

Friday, Barbara

To: 'jkoogler@kooglerassociates.com'; 'Pradeep Raval'; Waters, Jason; rbrunk@usagricchem.com

Cc: Bull, Robert

Subject: DRAFT Title V Renewal/Air Construction Permit No.: 1050050-014-AV/1050050-015-AC - U.S. Agri-Chemicals Corporation/Bartow Chemical Plant

Attached for your records are zip files that contains the DRAFT Title V Renewal/Air Construction Permit.

If I may be of further assistance, please feel free to contact me.

Barbara J. Friday
Planner II
Bureau of Air Regulation
(850)921-9524
Barbara.Friday@dep.state.fl.us



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

P.E. Certification Statement

Permittee: U.S. Agri-Chemicals Corporation
Bartow Chemical Plant

Draft Air Construction Permit No.: 1050050-015-AC
Facility ID No.: 1050050

Project: Draft Air Construction Permit

I HEREBY CERTIFY that the engineering features described in the above referenced application and related additional information submittals, if any, and subject to the proposed permit conditions, provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).



James K. Pennington, P.E.
Registration Number: 0034536

2/2/05
Date

Permitting Authority:

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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

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Jeb Bush
Governor

Department of Environmental Protection

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2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

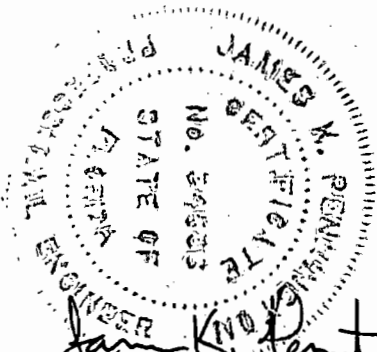
P.E. Certification Statement

Permittee: U.S. Agri-Chemicals Corporation
Bartow Chemical Plant

DRAFT Permit Renewal No.: 1050050-014-AV
Facility ID No.: 1050050

Project: Title V Air Operation Permit Renewal

I HEREBY CERTIFY that the engineering features described in the above referenced application and related additional information submittals, if any, and subject to the proposed permit conditions, provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 62-297. However, I have not evaluated and I do not certify aspects of the proposal outside of my area of expertise (including but not limited to the electrical, mechanical, structural, hydrological, and geological features).



James K. Pennington, P.E.
Registration Number: 0034536

2/2/05
Date

Permitting Authority:

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

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

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U.S. Postal Service
CERTIFIED MAIL RECEIPT

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OFFICIAL USE
 Phong T. Vo., General Manager

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
 Phong T. Vo., General Manager
 Street, Apt. No., or PO Box No.
 Post Office Box 1480
 City, State, ZIP+4
 Bartow, Florida 33830

PS Form 3800, May 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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:
 Phong T. Vo
 General Manager
 US Agri-Chemicals Corporation
Post Office Box 1480
 Bartow, Florida 33830

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Angie Wornick* Agent
 Addressee
 B. Received by (Printed Name) C. Date of Delivery
Angie Wornick 2/24/05

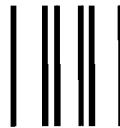
D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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

4. Restricted Delivery? (Extra Fee) Yes

2 Article
 (Transf)
 PS Form

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

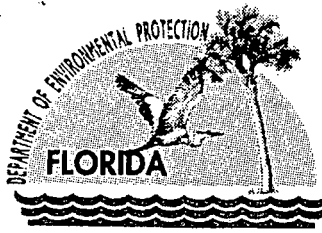
• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF AIR RESOURCES MANAGEMENT
BUREAU OF AIR REGULATION - TITLE V
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400
M& 5505

RECEIVED
FEB 28 2005

BUREAU OF AIR REGULATION





Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

February 18, 2005

CERTIFIED MAIL - Return Receipt Requested

Phong T. Vo
General Manager
US Agri-Chemicals Corporation
Post Office Box 1480
Bartow, Florida 33830

Re: DRAFT Title V Air Operation Permit Renewal Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Bartow Chemical Plant

Dear Mr. Vo:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft air construction permit (letter), and the DRAFT Title V air operation permit renewal for the Bartow Chemical Plant located on State Road 60, 2 miles West of Bartow, Polk County, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

An electronic version of the DRAFT Title V Air Operation Permit Renewal has been posted on the Division of Air Resource Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is:

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

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to James K. Pennington, P.E., at the above letterhead address. If you have any other questions, please contact Bobby Bull at 850/921-9585.

Sincerely,

Trina L. Vielhauer
Chief
Bureau of Air Regulation

TLV/jkp/rlb

Enclosures

"More Protection, Less Process"

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In the Matter of an
Application for Permits by:

US Agri-Chemicals Corporation
Bartow Chemical Plant
Post Office Box 1480
Bartow, Florida 33830

DRAFT Title V Air Operation Permit Renewal Project
No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Bartow Chemical Plant
Polk County

**WRITTEN NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR
OPERATION PERMIT RENEWAL**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue an Air Construction Permit (AC) and a Title V Air Operation Permit (Permit) renewal (copies of the DRAFT AC and DRAFT Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, US Agri-Chemicals Corporation, applied on February 28, 2003, to the permitting authority for a Permit Renewal for the Bartow Chemical Plant, State Road 60, 2 miles West of Bartow, Polk County. On January 26, 2005, the applicant submitted an air construction application.

The Air Construction Permit 1050050-015-AC is being issued 1) for the deletion of the bag collector located at emissions unit (EU) No. 039, 2) to revise or delete obsolete conditions for EU No. 038 and No. 039 from the current Title V permit, 3) to add reporting requirements to the Title V permit to demonstrate the facility is not a major source of hazardous air pollutants (HAPs), and 4) to modify specific conditions of Air Construction Permit 1050050-009-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050050-008-AV, and incorporate the terms of Air Construction Permit 1050050-015-AC.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, and 62-213. This source is not exempt from construction and Title V permitting procedures. The permitting authority has determined that an AC and a Permit renewal are required to commence or continue operations at the described facility.

The permitting authority intends to issue the AC and the Permit renewal based on the belief that reasonable assurances have been provided to indicate that the AC activity and operation of the source will not adversely impact air quality, and the source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax: 850/921-9533), within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permits pursuant to Rule 62-110.106, F.A.C.

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

The permitting authority will accept written comments concerning the proposed AC issuance action for a period of 14 (fourteen) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft AC, the permitting authority shall issue a Revised Draft AC and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL." Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the above address or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department's official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit revision applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the public notice or within fourteen (14) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the permitting authority's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of how and when each petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation will not be available in this proceeding.

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

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

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

The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner.

Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the United States Environmental Protection Agency and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the

US Agri-Chemicals Corporation
Bartow Chemical Plant
DRAFT Title V Air Operation Permit Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Page 4 of 5

Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at: <http://www.epa.gov/region4/air/permits/Florida.htm>.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer, Chief
Bureau of Air Regulation

US Agri-Chemicals Corporation
Bartow Chemical Plant
DRAFT Title V Air Operation Permit Project No.: 1050050-014-AV
Draft Air Construction Permit Project No.: 1050050-015-AC
Page 5 of 5

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Combined PUBLIC NOTICE, Draft AC and DRAFT Permit) and all copies were sent by certified mail before the close of business on 2/21/05 to the person(s) listed:

Phong T. Vo, General Manager, US Agri-Chemicals Corporation, Post Office Box 1480, Bartow, Florida 33830

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Combined PUBLIC NOTICE, Draft AC and DRAFT Permit) were sent by U.S. mail on the same date to the person(s) listed:

Ronald Brunk, Manager, Environmental Services, US Agri-Chemicals, Bartow Chemical Plant
John B. Koogler, PhD., P.E., Koogler and Associates
Pradeep Raval, Consultant, Koogler and Associates

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL (including the Draft AC and DRAFT Permit packages) were sent by INTERNET E-mail on the same date to the person(s) listed:

Jerry Kissel, FDEP- SWD
Jason Waters, FDEP- SWD
U.S. EPA, Region 4

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. Friday 2/21/05
(Clerk) (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V
AIR OPERATION PERMIT RENEWAL**

Permitting Authority
Department of Environmental Protection

DRAFT Title V Air Operation Permit No. 1050050-014-AV
DRAFT Air Construction Permit 1050050-015-AC
US Agri-Chemicals Corporation
Bartow Chemical Plant
Polk County

Applicant: The applicant for this project is US Agri-Chemicals Corporation, Post Office Box 1480, Bartow, Florida 33830. The applicant's responsible official is Phong T. Vo, General Manager.

Facility Location: The applicant operates a phosphate plant, which is located on State Road 60, 2 miles West of Bartow in Polk, Florida.

Project: On February 28, 2003, the applicant submitted an application for a Title V Air Operation Permit (Permit) Renewal. On January 26, 2005, the applicant applied for an air construction permit (AC). Details of the project are provided in the application and the enclosed "Statement of Basis", for the Permit Renewal, and the Preliminary Determination, for the AC.

The Air Construction Permit 1050050-015-AC is being issued 1) for the deletion of the bag collector located at emissions unit (EU) No. 039, 2) to revise or delete obsolete conditions for EU No. 038 and No. 039 from the current Title V permit, 3) to add reporting requirements to the Title V permit to demonstrate the facility is not a major source of hazardous air pollutants (HAPs), and 4) to modify specific conditions of Air Construction Permit 1050050-009-AC.

The Permit renewal is being issued to allow continued commercial operation of the facility, as authorized by the initial Permit, No. 1050050-008-AV, and incorporate the terms of Air Construction Permit 1050050-015-AC.

This facility consists of a Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant and a MAP/DAP Storage & Loadout. Also in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the Title V permit renewal application received February 28, 2003, this facility is not a major source of hazardous air pollutants (HAPs). Continuous Assurance Monitoring (CAM) Requirements do apply.

Permitting Authority: Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-213 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to operate the facility. The Department of Environmental Protection is the Permitting Authority responsible for making a permit determination regarding this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301. The Permitting Authority's mailing address is: Division of Air Resource Management, MS 5505, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. The Permitting Authority's telephone number is 850/488-0114 and facsimile 850/921-9533.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the DRAFT Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the DRAFT Permit and file electronic comments by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/ards/>. A copy of the complete project file is also available at the Southwest District at 3804 Coconut Palm Drive, Tampa, FL, 33619-1352 (Telephone: 813/744-6100).

Notice of Intent to Issue A Permit: The Permitting Authority gives notice of its intent to issue an AC and a permit renewal to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the facility will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C. The Permitting Authority will issue an AC and the PROPOSED Permit and subsequent FINAL Permit in accordance with the conditions of the DRAFT AC and DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

Public Notice to be Published in the Newspaper

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V
AIR OPERATION PERMIT RENEWAL**

Comments: The permitting authority will accept written comments concerning the proposed AC issuance action for a period of 14 (fourteen) days from the date of publication of the “PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL.” Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft AC, the permitting authority shall issue a Revised Draft AC and require, if applicable, another Public Notice.

The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of thirty (30) days from the date of publication of this “PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT RENEWAL.” Written comments must be post-marked and all e-mail or facsimile comments must be received by the close of business (5 pm) on or before the end of this 30-day period by the Permitting Authority at the above address, email or facsimile. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the Department’s official web site for notices at <http://tlhora6.dep.state.fl.us/onw> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department’s Agency Clerk in the Office of General Counsel of the Department of Environmental Protection at 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person’s right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority’s action is based must contain the following information: (a) The name and address of each agency affected and each agency’s file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial rights will be affected by the agency determination; (c) A statement of how and when the petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so state; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency’s proposed action. A petition that does not dispute the material facts upon which the Permitting Authority’s action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V
AIR OPERATION PERMIT RENEWAL**

of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation: Mediation is not available for this proceeding.

Objections: In addition to the above right to petition, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within sixty (60) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the thirty (30) day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

PRELIMINARY DETERMINATION

US Agri-Chemicals Corporation

Deletion and Revision of Permit Conditions and
Bag Collector
Bartow Chemical Plant
Polk County, Florida

DEP File Number
1050050-015-AC

Florida Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

February 18, 2005

PRELIMINARY DETERMINATION

I. APPLICATION INFORMATION

A. Applicant

US Agri-Chemicals Corporation

P.O. Box 1480

Bartow, Polk County, Florida 33830

Authorized Representative: Mr. Phong T. Vo, General Manager of Engineering and Technical Services

B. Engineer

John B. Koogler, Ph.D., P.E.

Koogler and Associates

4014 NW 13th Street

Gainesville, FL 32609

C. Project and Location

The air construction permit will remove the bag collector for emissions unit (EU) No. 039, loadout operation. The bag collector is no longer being used by the facility. Particulate Matter (PM) emissions from EU No. 039 loadout operation are currently being controlled by dust suppressant. The permit will revise specific conditions in Section III, Facility Conditions, Subsection B once the bag collector is removed by this air construction permit. This permit will also remove and revise permit conditions in the Title V Operation Permit to remove operating parameters for EU No. 038. Operating parameters for the scrubber located at EU No. 038 will be addressed in the facility's Compliance Assurance Monitoring (CAM) Plan.

Air Construction permit 1050050-009-AC will be modified based upon these changes. Conditions in project no. 009 will be removed or revised to accommodate the revisions to the current Title V permit.

The facility has stated they are not major for Hazardous Air Pollutants (HAPs), and request to have minor source status. This permit will also add reporting requirements to the current Title V permit for reasonable assurance the facility will not be applicable to 40 CFR 63 Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

All emissions units are located at the Bartow Chemical Plant.

D. Facility Location

The applicant's facility is located on State Road 60, 2 miles West of Bartow, Bartow, Polk County, Florida. Latitude and longitude are 27°54'01" North and 81°52'55" West, respectively. UTM coordinates of the site are: Zone 17, 413.2 km East and 3086.3 km North.

PRELIMINARY DETERMINATION

Facility Identification Code (SIC): Major Group No. 28, Industry Group Nos. 2874.

E. Process and Controls

There will be no new process or controls introduced in this air construction permit.

F. Reviewing and Process Schedule

1/26/05: Date of Receipt of Application

1/26/05: Application complete

II. SUMMARY OF EMISSIONS

The emissions limitations for all existing emissions units will remain unchanged with this construction permit.

CONCLUSION

Based on the information submitted by US Agri-Chemical Corporation, the Department has made a preliminary determination that the proposed project will comply with all applicable state air pollution regulations of Chapters 62-204 through 62-297, F.A.C. The General and Specific Conditions are listed in the attached draft conditions of approval.

PROPOSED AGENCY ACTION

Pursuant to Sec. 403.087, Florida Statutes and Section 62-4.070, Florida Administrative Code, the Department hereby gives notice of its intent to delete the aforementioned air pollution control equipment in accordance with the draft permit and its conditions as stipulated.



Department of Environmental Protection

Jeb Bush
Governor

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

Colleen M. Castille
Secretary

PERMITTEE:

US Agri-Chemicals Corporation
Bartow Chemical Plant
PO Box 1480
Bartow, Florida 33830

Authorized Representative:
Phong T. Vo, General Manager
Bartow Chemical Plant

Permit No.	1050050-015-AC
Project:	Deletion of Bag Collector and Removal of obsolete conditions
SIC:	2874
Expires:	January 30, 2006

PROJECT AND LOCATION:

This air construction permit is for the deletion of the bag collector located at emissions unit (EU) No. 039 and to delete and revise obsolete conditions for EU No. 038 and No. 039 as applicable to the Title V Operation Permit. Operating parameters removed by this permit, for the scrubber located at EU No. 038, will be addressed in the facility's Compliance Assurance Monitoring (CAM) Plan as part of the Title V Permit Renewal Permit 1050050-014-AV. Air Construction permit 1050050-009-AC will be modified based upon these changes. Conditions in project no. 009 will be removed or revised to accommodate the revisions to the current Title V permit.

The facility has stated they are not major for Hazardous Air Pollutants (HAPs), and request to have minor source status. This permit will also add reporting requirements to the current Title V permit for reasonable assurance the facility will not be applicable to 40 CFR 63 Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

The US Agri-Chemicals Corporation Bartow Chemical Plant is located on State Road 60, 2 miles West of Bartow, Polk County. UTM coordinates are Zone 17; 413.2 km E; 3086.3 km N.

STATEMENT OF BASIS:

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

Attached appendices made a part of this permit:

Appendix GC Construction Permit General Conditions

Michael G. Cooke, Director
Division of Air Resource Management

"More Protection, Less Process"

Printed on recycled paper.

SECTION I. GENERAL INFORMATION

FACILITY DESCRIPTION

This facility consists of a Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant and a MAP/DAP Storage & Loadout. Also in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

EMISSIONS UNITS

This permit revision addresses the following emissions units.

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-038	Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant
-039	MAP/DAP Storage & Loadout

REGULATORY CLASSIFICATION

Because potential emissions of at least one regulated pollutant exceed 100 tons per year, the existing facility is a Title V Source and major source of air pollution in accordance with Chapter 62-213, F.A.C. Regulated pollutants include pollutants such as nitrogen oxides (NO_x), particulate matter (PM/PM₁₀), and sulfur dioxide (SO₂).

Based on the Title V permit renewal application received February 28, 2003 and applicant request, this facility is not a major source of hazardous air pollutants (HAPs). Continuous Assurance Monitoring (CAM) Requirements do apply.

RELEVANT DOCUMENTS

Construction Permit Application 1050050-015-AC received January 26, 2005, including request for concurrent processing of Title V Air Operation Permit Revision. The Title V Air Operation Permit Revision will be incorporated into the Title V Air Operation Permit Revision/Renewal project 1050050-014-AV.

SECTION II. ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority:
 - a. For this permit, the permitting authority is the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (FDEP), at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, and phone number (850)488-0114.
 - b. For future permitting actions, all documents related to applications for permits to construct or modify an emissions unit should be submitted to the Florida Department of Environmental Protection (FDEP), Southwest District, 3804 Coconut Palm Drive, Tampa, FL 33619-1352 and phone number (813) 744-6100.
2. Compliance Authority: All documents related to operation, reports, tests, and notifications should be submitted to the Department of Environmental Protection Southwest District Office at
Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida, 33619-1352
Telephone: 813/744-6100 Fax: 813/744-6084
3. General Conditions: The owner/operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
4. Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
5. Forms and Application Procedures: The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. [Rule 62-210.900, F.A.C.]
6. Modifications: The permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted sufficiently in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and the anticipated completion date of the change. [Chapters 62-210 and 62-212, F.A.C.]
7. New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
8. Completion of Construction: The permit expiration date is January 30, 2006.
9. Permit Expiration Date Extension: The permittee, for good cause, may request that this permit be extended. Such a request shall be submitted to the Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rule 62-4.080, F.A.C.]

SECTION II. ADMINISTRATIVE REQUIREMENTS

10. Application for Title V Permit Revision: The Permittee requested concurrent processing of Air Construction Permit Application 1050050-015-AC and Title V Permit Revision/Renewal 1050050-014-AV.
11. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify the Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future 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 the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
12. Operating Procedures: Operating procedures shall include good operating practices and proper training of all operators and supervisors. The good operating practices shall meet the guidelines and procedures as established by the equipment manufacturers. All plant operators (including supervisors) of air pollution control devices shall be properly trained in plant specific equipment. [Rule 62-4.070(3), F.A.C.]
13. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without the applicable air control device operating properly. [Rule 62-210.650, F.A.C.]
14. Unconfined Particulate Matter Emissions: During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]
15. Test Notification: The permittee shall notify the Compliance Authority in writing at least 30 days prior to any initial performance tests and at least 15 days prior to any other required tests. Notification shall include the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and conducting the test. [Rule 62-297.310(7)(a)9., F.A.C. and 40 CFR 60.7, 60.8]
16. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
17. Applicable Test Procedures
 - a. Required Sampling Time. 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. The minimum observation period for a visible emissions compliance test shall be sixty (60) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)1. and 2., F.A.C.]
 - b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]

SECTION II. ADMINISTRATIVE REQUIREMENTS

- c. **Calibration of Sampling Equipment.** Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C. [Rule 62-297.310(4)(d), F.A.C.]

18. 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. [Rule 62-297.310(5)(a), F.A.C.]
- b. **Accuracy of Equipment.** Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value. [Rule 62-297.310(5)(b), F.A.C.]

19. **Special Compliance Tests:** When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]
20. **Stack Testing Facilities:** Required stack sampling facilities shall be installed in accordance with Rule 62-297.310(6), F.A.C. [Rule 62-297.310]
21. **Operating Rate During Testing:** Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2)(b), F.A.C.]
22. **Records Retention:** All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department, upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]
23. **Emissions Performance Test Results Reports:** A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

SECTION II. ADMINISTRATIVE REQUIREMENTS

24. Annual Operating Reports: The permittee is required to submit annual reports on the actual operating rates and emissions from this facility. Annual operating reports shall be sent to the DEP Southwest District by March 1st of each year. [Rule 62-210.370(2), F.A.C.]

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SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following descriptions and specific conditions established in Air Construction Permit, No. 1050050-009-AC are changed as follows. Additions are **highlighted**, and deletions are shown by **strikethroughs**:

E.U. ID

<u>No.</u>	<u>Brief Description</u>
038	MAP/DAP Plant
039	MAP/DAP Storage & Loadout

SPECIFIC CONDITIONS

Condition 1. (This condition modifies the provisions of Condition A.12 of Title V permit 1050050-002-AV)

~~In order to provide reasonable assurance that the MAP/DAP plant's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop and water flowrate that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. [Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-004-AC]~~

Condition 2. (This condition modifies the provisions of Condition B.8 of Title V permit 1050050-002-AV)

~~In order to provide reasonable assurance that the DAP/MAP storage and loadout facility's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. [Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-003-AC]~~

Condition 3. (This condition modifies the provisions of Subsection B of Title V permit 1050050-002-AV)

The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by a Mikro-pulsaire Model 512K10 baghouse rated at 30,000 acfm and/or application of a dust-suppressing oil to product.

3.A. There shall be less than 5% visible emissions to the ambient atmosphere from any point on the MAP/DAP storage and load-out building when a dust-suppressing oil has been applied to product to control particulate emissions ~~in lieu of operation of the baghouse emission control device.~~ [Rules 62-4.070(3) & 62-296.320(4)(c), F.A.C.]

3.B. ~~Test the baghouse exhaust emissions for visible emissions in each federal fiscal year. (The Department shall waive this test in each year that the permittee submits a statement that since the last compliance test (1) dust-suppressing oil has been applied at no less than the minimum rate established by Condition 3.C and (2) the baghouse system has not been used.)~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

~~{Rules 62-297.310(7)(a)4 & (7)(c) and 62-4.070(4), F.A.C.}~~

3.C. The permittee shall conduct performance tests on all types of dust-suppressing oils that will be used to control generation of dust in the MAP/DAP storage and loadout system. A report of the results of these performance tests shall be submitted to the Department. For each oil tested, the report shall include at least the following information:

1. The specific type of dust-suppressing oil (include a MSDS sheet on this material, if available);
2. The point of application of the dust-suppressing oil, the *minimum rate* at which it was applied, and a description of how the rate of application was controlled and measured;
3. A statement of the results of observation of visible emissions from the transfer and load-out building when handling product to which dust-suppressing oil has been applied at the minimum rate.

Should the permittee decide at some future time to use a dust-suppressing oil (1) for which no performance test has been submitted to the Department or (2) for which any of the conditions of application in Condition 3.C.2, above, has been altered, then additional performance testing shall be conducted within 15 days of the change for the new oil and/or conditions. A report that contains conditions 1, 2, & 3, above, shall be submitted to the Department within 30 days of the testing. [Rules 62-4.070(3) and 62-297.310(7)(c), F.A.C.]

3.D. The permittee shall create and keep a daily record log. ~~(at least one reading per day) of the operating parameters for the baghouse. The record log shall contain, at a minimum, the gas pressure drop (inches of water), the date and time of the measurements, and the person responsible for performing the measurements.~~ If dust-suppressing oil was applied to product, then the lowest rate at which oil was applied shall be entered into the daily record log. [Rules 62-4.070(3), and 62-210.650, F.A.C.]

~~{Permitting Note: Daily recordkeeping is required only on days that the load-out system baghouse is operated or the dust-suppressing oil system is used.}~~

Condition 4.

The permittee shall submit an application to revise Title V permit 1050050-002-AV by April 30, 2001. Along with the application, the permittee shall submit a copy of the report required by Condition 3.C and a copy of the record log amended by Condition 3.D. [Rule 62-213.420, F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following descriptions and specific conditions established in the initial Title V Air Operation Permit, No. 1050050-001-AV; and the previous Title V Air Operation Permit Revision, No. 1050050-012-AV; are changed as follows. Additions are highlighted, and deletions are shown by strikethroughs:

Section III. Emissions Unit(s) and Conditions. Subsection A.

~~A.12. In order to provide reasonable assurance that the MAP/DAP plant's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop and water flowrate that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. (Effective as of the date of revision under Project 012, as shown on page 2 of 10.)~~

~~[Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-009 AC (as amended under Project 010)]~~

~~[Permitting Note: This condition is deleted because of CAM.]~~

Section III. Emissions Unit(s) and Conditions. Subsection B.

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

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-039	MAP/DAP Storage & Loadout

The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by a Mikro-Pulsaire Model 512K10 baghouse rated at 30,000 acfm and/or application of a dust-suppressing oil to product.

{Permitting note(s): This emissions unit is regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; Rule 62-296.700, F.A.C., RACT Particulate Matter; and Rule 62-296.403, F.A.C., Phosphate Processing; }

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

Essential Potential to Emit (PTE) Parameters

B.1. Capacity. The maximum process/transfer rate for the MAP/DAP storage and loadout facility shall not exceed 300 tons per hour on a 24-hour basis.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE), Title V Application dated 6/13/96.]

Emission Limitations and Standards

B.2. The maximum allowable particulate matter emissions from the MAP/DAP storage and loadout facility shall not exceed 22.7 pounds per hour and 99.43 tons per year. This particulate matter emission rate limitation qualifies the facility for the PM RACT exemption per Rule 62-296.700(2)(b), F.A.C.

[Requested by permittee, August 9, 1988, and Rule 62-296.700(2)(b), F.A.C.]

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

~~B.3.2:~~ Visible emissions shall not be equal to or greater than 20% opacity. However, when a dust-suppressing oil has been applied to product to control particulate emissions in lieu of operation of the baghouse emission control device, there shall be less than 5% visible emissions to the ambient atmosphere from any point on the MAP/DAP storage and load-out building. ~~(Effective as of the date of revision under FDEP project 012, as shown on page 2 of 10.)~~

~~[Rule 62-4.070(3) and -296.320(4)(b)&(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010); and Air Construction Permit 1050050-015-AC]~~

~~B.4.~~ Due to the expense and complexity of conducting a stack test on a minor source of particulate matter, and because the MAP/DAP storage and loadout facility is equipped with a baghouse emission control device, the Department, pursuant to the authority granted under Rule 62-297.620(4), F.A.C., hereby establishes a visible emission limitation not to exceed an opacity of 5% from this source's baghouse exhaust in lieu of a particulate stack test and a 20% opacity standard. ~~[Rule 62-297.620(4), F.A.C.]~~

Test Methods and Procedures

~~B.5.~~ Test the baghouse exhaust emissions for visible emissions in each federal fiscal year (October 1—September 30). The Department shall waive this test in each year that the permittee submits a statement that since the last compliance test (1) dust-suppressing oil has been applied at no less than the minimum rate established by performance test and maintained in Table 2-1, and (2) the baghouse emission control device has not been used. ~~(Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)~~

~~[Rules 62-4.070(4) and 297.310(7)(a)4 & (7)(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010)]~~

~~B.6.3:~~ Prior to the use of a dust-suppressing oil for which (1) no performance test has been submitted to the Department or (2) any condition identified by Condition B.10.a, b, & c for a Department-approved oiling procedure has been altered, then additional performance testing shall be conducted within 15 days of the change for the new oil and/or conditions. ~~(Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)~~

~~[Rules 62-4.070(4) and 297.310(7)(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010)]~~

~~B.7.4.~~ Test for particulate matter emissions per Condition B.2, on or during the 120 day period prior to the expiration date of this permit. The visible emissions test ~~shall be conducted as~~ required per by Condition B.6. ~~shall be conducted concurrently with this particulate matter emissions test. (waived per Condition B.4.)~~ ~~[Rules 62-297.310(7)(a)3, F.A.C., and Air Construction Permit 1050050-015-AC]~~

~~B.8.5:~~ Compliance with the emission limitations of Conditions B.2, B.3 and B.4 shall be determined using EPA Methods 1, 2, 4, 5, and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. ~~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.~~

~~[Rule 62-297, F.A.C., and Air Construction Permit 1050050-015-AC]~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

Monitoring, Recordkeeping and Reporting Requirements

B.9. In order to provide reasonable assurance that the MAP/DAP storage and loadout facility's pollution control equipment is operating properly, the permittee shall comply with the minimum and maximum values of pressure drop that have been established by compliance tests, approved by the Department, and maintained in the Department's file with the current permit. This schedule, which is identified as Table 2-1, may be revised upon request from the permittee and written approval from the Department. (Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)

~~[Rule 62-213.440(1), F.A.C.; Air Construction Permit 1050050-009-AC (as amended by project no. 010)]~~

B.10.6. In order to assure that the MAP/DAP storage and loadout facility does not produce visible emissions while handling product when the baghouse emission control device is shutdown, the product shall have been oiled at no less than the minimum rate identified in Condition B.6 and in Table 2-1, Summary of Compliance Requirements. For each oil tested, a report of all information identified by B.6.a, b, & c, below, shall be submitted to the Department within 30 days of the testing.

- a. The specific type of dust-suppressing oil (including a MSDS sheet on this material, if available),
b. The point of application of the dust-suppressing oil, the minimum rate at which it was applied, and a description of how the rate of application was controlled and measured,
c. A statement of the results of observation of visible emissions from the transfer and load-out building when handling product to which dust-suppressing oil has been applied at a minimum rate.

Table with 5 columns: Pollution Control Equipment, Dust Suppressing Oil, Minimum Application Rate, Point of Application, Method of Measurement. Row 1: MAP/DAP Storage & Loadout Unit—Product Oiling, Dustrol 3064, 0.5 gallons per ton of product, Cooler; approx. 15" from discharge end, Mass flow meter/automatic valve.

(Effective as of date of revision under FDEP Project No. 012, as shown on page 2 of 10.)

[Rules 62-4.070(4) and 297.310(7)(a)4 & (7)(c), F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010); and Air Construction Permit 1050050-015-AC]

B.11.7. In order to document compliance with rate limitations of Condition B.1, the permittee shall maintain daily records of the amount of material processed and the total hours of process operations. Documentation as to how the daily process rates were calculated shall be included as part of the records. These records log shall be maintained at the facility and shall be made available to the Department upon request.

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

B.12.8. The permittee shall create and keep a daily record log (at least one reading per day) of the baghouse operating parameters for the baghouse. The record log shall contain, at a minimum, the gas pressure drop (inches of water), the date and time of the measurements, and the person responsible for performing the measurements. If dust-suppressing oil was applied to product, the lowest rate

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

at which oil was applied shall be entered into the daily record log. ~~(Effective as of the date of revision under FDEP Project No. 012, as shown on page 2 of 10.)~~

[Rules 62-4.070(3) and 62-210.650, F.A.C.; Construction permit 1050050-009-AC (as amended by project no. 010); ~~and Air Construction Permit 1050050-015-AC~~]

~~{Permitting Note: Daily recordkeeping is required only on days that the load-out system baghouse is operated and/or the dust suppressing oil system is used.}~~

~~B.13.9.~~ All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

- a. the material/process rate
- ~~b. gas pressure drop ("w.g.).~~

~~Failure to submit the above information or operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance. [Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]~~

~~B.10. Operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance. [Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]~~

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

The following specific conditions are established in this Air Construction Permit, No. 1050050-015-AC. The specific conditions will be incorporated into the Title V renewal permit.

1. This facility shall not emit more than 9 tons per year of Hydrogen Fluoride or any other Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards.)

2. This facility shall not emit more than 24 tons per year of any combinations of Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards.)

3. In order to document compliance with specific conditions 1 and 2 of this permit, the permittee shall maintain monthly records of the amount of fluoride emitted and the total hours of process operations. Documentation as to how monthly emissions rates were calculated shall be included as part of the records. [Rule 62-4.070(3), F.A.C.]

4. 40 CFR 60.224 shall be used to demonstrate compliance with specific conditions 1 and 2 of this permit:

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b) The owner or operator shall determine compliance with the total fluorides standard in § 60.222 as follows:

- (1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^N C_{si} Q_{sdi} \right) / (PK)$$

where:

E=emission rate of total fluorides, g/Mg (lb/ton) of equivalent P2O5 feed.

Csi=concentration of total fluorides from emission point "i," mg/dscm (gr/dscf).

Qsdi=volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).

N=number of emission points associated with the affected facility.

P=equivalent P2O5 feed rate, Mg/hr (ton/hr).

K=conversion factor, 1000 mg/g (7,000 gr/lb).

(2) Method 13A or 13B shall be used to determine the total fluorides concentration (Csi) and volumetric flow rate (Qsdi) of the effluent gas from each of the emission points. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(3) The equivalent P2O5 feed rate (P) shall be computed for each run using the following equation:

SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

$P = M_p R_p$

where:

M_p = total mass flow rate of phosphorus-bearing feed, Mg/hr (ton/hr).

R_p = P_2O_5 content, decimal fraction.

(i) The accountability system of § 60.223(a) shall be used to determine the mass flow rate (M_p) of the phosphorus-bearing feed.

(ii) The Association of Official Analytical Chemists (AOAC) Method 9 (incorporated by reference -- see § 60.17) shall be used to determine the P_2O_5 content (R_p) of the feed.

[40CFR60.224]

DRAFT

STATEMENT OF BASIS

U.S. Agri-Chemicals Corporation
Bartow Chemical Plant
Facility ID No.: 1050050
Polk County

Title V Air Operation Permit Renewal
DRAFT Permit Project No.: 1050050-014-AV

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

The subject of this permit is for the renewal of Title V Air Operation Permit 1050050-008-AV, and to incorporate the terms of air construction permit 1050050-015-AC.

This air construction permit is for the deletion of the bag collector located at emissions unit (EU) No. 039 and to delete and revise obsolete conditions for EU No. 038 and No. 039 as applicable to the Title V Operation Permit. Operating parameters removed by this permit, for the scrubber located at EU No. 038, will be addressed in the facility's Compliance Assurance Monitoring (CAM) Plan as part of the Title V Permit Renewal 1050050-014-AV. Air Construction permit 1050050-009-AC will be modified based upon these changes. Conditions in project no. 009 will be removed or revised to accommodate the revisions to the current Title V permit. The facility has stated they are not major for Hazardous Air Pollutants (HAPs), and request to have minor source status. This permit will also add reporting requirements to the current Title V permit for reasonable assurance the facility will not be applicable to 40 CFR 63 Subpart BB, National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants.

This facility consists of one monoammonium phosphate (MAP)/diammonium phosphate (DAP) plant (EU 038) and one MAP/DAP Storage & Loadout facility (EU 039).

The MAP/DAP Plant has a design capacity of 150 tons per hour. Particulate and fluoride emissions are controlled by three primary scrubbers followed by two tail gas scrubbers. The fuel used in the drying operation is natural gas or new/virgin No. 6 fuel oil with a maximum sulfur content of 2.5% by weight. The maximum heat input rate is 44.6 million Btu per hour. The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by application of dust-suppressing oil to product. CAM does apply to the MAP/DAP Plant. CAM does not apply to the MAP/DAP storage and loadout facility.

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

Based on the initial application for Title V permit received February 28, 2003 and applicant request, this facility is not a major source of hazardous air pollutants (HAPs) and is not subject to the NESHAP for Phosphoric Acid Manufacturing and Phosphate Fertilizers Production.

U.S. Agri-Chemicals Corporation
Bartow Chemical Plant
Facility ID No.: 1050050
Polk County

Title V Air Operation Permit Renewal
DRAFT Permit No.: 1050050-014-AV

Permitting Authority:

State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation

Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: 850/488-0114
Fax: 850/922-6979

Compliance Authority:

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

Title V Air Operation Permit
DRAFT Permit No.: 1050050-014-AV

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Jeb Bush
Governor

Department of Environmental Protection

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

Colleen M. Castille
Secretary

Permittee:

U.S. Agri-Chemicals Corp.
Bartow Facility

DRAFT Permit No.: 1050050-014-AV

Facility ID No.: 1050050

SIC Nos.: 28, 2874

Project: Title V Air Operation Permit Renewal

FDEP Project No.: 014

The purpose of this permit is to renew the Title V Air Operation Permit 1050050-001-AV, and to incorporate the terms of air construction permit, No. 1050050-015-AC. The existing facility is located on State Rd. 60, two miles west of Bartow, Polk County; UTM Coordinates: Zone 17, 413.2 km E. and 3086.3 km N.; Latitude: 27°54'01" North and Longitude: 81°52'55" West.

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210 and 62-213. The above named permittee is hereby authorized to 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 TV-4, TITLE V CONDITIONS (version dated 02/12/02)

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/7/96)

TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/7/96)

CAM APPENDIX,

Effective Date: ARMS Day 55

Renewal Application Due Date: TBD

Expiration Date: TBD

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Michael G. Cooke, Director
Division of Air Resource Management

"More Protection, Less Process"

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Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of a Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant and a MAP/DAP Storage & Loadout. Also in this permit are miscellaneous unregulated/insignificant emissions units and/or activities.

Based on the Title V permit renewal application received February 28, 2003 and applicant request, this facility is not a major source of hazardous air pollutants (HAPs). Continuous Assurance Monitoring (CAM) Requirements do apply.

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

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-038	Diammonium phosphate/ Monoammonium phosphate (MAP/DAP) Plant
-039	MAP/DAP Storage & Loadout

Unregulated Emissions Units and/or Activities	
-040	Facility Wide Fugitive Emissions

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

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.

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.

Subsection C. Relevant Documents.

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

These documents are provided to the permittee for information purposes only:

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

These documents are on file with permitting authority:

Initial Title V Permit Application received June 13, 1996
Additional Information Request dated February 17, 1998
Additional Information Response received May 15, 1998
Revision Request dated October 6, 1998
Revision Request dated September 23, 1999
Revision Request dated October 20, 1999
Revision Request dated November 13, 2001
Title V Renewal Permit received February 28, 2003
Additional Information Request dated April 24, 2003
Additional Information Response received September 24, 2003
Additional Information Request dated October 7, 2003
Additional Information Response received March 11, 2004
Additional Information Request dated April 9, 2004
Additional Information Response received July 14, 2004
Additional Information Request dated August 10, 2004
Additional Information Response received November 4, 2004
Additional Information Response received December 2, 2004

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

4. Prevention of Accidental Releases (Section 112(r) of CAA).

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

RMP Reporting Center
Post Office Box 1515
Lanham-Seabrook, MD 20703-1515
Telephone: 301/429-5018

and,

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

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

6. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include: paving and maintenance of roads, parking areas and yards; application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing; application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar emissions units; removal of particulate matter from roads and other paved areas under the control of the owner or operator of the emissions unit to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne; landscaping or planting of vegetation; use of hoods, fans,

filters, and similar equipment to contain, capture and/or vent particulate matter; confining abrasive blasting where possible; and enclosure or covering of conveyor systems.
[Rule 62-296.320(4)(c)2., F.A.C.; Proposed by applicant in the initial Title V permit application received June 13, 1996]

7. Compliance with the monitoring requirements of this permit for monitoring equipment not previously installed prior to issuance of this permit shall commence on the date of the next required compliance test after issuance of this permit.
[Rule 62-213.440(1)(b), F.A.C.]

8. The requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C., *Stationary Sources - Emission Monitoring* and 40 CFR 60, Appendix A. [Rule 62-297.401, F.A.C.]

9. Testing of emissions shall be conducted with the source operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then sources may be tested at less than capacity; in this case subsequent source operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, then operation at higher capacities is allowed for no more than 30 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit. In no case shall the process or production rate exceed the maximum permitted process or production rate. The actual process or production rate during the test shall be included in each test report. Failure to include the actual process or production rate in the results may invalidate the test. In addition, the test results shall include any operating parameters limited or specified to be recorded in this permit, e.g., scrubber flow rate.
[Rule 62-297.310, F.A.C.]

10. The permittee shall notify the Air Compliance Section of the Southwest District Office of 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 contact person who will be responsible for coordinating and having such test conducted.
[Rules 62-297.310(7)(a)9 and 62-209.500(5), F.A.C.]

11. Hours of Operation - Unless otherwise noted, all emission units are allowed to operate continuously, i.e., 8760 hours per year. [Rule 62-4.070(3), F.A.C.]

12. At a *minimum*, all records and logs required by this permit shall be updated *monthly*. (Also see Appendix TV-4, Conditions 12(14)(b)&(c) and 41.) [Rule 62-4.070(3), F.A.C.]

13. Better Grade Fuel Oil - A better grade fuel oil is defined as a fuel oil with a higher ranking in the following list:

Better Grade (Top of list)

- new, No. 2 fuel oil
- new, No. 3 fuel oil
- new, No. 4 fuel oil
- new, No. 5 fuel oil
- new, No. 6 fuel oil

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

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

Department of Environmental Protection
Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-1352
Telephone: 813/744-6100
Fax: 813/744-6084

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

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

17. This facility shall not emit more than 9 tons per year of Hydrogen Fluoride or any other Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards, Air Construction Permit 1050050-015-AC)

18. This facility shall not emit more than 24 tons per year of any combinations of Hazardous Air Pollutants regulated under MACT Standards. Any emissions units emitting Hazardous Air Pollutants will be subject to the provisions in Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, 62-296, and 62-297. Any emissions units, currently not operating at the facility and resumes operation through a construction permit, will be subject to the same provisions. (Per applicant request to avoid MACT Standards, Air Construction Permit 1050050-015-AC)

19. 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)}

NOTES to PERMITTEE:

Based on a modeling study approved by the Department, it was determined that emissions from this facility will not have a significant impact on the Hillsborough County Air Quality Maintenance Area and it is therefore exempt from the PM RACT requirements in accordance with Rule 62-296.700(2)(b), F.A.C. It was demonstrated by modeling that the facility, consisting of the following emission units, is exempt from RACT and thus will not have a significant impact on the Air Quality Maintenance Area.

Subsection	E.U. I.D. No.	Description	Particulate Matter (PM) Limit	
			lbs/hr	Tons per year
A	038	MAP/DAP Plant	38.6	169
Total			38.6	

Section III. Emissions Unit(s) and Conditions.

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

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-038	MAP/DAP Plant

The MAP/DAP Plant has a design capacity of 150 tons per hour. Particulate and fluoride emissions are controlled by three primary scrubbers followed by two tail gas scrubbers. The fuel used in the MAP/DAP drying operation is natural gas or new/virgin No. 6 fuel oil with a maximum sulfur content of 2.5% by weight. The maximum heat input rate is 44.6 million Btu per hour. Compliance Assurance Monitoring (CAM) is required for the scrubbers with the compliance parameters based on the pressure drop across each scrubber and the scrubber liquid flow rate to each scrubber.

{Permitting note(s): This emissions unit is regulated under NSPS - 40 CFR 60, Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants, adopted and incorporated by reference in Rule 62-204.800(7)(b)27., F.A.C.; NSPS 40 CFR 60 Subpart A, General Provisions; Rule 62-212.300, F.A.C., General Preconstruction Review Requirements; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-296.403, F.A.C., Phosphate Processing; and Compliance Assurance Monitoring (CAM), adopted and incorporated by reference in Rule 62-204.800, F.A.C.}

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

Essential Potential to Emit (PTE) Parameters

A.1. Capacity:

- The maximum process input rate of phosphorus bearing feed material to the MAP/DAP Plant shall not exceed 79 tons per hour as P_2O_5 on a 24-hour basis.
- The process/operation rate of MAP/DAP Plant shall not exceed 150 tons per hour of monoammonium or diammonium phosphate product on a 24-hour basis.
- The heat input for the dryer shall not exceed 44.6 MMBtu per hour on a 24-hour basis.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE), Title V Application dated 6/13/96.]

A.2. Methods of Operation - (i.e., Fuels).

- The MAP/DAP dryer is permitted to be fired with natural gas, No. 6 fuel oil or better grade (see Facility Wide Condition No. 13).
- The sulfur content of the fuel oil burned in the MAP/DAP dryer shall not exceed 2.5% by weight.

[Rule 62-210.200, F.A.C., Definitions - (PTE), Air Construction Permit AC53-145424]

Emission Limitations and Standards

- A.3.** Total fluoride emissions⁽¹⁾ from the MAP/DAP plant shall not exceed any of the following:
- 0.060 pound per ton of "equivalent P_2O_5 feed"⁽²⁾;
 - 4.17 pound per hour;
 - 18.29 tons per year.

[AC53-145424, Rule 204.800(7)(b)27, F.A.C., and 40 CFR 60.222(a)].

⁽¹⁾ "**Total Fluoride Emissions**" - elemental fluorine and all fluoride compounds as measured by reference methods specified in 40 CFR 60.204, or equivalent or alternative methods.

⁽²⁾ "**Equivalent P₂O₅ Feed Rate**" - the quantity of phosphorus, expressed as phosphorous pentoxide, fed to the process.

A.4. Visible emissions from the MAP/DAP Plant shall not be equal to or greater than 20% opacity. [Rule 62-296.320(4)(b), F.A.C.]

A.5. Particulate matter emissions from the MAP/DAP Plant shall not exceed 38.59 pounds per hour and shall not exceed 169.02 tons per year.
[Air Construction Permit AC53-145424]

A.6. All reasonable precautions shall be taken to minimize and control the generation of fugitive fluoride emissions. [Rule 62-4.070(3), F.A.C.]

A.7. Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to (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 62-296.700(1), F.A.C.]

A.8. 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 62-296.700(4), F.A.C.]

A.9. If the Department of Environmental Protection has reason to believe that any applicable emission standard is being violated, then the Department of Environmental Protection may require the permittee to conduct compliance tests which identify the nature and quantity of pollutant emissions and to provide a report on the results of the tests.
[Rule 62-297.310(7)(b), F.A.C.]

Test Methods and Procedures

A.10. The permittee shall test the emissions from the MAP/DAP Plant for the following pollutants annually.

- a. opacity
- b. particulate matter
- c. fluorides
- d. fuel oil sulfur analysis (or a signed statement indicating that only natural gas was burned in the drying operation during the previous 12 months)

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

A.11. Compliance with the fluoride, particulates and visible emissions limitations of Conditions A.3, A.4 and A.5 shall be determined using EPA Methods 1, 2, 3, 4, 5, 9 and 13A or 13B as contained in 40 CFR 60, Appendix A and adopted by reference in Chapter 62-297, F.A.C. The minimum requirements for stack sampling facilities, sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C. and 40 CFR 60, App. A.

A.12. 40 CFR 60.224 shall be used to demonstrate compliance with facility wide conditions 17 and 18 of this permit:

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b) The owner or operator shall determine compliance with the total fluorides standard in § 60.222 as follows:

- (1) The emission rate (E) of total fluorides shall be computed for each run using the following equation:

$$E = \left(\sum_{i=1}^N C_{si} Q_{sdi} \right) / (PK)$$

where:

E=emission rate of total fluorides, g/Mg (lb/ton) of equivalent P2O5 feed.

Csi=concentration of total fluorides from emission point "i," mg/dscm (gr/dscf).

Qsdi=volumetric flow rate of effluent gas from emission point "i," dscm/hr (dscf/hr).

N=number of emission points associated with the affected facility.

P=equivalent P2O5 feed rate, Mg/hr (ton/hr).

K=conversion factor, 1000 mg/g (7,000 gr/lb).

(2) Method 13A or 13B shall be used to determine the total fluorides concentration (Csi) and volumetric flow rate (Qsdi) of the effluent gas from each of the emission points. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf).

(3) The equivalent P2O5 feed rate (P) shall be computed for each run using the following equation:

$$P = M_p R_p$$

where:

Mp=total mass flow rate of phosphorus-bearing feed, Mg/hr (ton/hr).

Rp=P2O5 content, decimal fraction.

(i) The accountability system of § 60.223(a) shall be used to determine the mass flow rate (Mp) of the phosphorus-bearing feed.

(ii) The Association of Official Analytical Chemists (AOAC) Method 9 (incorporated by reference -- see § 60.17) shall be used to determine the P2O5 content (Rp) of the feed.

[40CFR60.224 and Air Construction Permit 1050050-015-AC]

A.13. Compliance testing shall be conducted while firing oil, if oil of any type has been used for a sum total of more than 400 hours from the previous test. If a test is conducted while firing natural gas, and in the 12 month period following the test, oil of any type is burned for a sum total of more than 400 hours, then an additional visible emission test per Condition A.4 shall be conducted, while burning oil, within 30 days of having exceeded the 400 hour oil burning limit. A compliance test is required for operating the product dryer on a lower grade oil than was previously permitted to do so. [Rules 62-297.310(7)(a)5, and 62-4.070(3), F.A.C.]

A.14. If testing is conducted while firing fuel oil in the dryer, compliance with the sulfur content requirement of Condition A.2 shall be demonstrated during the test by submitting either of the following with the test report:

- a. A Certificate of Fuel Oil Analysis from your fuel oil vendor for the fuel used during the compliance test; or
- b. A Certificate of Fuel Oil Analysis for a fuel oil sample taken during the compliance test.

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

Monitoring of Operations

A.15. The permittee shall measure and record the total acid flow rate to the venturi scrubber system. The total acid flow rate to the venturi scrubber system shall be within the range of 1.4 to 6.8 gpm of acid per TPH of P₂O₅. Static pressure measured across the venturi scrubber system must be within the (vacuum) range of -25 inches w.c. to -35 inches w.c. measured at the exhaust gas blower. [Air Construction Permit AC53-145424]

A.16. In order to provide reasonable assurance that the pollution control system is operating properly, the permittee shall create and keep a record log of the scrubber operating parameters for each tail gas scrubber. The record log shall contain, at a minimum:

- a. the volumetric liquid flow rate (gallons per minute),
- b. the scrubber pressure drop (inches of water) or the scrubber fan motor amperage,
- c. the date and time of the measurements, and
- d. the name of the person responsible for performing the measurements.

A log entry shall be made at least once for every 8 hour shift that the MAP/DAP Plant operates.

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.

[Rules 62-4.070(3), 62-4.160(14)(b), 62-4.160(14)(c), and 62-213.440(b)2.b., F.A.C.]

Continuous Monitoring Requirements

A.17. The permittee shall install, calibrate, maintain, and operate a monitoring device which can be used to determine the mass flow of phosphorus-bearing feed material to the process. The monitoring device shall have an accuracy of $\pm 5\%$ over its operating range.

[Rule 62-204.800(7)(b)27, F.A.C.]

A.18. The permittee shall install, calibrate, maintain, and operate a monitoring device which continuously measures and permanently records the total pressure drop across each tail gas scrubber. The monitoring device shall have an accuracy of $\pm 5\%$ over its operating range.

[Rule 62-204.800(7)(b)27, F.A.C.]

Recordkeeping and Reporting Requirements

A.19. The permittee shall maintain a daily record of the "equivalent P₂O₅ feed"⁽²⁾ rate for the MAP/DAP Plant according to the procedure specified in 40CFR60.223(b)- Monitoring of Operations. This daily log shall be maintained at the facility and shall be made available to the Department upon request.

[40CFR60.223 and Rules 62-4.070(3), F.A.C. and 62-204.800(7)(b)27, F.A.C.]

A.20. In order to document compliance with the rate limitation of Condition A.1, the permittee shall maintain daily records of the amount of product processed and the total hours of process operations. Documentation as to how daily production rates were calculated shall be included as part of the records. [Rule 62-4.070(3), F.A.C.]

A.21. In order to document compliance with facility wide conditions 17 and 18 of this permit, the permittee shall maintain monthly records of the amount of fluoride emitted and the total hours of process operations. Documentation as to how monthly emissions rates were calculated shall be included as part of the records. [Air Construction Permit 1050050-015-AC]

A.22. In order to document continuing compliance with the maximum sulfur content requirement of Condition A.2, the permittee shall maintain a record of the sulfur content of the fuel oil received for use in the MAP/DAP dryer. These records may be based on vendor supplied information or analysis of samples taken by the permittee in accordance with Rule 62-297.440, F.A.C. [Rule 62-4.070(3), F.A.C.]

A.23. A daily record log shall be established and maintained for all fuel oil used in the MAP/DAP Plant dryer. The daily record log shall include, at a minimum, the quantity and type of fuel oil utilized, the sulfur content (percent, by weight) of each type of oil utilized in the dryer (The sulfur content may be based upon vendor supplied as-delivered oil sulfur content information, or an oil analysis), and the hours of operation utilizing fuel oil.
[Rule 62-4.070(3), F.A.C.]

{Permitting Note: Recording of daily records are required only on days that the dryer burns fuel oil.}

A.24. All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

- a. Type of fuel being fired.
- b. Heat input rate (MMBtu per hour) and firing rate (MCF per hour or gallons per hour).
- c. Material process input rate ("equivalent P_2O_5 feed"⁽²⁾ rate) and production rate.
- d. If the test was conducted while firing natural gas, then include a statement of the total hours of dryer operation while firing fuel oil, of any type, during the 12 consecutive month period prior to the test.

Failure to submit the above information, or operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance. [Rule 62-4.070(3), F.A.C.]

A.25. The following scrubber operating parameters shall be monitored and recorded during the compliance test and a summary of this data shall be included with the fluoride emissions test report:

- b. pH of the tail gas scrubber solution,
- c. pressure drop across each tailgas scrubbers (inches of water),
- d. total acid flow rate to the venturi scrubber system,
- e. tail gas scrubber operating parameters,
 1. the volumetric liquid flow rate (gallons per minute),

2. the scrubber pressure drop (inches of water) or the scrubber fan motor amperage,
- f. the date and time of the measurements, and
- g. the name of the person responsible for performing the measurements.

NOTE: The permittee may substitute continuous monitoring and strip chart recordings for the manual recordkeeping required by this Condition.

[Rules 62-4.070(3), 62-4.160(14)(b), and 62-4.160(14)(c), F.A.C.]

A.26. The monitoring devices required by Conditions A.14 and A.15 for the equivalent P₂O₅ feed rate and the total pressure drop measurement across the scrubber are considered inoperative when they are out-of-service or fail to produce valid data. Upon the occurrence of 48 consecutive hours of continuous monitoring system downtime, the permittee shall notify the Air Compliance Section, Southwest District Office of the Department of Environmental Protection by 5:00 p.m. on the Department's next business day, of the incident and specify the corrective action being pursued.

Notify: Air Compliance Supervisor
 Southwest District Office
 Department of Environmental Protection
 Telephone: (813) 744-6100
 FAX: (813) 744-6458

[Rules 62-4.130, and 62-4.160(8), F.A.C.]

A.27. In the event that the continuous (strip) recorder becomes inoperative, the data may be recorded electronically or manually. In such an event, regarding the monitoring requirements (Conditions A.13 and A.15) for the pressure drop across the tail-gas scrubbers, the monitoring system shall permanently record the required data in 15-minute block averages. Compliance with the operating limit (Condition A.12) shall be determined based on 3-hour rolling averages of the 15-minute block averages. If the continuous recorder is not returned to full service within 60 days of its becoming inoperative, US Agri-Chemicals shall notify the Department.

[Rule 62-4.070(3), F.A.C.; 40 CFR 63.624 and 63.625(c)(1); Letter from US Agri-Chemicals, dated August 9, 1999; Air Construction Permit 1050050-004-AC]

A.28. The permittee shall submit to the Air Compliance Section of Southwest District Office of the Department each calendar year, on or before March 1, a completed DEP Form 62-213.900 (5), an "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year containing the following information pursuant to Subsection 403.061(13), F.S.:

- a. Annual amount of materials and/or fuels utilized, including the total quantity of "on-specification" used oil fired. A summary of the range of analysis values for each constituent/property referenced in the "on-specification" used oil (See Condition A.3);
- b. Annual emissions (note calculation basis);
- c. Hours of operation;
- d. Any changes in the information contained in the permit.

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

Compliance Assurance Monitoring (CAM) Requirements

A.29. This emissions unit is subject to the CAM requirements contained in the attached Appendix CAM. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7)(b), F.A.C. [40 CFR 64; and, Rules 62-204.800 and 62-213.440(1)(b)1.a., F.A.C.]

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

<u>E.U. ID</u>	<u>Brief Description</u>
<u>No.</u> -039	MAP/DAP Storage & Loadout

The MAP/DAP storage and loadout facility has a process input rate of 300 tons per hour. Particulate matter emissions are controlled by application of dust-suppressing oil to product.

{Permitting note(s): This emissions unit is regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards; and Rule 62-296.403, F.A.C., Phosphate Processing; }

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

Essential Potential to Emit (PTE) Parameters

B.1. Capacity. The maximum process/transfer rate for the MAP/DAP storage and loadout facility shall not exceed 300 tons per hour on a 24-hour basis.
[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE), Title V Application dated 6/13/96.]

Emission Limitations and Standards

B.2. Visible emissions shall be less than 5% visible emissions to the ambient atmosphere from any point on the MAP/DAP storage and load-out building.
[Rule 62-4.070(3) and -296.320(4)(b)&(c), F.A.C.; Construction permit 1050050-009-AC; and Air Construction Permit 1050050-015-AC]

B.3. Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to (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 62-296.700(1), F.A.C.]

B.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 62-296.700(4), F.A.C.]

Test Methods and Procedures

B.5. Prior to the use of a dust-suppressing oil for which (1) no performance test has been submitted to the Department or (2) any condition identified by Condition B.7.a, b, & c for a Department-approved oiling procedure has been altered, then additional performance testing shall be conducted within 15 days of the change for the new oil and/or conditions.
[Rules 62-4.070(4) and 297.310(7)(c), F.A.C.; Construction permit 1050050-009-AC and Air Construction Permit 1050050-015-AC]

B.6. Compliance with the emission limitations of Condition B.2. shall be determined using EPA Methods 5 and 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297,

F.A.C. The visible emissions test shall be conducted by a certified observer and be a minimum of thirty minutes in duration, unless otherwise specified within. The test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. 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.

[Rule 62-297, F.A.C., and Air Construction Permit 1050050-015-AC]

Monitoring, Recordkeeping and Reporting Requirements

B.7. In order to assure that the MAP/DAP storage and loadout facility does not produce visible emissions, the product shall have been oiled at no less than the minimum rate identified in Condition B.6. and in Table 2-1, Summary of Compliance Requirements. For each oil tested, a report of all information identified by B.7.a, b, & c, below, shall be submitted to the Department within 30 days of the testing.

- a. The specific type of dust-suppressing oil (including a MSDS sheet on this material, if available),
- b. The point of application of the dust-suppressing oil, the minimum rate at which it was applied, and a description of how the rate of application was controlled and measured,
- c. A statement of the results of observation of visible emissions from the transfer and load-out building when handling product to which dust-suppressing oil has been applied at a minimum rate.

Pollution Control Equipment	Dust-Suppressing Oil	Minimum Application Rate	Point of Application	Method of Measurement
MAP/DAP Storage & Loadout Unit— Product Oiling	Dustrol 3064	0.5 gallons per ton of product	Cooler; approx. 15” from discharge end	Mass flow meter/ automatic valve

[Rules 62-4.070(4) and 297.310(7)(a)4 & (7)(c), F.A.C.; Construction permit 1050050-009-AC; and Air Construction Permit 1050050-015-AC]

B.8. In order to document compliance with rate limitations of Condition B.1, the permittee shall maintain daily records of the amount of material processed and the total hours of process operations. Documentation as to how the daily process rates were calculated shall be included as part of the records. These records log shall be maintained at the facility and shall be made available to the Department upon request.

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

B.9. The permittee shall create and keep a daily record log of dust-suppressing oil applied to product. The lowest rate at which oil was applied shall be entered into the daily record log.

[Rules 62-4.070(3) and 62-210.650, F.A.C.; Construction permit 1050050-009-AC; and Air Construction Permit 1050050-015AC]

B.10. All test reports submitted to the Department shall include, at a minimum, the following information for the test period:

- a. the material/process rate

Failure to submit the above information may invalidate the test and fail to provide reasonable assurance of compliance.

[Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]

B.11. Operating at conditions which do not reflect normal operating conditions may invalidate the test and fail to provide reasonable assurance of compliance.

[Rule 62-4.070(3), F.A.C., and Air Construction Permit 1050050-015-AC]

B.12. If the Department of Environmental Protection has reason to believe that any applicable emission standard is being violated, then the Department of Environmental Protection may require the permittee to conduct compliance tests which identify the nature and quantity of pollutant emissions and to provide a report on the results of the tests.

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

APPENDIX CAM

Compliance Assurance Monitoring Requirements

US Agri-Chemicals Corporation- Bartow Chemical Plant

Facility ID No: 1050050

Compliance Assurance Monitoring Requirements

Pursuant to Rule 62-213.440(1)(b)1.a., F.A.C., the CAM plans that are included in this appendix contain the monitoring requirements necessary to satisfy 40 CFR 64. Conditions 1. – 17. are generic conditions applicable to all emissions units that are subject to the CAM requirements. Specific requirements related to each emissions unit are contained in the attached tables, as submitted by the applicant and approved by the Department.

40 CFR 64.6 Approval of Monitoring.

1. The attached CAM plan(s), as submitted by the applicant, is/are approved for the purposes of satisfying the requirements of 40 CFR 64.3.
[40 CFR 64.6(a)]
2. The attached CAM plan(s) include the following information:
 - (i) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
 - (ii) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and
 - (iii) The performance requirements established to satisfy 40 CFR 64.3(b) or (d), as applicable.

[40 CFR 64.6(c)(1)]

3. The attached CAM plan(s) describe the means by which the owner or operator will define an exceedance of the permitted limits or an excursion from the stated indicator ranges and averaging periods for purposes of responding to (see **CAM Conditions 5. - 9.**) and reporting exceedances or excursions (see **CAM Conditions 10. – 14.**).

[40 CFR 64.6(c)(2)]

4. The permittee is required to conduct the monitoring specified in the attached CAM plan(s) and shall fulfill the obligations specified in the conditions below (see **CAM Conditions 5. - 17.**).

[40 CFR 64.6(c)(3)] ;

40 CFR 64.7 Operation of Approved Monitoring.

5. Commencement of operation. The owner or operator shall conduct the monitoring required under this appendix upon the effective date of this Title V permit.

[40 CFR 64.7(a)]

6. Proper maintenance. At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

[40 CFR 64.7(b)]

7. Continued operation. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including

data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

[40 CFR 64.7(c)]

8. Response to excursions or exceedances.

- a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions, if allowed by this permit). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[40 CFR 64.7(d)(1) & (2)]

9. Documentation of need for improved monitoring. If the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Title V permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

[40 CFR 64.7(e)]

40 CFR 64.8 Quality Improvement Plan (QIP) Requirements.

10. Based on the results of a determination made under **CAM Condition 8.a.**, above, the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with **CAM Condition 4.**, an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, may require the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

[40 CFR 64.8(a)]

11. Elements of a QIP:

- a. The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
- b. The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
 - (i) Improved preventive maintenance practices.
 - (ii) Process operation changes.
 - (iii) Appropriate improvements to control methods.
 - (iv) Other steps appropriate to correct control performance.
 - (v) More frequent or improved monitoring (only in conjunction with one or more steps under **CAM Condition 11.b(i)** through **(iv)**, above).

[40 CFR 64.8(b)]

12. If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

[40 CFR 64.8(c)]

13. Following implementation of a QIP, upon any subsequent determination pursuant to **CAM Condition 8.b.**, the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

- a. Failed to address the cause of the control device performance problems; or
- b. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

[40 CFR 64.8(d)]

14. Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

[40 CFR 64.8(e)]

40 CFR 64.9 Reporting And Recordkeeping Requirements.

15. General reporting requirements.

- a. On and after the date specified in **CAM Condition 5.** by which the owner or operator must use monitoring that meets the requirements of this appendix, the owner or operator shall submit monitoring reports semi-annually to the permitting authority in accordance with Rule 62-213.440(1)(b)3.a., F.A.C.
- b. A report for monitoring under this part shall include, at a minimum, the information required under Rule 62-213.440(1)(b)3.a., F.A.C., and the following information, as applicable:
 - (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - (ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - (iii) A description of the actions taken to implement a QIP during the reporting period as specified in **CAM Conditions 10.** through **14.** Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has

been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 CFR 64.9(a)]

16. General recordkeeping requirements.

- a. The owner or operator shall comply with the recordkeeping requirements specified in Rule 62-213.440(1)(b)2., F.A.C. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to **CAM Conditions 10. through 14.** and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
- b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[40 CFR 64.9(b)]

40 CFR 64.10 Savings Provisions.

17. It should be noted that nothing in this appendix shall:

- a. Excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of this appendix shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act. The purpose of this part is to require, as part of the issuance of a permit under Title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this part.
- b. Restrict or abrogate the authority of the Administrator or the permitting authority to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable.
- c. Restrict or abrogate the authority of the Administrator or permitting authority to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

[40 CFR 64.10]

Emissions Unit 038

**Diammonium Phosphate/ Monoammonium Phosphate (MAP/DAP) Plant
Particulate Matter and Fluoride Emissions Controlled By Venturi and Tail Gas Scrubbers**

Monitoring Approach

	Indicator No. 1	Indicator No. 2
Indicator	Pressure Drop across each scrubber	Scrubber liquid flow rate to each scrubber
Measurement Approach	Differential pressure transducer	Micromotion flow meter
Indicator Range	<p>An excursion is defined as any 1-hour average, excluding those events defined as startup, shutdown and malfunctions, pressure drop outside of the following range:</p> <p>RGCV Scrubber: 3.0-12.2 in H₂O Dryer Scrubber: 6.0-13.1 in H₂O</p> <p>Excursions trigger an inspection, corrective action, and reporting requirement. The corrective action must be conducted to restore the pressure drop to within the permitted range and assist in preventing future scrubber malfunctions from occurring.</p>	<p>An excursion is defined as any 1-hour average, excluding those events defined as startup, shutdown and malfunctions, liquid flow rate outside of the following range:</p> <p>RGCV Scrubber: 1463-2121 gpm Dryer Scrubber: 949-1336 gpm</p> <p>Excursions trigger an inspection, corrective action, and reporting requirement. The corrective action must be conducted to restore the liquid flow rate to within the permitted range and assist in preventing future scrubber malfunctions from occurring.</p>
Data Representativeness	The minimum accuracy of the device is 5 percent.	The minimum accuracy of the device is 5 percent.
Verification of Operational Status	Operator check with computer alarm.	Operator check with computer alarm.
QA/QC Practices and Criteria	The differential pressure transducer is calibrated at least annually in accordance with manufacturer's specification.	<p>Zero and span will be checked and calibration performed annually in accordance with manufacturer's specification.</p> <p>The operational status of the flow meter will be checked if the flow is below the proposed indicator.</p>
Monitoring Frequency	The pressure Drop is monitored continuously.	The scrubber liquid is monitored continuously.
Data Collection Procedures	<p>The transducer collects data and the data logger reduces the data to 15-minute block averages. A rolling 1-hour average is determined every 15-minutes based on the four previous 15-minute block averages.</p>	<p>The transducer collects data and the data logger reduces the data to 15-minute block averages. A rolling 1-hour average is determined every 15-minutes based on the four previous 15-minute block averages.</p>
Averaging Period	The averaging period for pressure drop is a 15-minute block average. From this, the 1 hour average is determined.	The averaging period for pressure drop is a 15-minute block average. From this, the 1 hour average is determined.

Appendix H-1, Permit History/ID Number Changes

U.S. Agri-Chemicals Corporation
Bartow Chemical Plant

DRAFT Permit No.: 1050050-014-AV
Facility ID No.: 1050050

Permit History (for tracking purposes):

E.U.

<u>ID No.</u>	<u>Description</u>	<u>Permit No.</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Project Type</u> ¹
All	Facility	1050050-014-AV			Renewal
		1050050-013-AV	07/26/02	09/09/03	Correction
		1050050-012-AV	06/18/02	02/16/04	Revision
		1050050-011-AC	10/17/01	11/01/01	Correction
		1050050-010-AC	05/30/01	08/01/02	Correction
		1050050-007, -008, & -009-AC	12/01/00	11/01/01	Construction
		1050050-006-AV	04/18/00	02/16/04	Revision
		1050050-005-AV	04/18/00	02/16/04	Revision
		1050050-004-AC	03/02/00	12/31/00	Construction
		1050050-003-AC	08/09/99	12/31/00	Construction
		1050050-002-AV	02/17/99	02/16/04	Revision
		1050050-001-AV	09/11/98	09/09/03	Initial
		1050050-015-AC			Construction
-038	MAP/DAP Plant	AC53-145424	06/09/88	03/31/89	Construction
		Amendment	11/22/88	06/30/90	
		Amendment	10/02/90	06/30/90	
		AO53-179587	09/25/90	09/24/95	
		Amendment	01/25/91	09/24/95	

Notes:

¹ Project Type—Title V: Initial, Revision, Renewal, or Admin. Correction; Construction (new or mod.); or, Extension (AC only)

Appendix H-1, Permit History/ID Number Changes

U.S. Agri-Chemicals Corporation
Permit No.: 1050050-001-AV
Bartow Chemical Plant
Facility ID No.: 1050050

Permit History (for tracking purposes):

E.U.					
<u>ID No.</u>	<u>Description</u>	<u>Permit No.</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Extended</u>
<u>Date</u> ^{1,2}	<u>Revised Date(s)</u>				
-039	MAP/DAP Storage & Construction	AC53-2757	12/16/75	02/01/77	
	Loadout	AO53-141526	01/27/88	01/20/93	
		Amendment	10/19/88	01/20/93	
		AO53-221967	12/21/92	01/20/98	

ID Number Changes (for tracking purposes):

From: Facility ID No.: 40TPA530050

To: Facility ID No.: 1050050

[electronic file name: 1050050h.doc]

Notes:

¹ Project Type—Title V: Initial, Revision, Renewal, or Admin. Correction; Construction (new or mod.); or, Extension (AC only)

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

U.S. Agri-Chemicals Corp. **DRAFT Permit No.:** 1050050-014-AV
Bartow Chemical Plant **Facility ID No.:** 1050050

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

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

E.U.

<u>ID No.</u>	<u>Brief Description of Emissions Units and/or Activity</u>
-xxx	Tanks not regulated by air regulation standard (caustic tanks, water treatment chemical tanks/totes/drums, coating oil tanks, process water tanks, scrubber seal tanks, mineral acid storage tanks, chlorine tanks, ammonia bullets, oils, gasoline and grease tanks, railcars and tanktrucks)
-xxx	Minor gas leaks from fueling operations, vessels, pipes, valves and flanges
-xxx	Oil coating application systems
-xxx	Process water cooling ponds, recirculation & management systems (ditches, canals, ponds, reservoirs, treatment basins, etc.)
-xxx	Acids and Ammonia truck and railcar unloading
-xxx	Cold cleaning degreasers
-xxx	Maintenance activities
-xxx	Waste management activities
-xxx	Air conditioner and refrigeration systems repair(containing less than 50 lbs. of ozone depleting compounds)
-xxx	Fire training exercises
-xxx	Degassifiers/deaerators
-xxx	Mobile equipment (diesel & unleaded gasoline)
-xxx	Mobile sources (mobile internal combustion engines, mobile water pumps, mobile compressors, mobile generators, mobile welding units, mobile sand blasting units, etc.)
-xxx	Internal combustion engines (less than 400 hours per year for stationary equipment)
-xxx	Natural gas fired package boilers exempt from air permitting requirements
-xxx	Land reclamation activities
-xxx	Transfer of materials on covered belt systems
-xxx	Agricultural activities

Table 1-1, Summary of Air Pollutant Standards and Terms

U.S. Agri-Chemicals Corporation
Bartow Chemical Plant

DRAFT Permit No.: 1050050-014-AV
Facility ID No.: 1050050

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

E.U. ID No. Brief Description

-038 MAP/DAP Plant
-039 MAP/DAP Storage & Loadout

E.U. ID No.	Pollutant Name	Fuel(s)	Hours/Yr	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
				Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
-038	F (Fluoride)		8,760	0.060 lbs/ton of P ₂ O ₅ , 4.17 lb/hr, 18.29 tons/yr	4.17	18.29	4.17	18.29	AC53-145424, 62-204.800(7)(b)27,F.A.C., 40 CFR 60.222(a)	III. A.3.
	VE		N/A	20% opacity	N/A	N/A	N/A	N/A	62-296.320(4)(b), F.A.C.	III. A.4.
	PM		8,760	38.59 lbs/hr, 169.02 tons/yr	38.59	169.02	38.59	169.02	AC53-145424	III. A.5.
	SO ₂	Fuel Oil	N/A	2.5% Sulfur by weight					AC53-145424	III. A.2.
-039	VE		N/A	5%	N/A	N/A	N/A	N/A	1050050-009-AC	III. B.2.

Notes: *The "Equivalent Emissions" listed are for information purposes only.

Table 2-1, Summary of Compliance Requirements

U.S. Agri-Chemicals Corporation
Bartow Chemical Plant

DRAFT Permit No.: 1050050-014-AV
Facility ID No.: 1050050

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

E.U. ID No. Brief Description

-038 MAP/DAP Plant
-039 MAP/DAP Storage & Loadout

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-038	F (Fluoride)		13A or 13B	annual	20-March	1 hour		III. A.7. & A.8.
	VE		9	annual	20-March	30 minutes		III. A.7, A.8, & A.9.
	PM	oil/gas	5	annual	20-March	1 hour		III. A.7. & A.8.
	SO ₂	oil	fuel analysis, and sampling	annual	20-March			III. A.7, A.8, & A.10.
	Pressure drop						Yes	III. A.11, A.12, A.13, A.15 & A.21.
	Water flow rate							III. A.11, A.12, A.13 A.21.
	Mass flow							III. A.14 & A.16.

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

Table 2-1, Summary of Compliance RequirementsU.S. Agri-Chemicals Corporation
Bartow Chemical Plant**DRAFT Permit No.:** 1050050-014-AV
Facility ID No.: 1050050

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

E.U. ID No.	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Frequency	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See Permit Condition(s)
-039	VE		5	annual	27-February	30 minutes		III. B.5. & B.7.
Notes: *Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C. **CMS [=] continuous monitoring system								

Pollution Control Equipment	Dust-Suppressing Oil	Minimum Application Rate	Point of Application	Method of Measurement
MAP/DAP Storage & Loadout Unit—Product Oiling	Dustrol 3064	0.5 gallons per ton of product	Cooler; approx. 15" from discharge end	Mass flow meter/automatic valve

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 Max. deviation between readings .004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually 2. One Point: Semiannually 3. Check after each test series	Spirometer or calibrated wet test or dry gas test meter	2%
		Comparison check	5%

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

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)

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.]

**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.]

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

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.

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(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.]

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16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.
[Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.]

Chapter 62-204, F.A.C.

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

Chapter 62-210, F.A.C.

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

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., an air construction permit shall be obtained by the owner or operator of any proposed new or modified facility or emissions unit prior to the beginning of construction or modification, in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction or modification of the facility or emissions unit and operation while the new or modified facility or emissions unit is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

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

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

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

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

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

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

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

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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.]

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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.;

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- (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.

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(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

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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.

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(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.]

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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)]

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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.

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- 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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