, Natural Gas | CEMS<br>(If installed)   | Continuous                                    |                                  |                                  | Yes, if installed for Acid Rain | C.13 & C.15             |
| PM                          | Oil, Natural Gas | EPA Test Methods 17,5,5B or 5F   | Annual  |                                  | 3 hours                          | No                              | C.10 & C.14             |
| VE                          | Oil, Natural Gas | DEP Method 9   | Annual  |                                  | 1 hour                           | Yes                             | C.14 & E.10             |

Note for EU 009 &amp; 010:

a A continuous monitor for SO<sub>2</sub> is operated by the City for emissions unit 009. Compliance with the fuel sulfur limitation is not via the continuous monitor.

**Table 2-1, Continued**

| Emissions Unit | Brief Description  |
|----------------|--|
| 006            | Gas Turbine # 1, (GT-1), nominally rated at 30 MW, 435 mmBtu/hr, capable of burning number 2 fuel oil  |
| 011            | Combined Cycle Unit, (GT-2/S-5), nominally rated at 29.5 MW, consists of a gas turbine (GT-2) nominally rated at 20 MW and a heat recovery steam generator (S5) nominally rated at 10 MW. GT-2 has a maximum heat input of 317.6 mmBtu/hr, capable of burning any combination of natural gas and number 2 fuel oil |

| Pollutant or Parameter                                    | Fuel(s)             | Compliance Method        | Testing Frequency                             | Frequency Base Date <sup>1</sup> | Minimum Compliance Test Duration | CMS <sup>2</sup> | See Permit Condition(s) |
|---|---------------------|--------------------------|---|----------------------------------|----------------------------------|------------------|-------------------------|
| <b>SO<sub>2</sub></b><br><b>(Emissions Unit 011 only)</b> | Oil,<br>Natural Gas | Fuel sampling & analysis | Sampling daily, analysis of monthly composite |                                  |                                  | No               | D.4, D.6 & D.7          |
| <b>NO<sub>x</sub></b>                                     | Oil,<br>Natural Gas | EPA Test Method 7E       | Annual  |                                  | 3 hours                          | No               | D.8 & D.9               |
| <b>VE</b>   | Oil,<br>Natural Gas | EPA Method 9             | Annual  |                                  | 1 hour                           | No               | D.9 & E.9               |



**Tom G. Smith Power Plant and Lake Worth Water Treatment Plant**

Facility ID No. 0990045

**Table 2-1, Continued**

| Emissions Unit | Brief Description   |
|----------------|---|
| 012            | Fuel oil storage tanks (tanks 10 & 11, both 20,134 gallons capacity, and tank 12, 140,785 gallons capacity) subject to NSPS, Subpart Kb |

| Pollutant or Parameter | Fuel(s) | Compliance Method | Testing Frequency | Frequency Base Date <sup>1</sup> | Minimum Compliance Test Duration | CMS <sup>2</sup> | See Permit Condition(s) |
|------------------------|---------|-------------------|-------------------|----------------------------------|----------------------------------|------------------|-------------------------|
| <b>Capacity</b>        |         | Record keeping    |                   |                                  |                                  |                  | F.2 & F.3               |

Notes for all tables:

<sup>1</sup> Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

<sup>2</sup> CMS = continuous monitoring system

## 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.]

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

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.]

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

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.]

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

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 hereby 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.

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(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.



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(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,

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3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and, notifying the public of the opportunity for submitting comments and requesting a public hearing.
- (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, 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;

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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.]

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

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.;

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

- (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.

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

(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

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

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.

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

(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.]



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

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.

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

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.

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

48. 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 statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. Such statements 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)]

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

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.]

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

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

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

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

(c) Sampling Ports.

1. All sampling ports shall have a minimum inside diameter of 3 inches.
2. The ports shall be capable of being sealed when not in use.
3. The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.
4. For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.
5. On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

(d) Work Platforms.

1. Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.
2. On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.
3. On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.
4. All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toeboard, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

(e) Access to Work Platform.

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

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

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

**(f) Electrical Power.**

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

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

**(g) Sampling Equipment Support.**

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

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

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

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

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

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

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

**TABLE 297.310-1 CALIBRATION SCHEDULE**  
**(version dated 10/07/96)**

[Note: This table is referenced in Rule 62-297.310, F.A.C.]

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

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# 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     Renewal

**STEP 1**

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

|                                |                 |                      |
|--------------------------------|-----------------|----------------------|
| Plant Name <b>Tom G. Smith</b> | State <b>FL</b> | ORIS Code <b>673</b> |
|--------------------------------|-----------------|----------------------|

**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.

|            | Compliance Plan  |                 |  |   |  |
|------------|--|-----------------|--|---|--|
| a          | b  | c               | d  | e   |  |
| Unit ID#   | Unit will hold allowances in accordance with 40 CFR 72.9(c)(1) | Repowering Plan | New Units<br><br>Commence Operation Date | New Units<br><br>Monitor Certification Deadline |  |
| <b>S-3</b> | Yes  | NO              |  |   |  |
| <b>S-4</b> | Yes  | NO              |  |   |  |
|            | Yes  |                 |  |   |  |
|            | Yes  |                 |  |   |  |
|            | Yes  |                 |  |   |  |
|            | 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.

Plant Name (from Step 1) Tom G. Smith

**STEP 4**

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

**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) Tom G. Smith

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<sub>x</sub> 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;

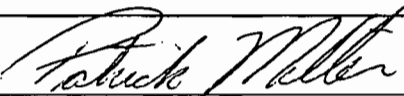
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(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 Patrick D. Miller, Assistant City Manager/Utilities Director and Designated Representative |                     |
| Signature    | Date 21 August 2002 |

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of: )  
)  
Florida Electric Power Coordinating Group, Inc., ) ASP No. 97-B-01  
)  
Petitioner. )

ORDER ON REQUEST  
FOR  
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), the Florida Electric Coordinating Group, Incorporated, (FCG) petitioned for approval to: (1) Exempt fossil fuel steam generators which burn liquid and/or solid fuel for less than 400 hours during the federal fiscal year from the requirement to conduct an annual particulate matter compliance test; and, (2) Exempt fossil fuel steam generators which burn liquid and/or solid fuel for less than 400 hours during the federal fiscal year from the requirement to conduct an annual particulate matter compliance test during the year prior to renewal of an operation permit. This Order is intended to clarify particulate testing requirements for those fossil fuel steam generators which primarily burn gaseous fuels including, but not necessarily limited to natural gas.

Having considered the provisions of Rule 62-296.405(1), F.A.C., Rule 62-297.310(7), F.A.C., and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. The Florida Electric Power Coordinating Group, Incorporated, petitioned the Department to exempt those fossil fuel steam generators which have a heat input of more than 250 million Btu per hour and burn solid and/or liquid fuel less than 400 hours during the year from the requirement to conduct an annual particulate matter compliance test. [Exhibit 1]

2. Rule 62-296.405(1)(a), F.A.C., applies to those fossil fuel steam generators that are not subject to the federal standards of performance for new stationary sources (NSPS) in 40 CFR 60 and which have a heat input of more than 250 million Btu per hour.

3. Rule 62-296.405(1)(a), F.A.C., limits visible emissions from affected fossil fuel steam generators to, "20 percent opacity except for either one six-minute period per hour during which

not exceed 40 percent. The option selected shall be specified in the emissions unit's construction and operation permits. Emissions units governed by this visible emission limit shall test for particulate emission compliance annually and as otherwise required by Rule 62-297, F.A.C."

4. Rule 62-296.405(1)(a), F.A.C., further states, "Emissions units electing to test for particulate matter emission compliance quarterly shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

5. Rule 297.310(7)(a)1., F.A.C., states, "The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit."

6. Rule 297.310(7)(a)3., F.A.C., states, "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.

7. Rule 297.310(7)(a)3., F.A.C., further states, "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 and/or solid fuel for a total of no more than 400 hours."

8. Rule 297.310(7)(a)4., F.A.C., states, "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: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant..."

9. Rule 297.310(7)(a)5., F.A.C., states, "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 and/or solid fuel, other than during startup, for a total of more than 400 hours."

10. Rule 297.310(7)(a)6., F.A.C., states, "For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be

required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.”

11. Rule 297.310(7)(a)7., F.A.C., states, “For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to Rule 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.” [Note: The reference should be to Rule 62-296.405(1)(a), F.A.C., rather than Rule 62-296.405(2)(a), F.A.C.]

12. The fifth edition of the U. S. Environmental Protection Agency’s Compilation of Air Pollutant Emission Factors, AP-42, that emissions of filterable particulate from gas-fired fossil fuel steam generators with a heat input of more than about 10 million Btu per hour may be expected to range from 0.001 to 0.006 pound per million Btu. [Exhibit 2]

13. Rule 62-296.405(1)(b), F.A.C. and the federal standards of performance for new stationary sources in 40 CFR 60.42, Subpart D, limit particulate emissions from uncontrolled fossil fuel fired steam generators with a heat input of more than 250 million Btu to 0.1 pound per million Btu.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider the matter pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.

2. Pursuant to Rule 62-297.310(7), F.A.C., the Department may require Petitioner to conduct compliance tests that identify the nature and quantity of pollutant emissions, if, after investigation, it is believed that any applicable emission standard or condition of the applicable permits is being violated.

3. There is reason to believe that a fossil fuel steam generator which does not burn liquid and/or solid fuel (other than during startup) for a total of more than 400 hours in a federal fiscal year and complies with all other applicable limits and permit conditions is in compliance with the applicable particulate mass emission limiting standard.

#### ORDER

Having considered the requirements of Rule 62-296.405, F.A.C., Rule 62-297.310, F.A.C., and supporting documentation, it is hereby ordered that:

1. 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 and/or solid fuel, other than during startup, for a total of more than 400 hours;

2. For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup;

3. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to Rule 62-296.405(1)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup;

4. 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 particulate matter emission compliance test results for any fossil fuel steam generator emissions unit that burned liquid and/or solid fuel for a total of no more than 400 hours during the year prior to renewal.

5. Pursuant to Rule 62-297.310(7), F.A.C., owners of affected fossil fuel steam generators may be required to conduct compliance tests that identify the nature and quantity of pollutant emissions, if, after investigation, it is believed that any applicable emission standard or condition of the applicable permits is being violated.

6. Pursuant to Rule 62-297.310(8), F.A.C., owners of affected fossil fuel steam generators shall submit the compliance test report to the District Director of the Department district office having jurisdiction over the emissions unit and, where applicable, the Air Program Administrator of the appropriate Department-approved local air program within 45 days of completion of the test.

#### PETITION FOR ADMINISTRATIVE REVIEW

The Department will take the action described in this Order unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or a party requests mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this Order. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of

the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by each petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes each petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by each petitioner, stating precisely the action each petitioner wants the Department to take with respect to the Department's action or proposed action in the notice of intent.

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

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

A request for mediation must contain the following information:

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

(b) A statement of the preliminary agency action;

(c) A statement of the relief sought; and

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

The agreement to mediate must include the following:

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

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

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

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

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

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

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

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will

specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

In addition to the above, a person subject to regulation has a right to apply for a variance from or waiver of the requirements of particular rules, on certain conditions, under section 120.542 of the Florida Statutes. The relief provided by this state statute applies only to state rules, not statutes, and not to any federal regulatory requirements. Applying for a variance or waiver does not substitute or extend the time for filing a petition for an administrative hearing or exercising any other right that a person may have in relation to the action proposed in this notice of intent.

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

The petition must specify the following information:

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

The Department will grant a variance or waiver, when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in section 120.542(2) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner. Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully



each of those terms is defined in section 120.542(2) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner. Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

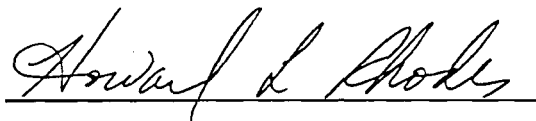
This Order constitutes final agency action unless a petition is filed in accordance with the above paragraphs. Upon timely filing of a petition, this Order will not be effective until further Order of the Department.

#### RIGHT TO APPEAL

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Agency Action is filed with the Clerk of the Department.

DONE AND ORDERED this 17 day of March, 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES, Director  
Division of Air Resources Management  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(904) 488-0114

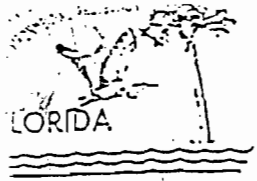
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that a copy of the foregoing was mailed to Rich Piper, Chair, Florida Power Coordinating Group, Inc., 405 Reo Street, Suite 100, Tampa, Florida 33609-1004, on this 18<sup>th</sup> day of March 1997.

Clerk Stamp

**FILING AND ACKNOWLEDGMENT**  
FILED, on this date, pursuant to §120.52(7), Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Martha M. Wise      3-18-97  
Clerk                              Date



# Department of Environmental Protection

BEST AVAILABLE COPY

Lawton Chiles  
Governor

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

Virginia E. Weathers  
Secretary

July 9, 1997

Certified Mail - Return Receipt Requested

Mr. Rich Piper, Chair  
Florida Power Coordinating Group, Inc.  
405, Reo Street, Suite 100  
Tampa, Florida 33609-1004

Dear Mr. Piper:

Enclosed is a copy of a Scrivener's Order correcting an error in the Order concerning particulate matter testing of natural gas fired boilers.

If you have any questions concerning the above, please call Yogesh Manocha at 904/488-6140, or write to me.

Sincerely,

M. D. Harley, P.E., DEE  
P.E. Administrator  
Emissions Monitoring Section  
Bureau of Air Monitoring and  
Mobile Sources

MDH:ym

cc: Dotty Diltz, FDEP  
Pat Comer, FDEP

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

|  |   |                 |
|--|---|-----------------|
| In the matter of:                                | ) |                 |
|  | ) |                 |
| Florida Electric Power Coordinating Group, Inc., | ) | ASP No. 97-B-01 |
|  | ) |                 |
| Petitioner.                                      | ) |                 |

ORDER CORRECTING SCRIVENER'S ERROR

The Order which authorizes owners of natural gas fired fossil fuel steam generators to forgo particulate matter compliance testing on an annual basis and prior to renewal of an operation permit entered on the 17th day of March, 1997, is hereby corrected on page 4, paragraph number 4, by deleting the words "pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C.":

4. 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 particulate matter emission compliance test results for any fossil fuel steam generator emissions unit that burned liquid and/or solid fuel for a total of no more than 400 hours during the year prior to renewal.

DONE AND ORDERED this 2 day of July, 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES, Director  
Division of Air Resources Management  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
(904) 488-0114

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that a copy of the foregoing was mailed to Rich Piper, Chair, Florida Power Coordinating Group, Inc., 405 Reo Street, Suite 100, Tampa, Florida 33609-1004, on this 10<sup>th</sup> day of July 1997.

Clerk Stamp

FILED AND ACKNOWLEDGMENT  
FILED, on this date, pursuant to  
§120.52(7), Florida Statutes, with the  
designated Department Clerk, receipt of  
which is hereby acknowledged.

Mastrea J. Will 7/10/97  
Clerk Date