

# INTEROFFICE MEMORANDUM

TO: Trina Vielhauer  
THRU: Jeff Koerner *JK*  
FROM: Bruce Mitchell *BM*  
DATE: September 20, 2007  
SUBJECT: Northern Star Generation Services Company, LLC - Orange Cogeneration Facility  
Title V Air Operation Permit Renewal  
DRAFT Permit Project No. 1050231-010-AV

Attached is the DRAFT Permit Renewal for the Orange Cogeneration Facility located at 1901 Clear Springs Mine Road, Bartow, Polk County.

Attachments

TLV/jfk/bm

Ⓟ "biogas" a defined term/fuel somewhere? <sup>are</sup> ~~is~~ it's properties commonly understood? (as opposed to "renewable energy" which is a wide range of things)?

## P.E. CERTIFICATION STATEMENT

### PERMITTEE

Northern Star Generation Services Company, LLC  
1901 Clear Springs Mine Road  
Bartow, Florida 33830-7535

Draft Air Permit No. 1050231-010-AV  
Renewal of Title V Air Operation Permit  
Orange Cogeneration Facility  
Polk County, Florida

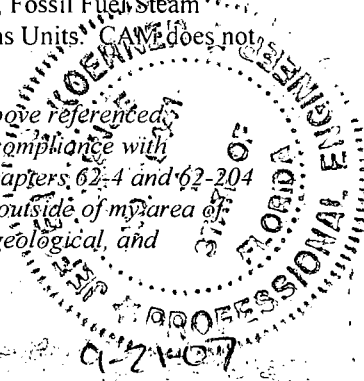
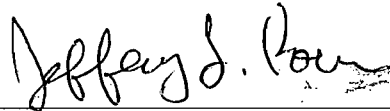
### PROJECT DESCRIPTION

The Northern Star Generation Services Company, LLC operates the existing Orange Cogeneration Facility, which is a power plant located in Polk County at 1901 Clear Springs Mine Road in Bartow, Florida. On July 5, 2007, the Department received an application to renew the Title V air operation permit. The existing facility consists of two combined cycle combustion turbine units and an auxiliary boiler. The combined cycle units consist of two combustion turbine-electrical generator sets, two heat recovery steam generators (HRSG), two exhaust stacks, and a common steam turbine-electrical generator set. The facility also includes miscellaneous unregulated and insignificant emissions units and activities. The facility is not a major source of hazardous air pollutants (HAPs).

Combined cycle gas turbines Unit 1 and Unit 2 are regulated under: Acid Rain, Phase II; Rule 62-212.400(PSD), F.A.C.; Permit No. AC53-233851/PSD-FL-206 including subsequent revisions A through D; and Subpart GG in 40 CFR 60, Standards of Performance for New Stationary Gas Turbines. Each unit underwent a revised BACT determination dated March 7, 1995. Emissions of NO<sub>x</sub> are controlled by the use of dry low emissions combustors and CEMS are used to demonstrate continuous compliance. CAM does not apply because there are no post-combustion controls associated with the two combined cycle combustion turbine units.

The auxiliary boiler is subject to Subpart Dc in 40 CFR 60, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units; however, only the recordkeeping requirements apply because the boiler combusts only natural gas and/or biogas. It is also subject to Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with Less Than 250 Million Btu per Hour Heat Input, New and Existing Emissions Units. CAM does not apply because there are no post-combustion controls.

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



Jeffery F. Koerner, P.E.  
Registration Number: 49441

(Date)



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

September 21, 2007

*Sent Electronically – Received Receipt Requested*

Mr. Allen Czerkiewicz  
Plant Manager  
Northern Star Generation Services Company, LLC  
Orange Cogeneration Facility  
1901 Clear Springs Mine Road  
Bartow, Florida 33830-7535

Re: Title V Air Operation Permit Renewal  
Orange Cogeneration Facility  
Project No. 1050231-010-AV

Dear Mr. Czerkiewicz:

One copy of the DRAFT Title V Air Operation Permit Renewal for the Orange Cogeneration Facility, located at 1901 Clear Springs Mine Road, Bartow, Polk County, is enclosed. The permitting authority's Intent to Issue a Title V Air Operation Permit Renewal and the Public Notice of Intent to Issue 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 Region 4 office's review. The web site address is:

["http://www.dep.state.fl.us/air/eproducts/apds/default.asp"](http://www.dep.state.fl.us/air/eproducts/apds/default.asp)

The Public Notice of Intent to Issue 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 seven days of publication pursuant to Rule 62-110.106(5), Florida Administrative Code (F.A.C.). 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(11), F.A.C.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to the Program Administrator at the above letterhead address. If you have any other questions, please contact Project Engineer Bruce Mitchell, at 850/413-9198.

Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

Enclosures

TLV/jfk/rbm

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

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*In the Matter of an  
Application for Permit by:*

Northern Star Generation Services Company, LLC  
1901 Clear Springs Mine Road  
Bartow, Florida 33830-7535

DRAFT Title V Permit Renewal No. 1050231-010-AV  
Orange Cogeneration Facility  
Polk County

*Responsible Official: Mr. Allen Czerkiewicz*

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**Facility Location:** The Northern Star Generation Services Company, LLC operates the existing Orange Cogeneration Facility, which is an electric utility located at 1901 Clear Springs Mine Road, Bartow, Polk County, Florida.

**Project:** On July 5, 2007, the Northern Star Generation Services Company, LLC applied to the permitting authority to renew the Title V Air Operation Permit for the Orange Cogeneration Facility. This facility consists of two combustion turbines (CT) that each exhaust through a heat recovery steam generator (HRSG) and associated stack. The CTs are natural gas and biogas fired and neither HRSG is auxiliary fuel fired or equipped with duct burners. The facility also includes an auxiliary boiler with its own stack and fires natural gas and biogas. Also included in this permit are miscellaneous unregulated and insignificant emissions units and/or activities.

**Permitting Authority:** The application for a Title V Permit is subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-212, 62-213 and 62-214 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 perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114; and, the facsimile number is 850/922-6979.

**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 Title V Air Operation Permit (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 by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue a Permit 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, 62-214, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a PROPOSED Permit and subsequent FINAL Permit in accordance with the conditions of the 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:** Pursuant to Section 403.815, F.S., and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue A Title V Air Operation Permit Renewal. The Public 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 by this project. The newspaper used must meet 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 phone number listed above. Pursuant to Rules 62-110.106(5) & (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within seven days of publication. Failure to publish the

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**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

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notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of 30 days from the date of publication of the Public Notice of Intent to Issue 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 in the Florida Administrative Weekly (<http://faw.dos.state.fl.us/>) 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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. Petitions filed by the applicant or any of the parties listed below must be filed within 14 days of receipt of this Written Notice of Intent to Issue a Title V Air Operation Permit Renewal. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue a Title V Air Operation Permit Renewal, 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 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 (in a proceeding initiated by another party) 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 when and how 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 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 decision; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Written Notice of Intent to Issue a Title V Air Operation Permit Renewal. Persons whose substantial interests will be affected by any

**WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

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.

**Objections:** 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 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 day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding objections, visit EPA's Region 4 web site at: <http://epa.gov/region4/air/permits/Florida.htm>.

**Mediation:** Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION**



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue A Title V Air Operation Permit Renewal package (including the Public Notice and DRAFT Title V Permit) was sent electronically (received receipt requested) before the close of business on 9/21/01 to the persons listed below.

Allen Czerkiewicz, Orange Cogeneration Facility ([allen.czerkiewicz@nsgen.com](mailto:allen.czerkiewicz@nsgen.com))

Gwynne Johnson, Orange Cogeneration Facility ([gwynne.johnson@nsgen.com](mailto:gwynne.johnson@nsgen.com))

David Kellermeyer, Northern Star Generation Services Company, LLC

([dave.kellermeyer@nsgen.com](mailto:dave.kellermeyer@nsgen.com))

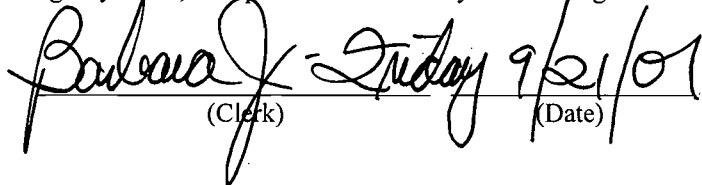
Scott Osbourn, Golder Associates, Inc. ([sosbourn@golder.com](mailto:sosbourn@golder.com))

Mara Nasca, Southwest District ([Mara.Nasca@dep.state.fl.us](mailto:Mara.Nasca@dep.state.fl.us))

Posted for EPA Region 4 Review

Clerk Stamp

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

  
(Clerk) 9/21/01 (Date)

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT**

Department of Environmental Protection  
Project No. 1050231-010-AV  
DRAFT Title V Air Operation Permit Renewal  
Orange Cogeneration Facility  
Polk County

**Applicant:** The applicant for this project is the Northern Star Generation Services Company, LLC for the Orange Cogeneration Facility, 2929 Allen Parkway, Suite 2200, Houston, Texas 77019. The facility's responsible official is Mr. Allen Czerkiewicz, Plant Manager, Orange Cogeneration Facility.

**Project:** On July 5, 2007, the Northern Star Generation Services Company, LLC applied to the permitting authority to renew the Title V Air Operation Permit for the Orange Cogeneration Facility. This facility consists of two combustion turbines (CT) that each exhaust through a heat recovery steam generator (HRSG) and associated stack. The CTs are natural gas and biogas fired and neither HRSG is auxiliary fuel fired or equipped with duct burners. The facility also includes an auxiliary boiler with its own stack and fires natural gas and biogas. Also included in this permit are miscellaneous unregulated and insignificant emissions units and/or activities.

**Permitting Authority:** The application for a Title V Permit is subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-212, 62-213 and 62-214 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 perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114; and, the facsimile number is 850/922-6979.

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**Comments:** The Permitting Authority will accept written comments concerning the DRAFT Permit for a period of 30 days from the date of publication of the Public Notice of Intent to Issue 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 in the Florida Administrative Weekly (<http://faw.dos.state.fl.us/>) 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, 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 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

## PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

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within 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 (in a proceeding initiated by another party) 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 when and how 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 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 decision; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; 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 Written Notice of Intent to Issue A Title V Air Operation Permit Renewal. 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.

**Objections:** 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 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 day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding objections, visit EPA's Region 4 web site at: <http://epa.gov/region4/air/permits/Florida.htm>.

**Mediation:** Mediation is not available in this proceeding.



## **Statement of Basis**

Title V Air Operation Permit Renewal No. 1050231-010-AV  
Northern Star Generation Services Company, LLC  
Orange Cogeneration Facility  
Polk County

This Title V Air Operation Permit Renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The existing facility consists of two combined cycle combustion turbine units and an auxiliary boiler. The combined cycle units consist of two combustion turbine-electrical generator sets, two heat recovery steam generators (HRSG), two exhaust stacks, and a common steam turbine-electrical generator set. The facility also includes miscellaneous unregulated and insignificant emissions units and activities.

Combined cycle Units 1 and 2 are identical systems. The combined cycle units began commercial operation in 1995. Each unit consists of a General Electric Model LM6000 combustion turbine with dry low emission combustor technology and an unfired HRSG. Each combustion turbine-electrical generator set is rated at 41.4 megawatts (MW) based on a compressor inlet temperature of 47°F. The maximum heat input rate to each unit is 377.0 MMBtu per hour from firing natural gas and/or biogas based on the lower heating value (LHV) of these fuels. Steam produced in each HRSG is delivered to a common steam turbine-electrical generator set rated at 37 MW. Steam is then extracted and delivered to the adjacent juice processing facility. Exhaust from each HRSG is ducted to a separate stack that is 11 feet in diameter and 100 feet tall.

Combined cycle gas turbines Unit 1 and Unit 2 are regulated under: Acid Rain, Phase II; Rule 62-212.400(PSD), F.A.C.; Permit No. AC53-233851/PSD-FL-206, and subsequent amendments (A thru D); and, 40 CFR 60, Subpart GG, Standards of Performance for New Stationary Gas Turbines. Each unit underwent a revised BACT determination dated March 7, 1995. Nitrogen oxides (NO<sub>x</sub>) emissions are controlled by the use of dry low emissions (DLE) combustors and compliance is determined by a continuous emissions monitoring system (CEMS). Since there are no post-combustion controls associated with the two combined cycle combustion turbine units and compliance for NO<sub>x</sub> is by CEMS, then continuous assurance monitoring (CAM) does not apply.

The auxiliary boiler is a two drum bent tube boiler manufactured by Zurn Nepco. The boiler began commercial operation in 1995. The maximum heat input rate is 100 MMBtu/hr from the firing of natural gas and/or biogas based on the higher heating value (HHV) of the fuel. The firing of natural gas is considered BACT for the emissions of particulate matter and sulfur dioxide. The emissions unit underwent a revised BACT Determination dated March 7, 1995. NO<sub>x</sub> Emissions are controlled with low-NO<sub>x</sub> burners. The exhaust is vented through a stack that is 3.7 feet in diameter and 65 feet tall.

The auxiliary boiler is subject to only the recordkeeping requirements of 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, because it combusts only natural gas and/or biogas. It is also subject to Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units. Since there are no post-combustion controls, then CAM does not apply.

Based on the Title V permit renewal application received July 5, 2007, this facility is not a major source of hazardous air pollutants (HAPs).

Regarding the permit, the following changes were made for permit improvements:

- For permit text reduction and readability, all identical and repeated requirements related to notification, testing, recordkeeping and reporting for performance testing contained in Rule 62-297.310, F.A.C., were moved and consolidated into Appendix STR, Standard Testing Requirements.

- All references of the Appendices were consolidated from the permit and listed only once in the Table of Contents. They are referenced and made a part of the permit in Section II., Facility-wide Conditions, Condition 1.
- The latest version of the Title V Conditions, Appendix TV-6, was updated in the affected permit's conditions.
- CAM plan requirements were clarified for the combined cycle combustion turbines and the auxiliary boiler in Section I., Facility Information., Subsection A., Facility Description. No CAM Plans are required.
- The combined cycle combustion turbines (CCCTs) have a required fuel sulfur analysis frequency of once per six months and the auxiliary boiler had a required fuel sulfur analysis frequency of once each calendar quarter (1050231-009-AV) and using the same ASTM Methods. Since the CCCTs and the auxiliary boiler fire the same natural gas and biogas fuels, the testing frequency for the analysis of the sulfur content of the natural gas and biogas for the CCCTs and the auxiliary boiler have been changed so that they are identical and in accordance with the Custom Fuel Monitoring Schedule (see Appendix CFMS) for the CCCTs. In addition, the changes include amendments made to the NSPS Subpart GG, including the updated ASTM Methods and who can perform the analysis. See specific conditions A.18. and B.13.
- Since the NSPS Subpart GG requirements do not allow for excess emissions and the exclusion of NOx data during startup, shutdown and malfunction, then the following statement in specific condition A.10 (1050231-009-AV) is removed because of the conflict with 40 CFR 60.334(j):  

(1) Startup, Shutdown, and Malfunction. CEMS data of startup/shutdown or malfunction shall not be used to calculate emission averages for compliance pursuant to 40 CFR 60.8(c).

Northern Star Generation Services Company, LLC  
Orange Cogeneration Facility  
Facility ID No. 1050231  
Polk County

Title V Air Operation Permit Renewal  
DRAFT Permit Project No. 1050231-010-AV

Permitting Authority:

State of Florida  
Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
Permitting North Section  
Mail Station #5505  
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Tallahassee, Florida 32399-2400  
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Compliance Authority:

Department of Environmental Protection  
Southwest District Office  
Air Resource Section  
13051 N. Telecom Parkway  
Temple Terrace, FL 33637-0926  
Phone: (813) 632-7600  
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# TABLE OF CONTENTS

| <b>Section</b>   | <b>Page Number</b> |
|--|--------------------|
| Placard Page .....   | 1                  |
| I. Facility Information .....                                    | 2                  |
| A. Facility Description  |                    |
| B. Summary of Emissions Units                                    |                    |
| II. Facility-wide Conditions .....                               | 3                  |
| III. Emissions Units and Conditions                              |                    |
| A. Emissions Units 001 & 002, Combustion Turbines .....          | 4                  |
| B. Emissions Unit 003, Auxiliary Boiler .....                    | 9                  |
| IV. Acid Rain Part   |                    |
| A. Acid Rain, Phase II .....                                     | 11                 |
| V. Appendices  |                    |
| Appendix A-1. Citation Formats                                   |                    |
| Appendix I. List of Insignificant Emissions Units and Activities |                    |
| Appendix U. List of Unregulated Emissions Units and Activities   |                    |
| Appendix CC. Common Conditions                                   |                    |
| Appendix GC. General Conditions                                  |                    |
| Appendix STR. Stack Testing Requirements                         |                    |
| Appendix NA. NSPS Subpart A, General Provisions                  |                    |
| Appendix NGG. NSPS Subpart GG, Stationary Gas Turbines           |                    |
| Appendix TV-6. Title V Conditions                                |                    |
| Appendix AR. Acid Rain Application                               |                    |
| Appendix CFMS. Custom Fuel Monitoring Schedule for Natural Gas   |                    |
| Appendix H. Permitting History                                   |                    |

**Permittee:**

Northern Star Generation Services Company, LLC  
2929 Allen Parkway, Suite 2200  
Houston, Texas 77019

**DRAFT Permit No.** 1050231-010-AV  
**Orange Cogeneration Facility**  
**Facility ID No.** 1050231  
**SIC No.** 4911

The purpose of this permitting action is to renew the Title V air operation permit. The existing facility is located at 1901 Clear Springs Mine Road, Bartow, Polk County; UTM Coordinates: Zone 17, 418.7 km East and 3083.0 km North; Latitude: 27° 52' 15" North and Longitude: 81° 49' 31" West.

This Title V air operation permit renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213 and 62-214. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

**Effective Date:** January 1, 2008  
**Renewal Application Due Date:** July 5, 2012  
**Expiration Date:** December 31, 2012

(Draft)

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Joseph Kahn, Director  
Division of Air Resource Management

## SECTION I. FACILITY INFORMATION

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### Subsection A. Facility Description.

The existing facility consists of two combined cycle combustion turbine units. The combined cycle units consist of two combustion turbine–electrical generator sets, two heat recovery steam generators (HRSG), two exhaust stacks, and a common steam turbine–electrical generator set. The facility also includes an auxiliary boiler fired with natural gas and biogas with an associated stack. Also included in this permit are miscellaneous unregulated and insignificant emissions units and activities.

For combined cycle combustion turbine Units 1 and 2, there are no post-combustion controls; therefore, the Compliance Assurance Monitoring (CAM) provisions do not apply. Since there are no post-combustion controls associated with the auxiliary boiler, then the CAM provisions do not apply.

Based on the Title V permit renewal application received July 5, 2007, this facility is not a major source of hazardous air pollutants (HAPs).

### Subsection B. Summary of Emissions Units

| EU No. | Brief Description  |
|--------|--|
| 001    | Combined Cycle Combustion Turbine with an Unfired HRSG, Unit 1 |
| 002    | Combined Cycle Combustion Turbine with an Unfired HRSG, Unit 2 |
| 003    | Auxiliary Boiler   |

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

## SECTION II. FACILITY-WIDE CONDITIONS

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1. Appendices. The Appendices identified in the Table of Contents are attached as an enforceable part of the permit unless otherwise indicated.
2. 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; and 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]
3. 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. This condition implements the requirements of Rules 62-213.440(3)(a)2. & 3., F.A.C. See Condition 51. of Appendix TV-6, Title V Conditions. [Rules 62-213.440(3) and 62-213.900, F.A.C.]
4. Compliance Authority. The permittee shall submit all compliance related notifications and reports required of this permit to: Department of Environmental Protection, Southwest District Office, Air Resource Section, 13051 N. Telecom Parkway, Temple Terrace, FL 33637-0926. The District telephone number is 813/632-7600 and facsimile number is 813/632-7668.
5. U.S. EPA Region 4. 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 & EPCRA Enforcement Branch, Air Enforcement Section, 61 Forsyth Street, Atlanta, Georgia 30303-8960. The telephone number is 404/562-9155 and the facsimile number is 404/562-9163.
6. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information. [Rule 62-213.420(4), F.A.C.]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS  
SUBSECTION A. COMBINED CYCLE GAS TURBINES 1 AND 2**

| <b>EU Nos.</b> | <b>Brief Description</b>   |
|----------------|--|
| 001 and 002    | Combined cycle Units 1 and 2 are identical systems. The combined cycle units began commercial operation in 1995. Each unit consists of a General Electric Model LM6000 combustion turbine with dry low emission combustor technology and an unfired HRSG. Each combustion turbine-electrical generator set is rated at 41.4 megawatts (MW) based on a compressor inlet temperature of 47°F. The maximum heat input rate to each unit is 377.0 MMBtu per hour from firing natural gas and/or biogas based on the lower heating value (LHV) of these fuels. Steam produced in each HRSG is delivered to a common steam turbine-electrical generator set rated at 37 MW. Steam is then extracted and delivered to the adjacent juice processing facility. Exhaust from each HRSG is ducted to a separate stack that is 11 feet in diameter and 100 feet tall. |

Combined cycle gas turbines Unit 1 and Unit 2 are regulated under: Acid Rain, Phase II; Rule 62-212.400(PSD), F.A.C.; Permit No. AC53-233851/PSD-FL-206, and subsequent amendments (A thru D); and, 40 CFR 60, Subpart GG, Standards of Performance for New Stationary Gas Turbines. Each unit underwent a revised BACT determination dated March 7, 1995. Nitrogen oxides (NO<sub>x</sub>) emissions are controlled by the use of dry low emissions (DLE) combustors and compliance is determined by a continuous emissions monitoring system (CEMS). Since there are no post-combustion controls associated with the two combined cycle combustion turbine units, then CAM does not apply.

**ESSENTIAL POTENTIAL TO EMIT (PTE) PARAMETERS**

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

| <b>EU Nos.</b> | <b>MMBtu/hr Heat Input</b> | <b>Fuel Type</b>          |
|----------------|----------------------------|---------------------------|
| 001 and 002    | 377.0 <sup>1</sup>         | Natural Gas and/or Biogas |

<sup>1</sup> Maximum heat input at 47°F and LHV of the fuel.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and 1050231-007-AC/PSD-FL-206D]

**A.2. Emissions Units Operating Rate Limitation After Testing.** The operating rate of an emissions unit may be restricted based on compliance testing. See Appendix STR (Stack Testing Requirements). [Rule 62-297.310(2), F.A.C.]

**A.3. Methods of Operation - Fuels.** Any combination of natural gas and biogas shall be fired in the combustion turbine. [Rule 62-213.410, F.A.C.]

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

**EMISSION LIMITATIONS AND STANDARDS**

{Permitting Note: Unless otherwise specified, the averaging times for specific condition **A.6.** are based on the specified averaging time of the applicable test method.}

**A.5. Sulfur Dioxide (SO<sub>2</sub>) - Sulfur Content.** The natural gas and biogas sulfur content shall not exceed 1 grain per hundred cubic feet (standard conditions). This fuel sulfur limitation is more stringent than the NSPS sulfur dioxide limitation and thus assures compliance with 40 CFR 60.333. [Rules 62-4.070(3) and 62-213.440, F.A.C.; and AC53-233851B/PSD-FL-206B]



**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS  
SUBSECTION A. COMBINED CYCLE GAS TURBINES 1 AND 2**

**A.6. Emission Limits.**

a. The maximum allowable emissions from each emissions unit are as follows:

| Pollutant  | Emissions Limits                    |                   |                   | Basis |
|--|-------------------------------------|-------------------|-------------------|-------|
|  | Natural Gas and/or Biogas           | lbs/hr            | TPY               |       |
| NO <sub>x</sub>  | 15 ppmvd at 15% oxygen <sup>3</sup> | 22.1 <sup>3</sup> | 97.0              | BACT  |
| Carbon Monoxide (CO)                                   | 30 ppmvd                            | 27.8              | 127.0             | BACT  |
| Particulate Matter (PM/PM <sub>10</sub> <sup>1</sup> ) |                                     | 5 <sup>2</sup>    | 21.9 <sup>2</sup> | BACT  |
| Volatile Organic Compounds (VOC)                       | 10 ppmvd                            | 4 <sup>2</sup>    | 17.4 <sup>2</sup> | BACT  |
| Visible Emissions (VE)                                 | 10% opacity, 6-minute average       |                   |                   | BACT  |

<sup>1</sup> All PM is assumed to be PM<sub>10</sub> (PM with an aerodynamic diameter less than or equal to 10 microns).

<sup>2</sup> For informational purposes only.

<sup>3</sup> Based on a simple 4-hour moving average.

b. Alternate Standard for Startup and Shutdown. The maximum allowable NO<sub>x</sub> emissions resulting from a startup or shutdown of either combustion turbine shall not exceed 22.1 lbs/hr, based on a simple 4-hour moving average commencing with the beginning of a startup or ending at the conclusion of a shutdown of the unit. The simple 4-hour moving average shall be based on all available data excluding calibration data and periods of emissions due to malfunction during the startup or shutdown period. A fuel switch is not considered a startup.

{Permitting Note: The limitations of specific condition A.6. are more stringent than the NSPS NO<sub>x</sub> limitation and thus ensure compliance with 40 CFR 60.332.}

[AC53-233851B/PSD-FL-206B; 1050231-002-AC; 1050231-007-AC/PSD-FL-206D, Table 1; and 1050231-008-AC, Table 1]

**EXCESS EMISSIONS**

{Permitting Note: The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of an NSPS or NESHAP provision.}

**A.7. Excess Emissions.** For excess emissions with regard to the BACT limits in specific condition A.6., see Appendix CC (Common Conditions). For excess emissions regarding the NSPS Subpart GG provisions, see Appendix NA (NSPS Subpart A - General Provisions) and Appendix NGG (NSPS Subpart GG – Stationary Gas Turbines). [Rules 62-210.700(1) & (4), F.A.C.; and 40 CFR 60.7]

**A.8. Excess Emissions – Combustor Tuning.** Excess emissions resulting from a combustor tuning session shall be permitted provided the tuning session is performed in accordance with the manufacturer’s specifications and in no case shall exceed 72 hours in any calendar year. A “tuning session” would occur after a combustor change-out, a repair to a combustor, or as required to maintain compliance. Prior to performing any tuning session, the permittee shall provide the Compliance Authority with an advance notice that details the activity and proposed tuning schedule. The notice may be made by telephone, facsimile transmittal, or electronic mail. [Rules 62-210.700(1) & (5), F.A.C.; and 1050231-008-AC]

**A.9. Excess Emissions by CEMS.** The CEMS for NO<sub>x</sub> shall be used to determine periods of excess emissions. Excess emissions are defined for each emissions unit as any simple 4-hour moving average period during which the average emissions exceed the emission limits of specific condition A.6. Periods of malfunction and other excess emission events shall be monitored, recorded and reported with excess emissions following the format and requirements of 40 CFR 60.7. [Rules 62-4.070(3), 62-210.700(1) & (5), and 62-213.440, F.A.C.; and applicant request]

**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**  
**SUBSECTION A. COMBINED CYCLE GAS TURBINES 1 AND 2**

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**TEST METHODS AND PROCEDURES**

**A.10. Testing Requirements.** See Appendix STR (Stack Testing Requirements) of this permit for notification, testing, recordkeeping and reporting requirements regarding a performance test. Compliance tests shall be conducted on both natural gas and biogas fuels (provided biogas fuels become available) unless previous test results or fuel analysis documents that the emissions are independent of fuel fired, in which case tests may be conducted on either fuel. Data, curves, and calculations necessary to demonstrate the heat input rate correction at both design and test conditions shall be submitted to the Department with the compliance test report. [Chapter 62-297, F.A.C.; AC53-233851B/PSD-FL-206B; and 1050231-002-AC]

**A.11. Testing for NO<sub>x</sub>.** Compliance with the NO<sub>x</sub> limits shall be continuously demonstrated using the CEMS data. [1050231-007-AC/PSD-FL-206D]

**A.12. Test Methods.** For PM tests, EPA Method 5 shall be used or EPA Method 17 may be used if the stack flue gas temperature is less than 320°F. CO tests shall be conducted using EPA Method 10. VOC tests shall be conducted using EPA Method 18 or 25A. VE tests shall be conducted using EPA Method 9. [Chapter 62-297, F.A.C.; 40 CFR 60, Appendix A; Rules 62-204.800 and 62-297.401, F.A.C.; and AC53-233851B/PSD-FL-206B]

**A.13. Testing Frequency.** Compliance testing for emissions of PM, CO and VOC shall be performed in the *year prior to renewal* of this permit. VE tests shall be conducted annually. [Rule 62-297.310(7), F.A.C.; and AC53-233851B/PSD-FL-206B]

**MONITORING OF OPERATIONS**

**A.14. Alternate Monitoring Plan: Use of NO<sub>x</sub> CEMS For Continuous Compliance.** Pursuant to 40 CFR 64.2(b)(1)(vi), the applicant has elected to use the existing certified Acid Rain NO<sub>x</sub> CEMS for continuous compliance in order to be exempted from the CAM requirements contained in 40 CFR 64. The following alternate monitoring may be used to demonstrate compliance with the ppmvd and the lbs/hr standards for NO<sub>x</sub>.

- (a) The NO<sub>x</sub> CEMS data shall be used in lieu of the monitoring system for water-to-fuel ratio and the reporting of excess emissions in accordance with 40 CFR 60.334(b). The calibration of the water-to-fuel ratio-monitoring device required in 40 CFR 60.335(c)(2) will be replaced by the 40 CFR 75 certification tests of the NO<sub>x</sub> CEMS.
- (b) When requested by the Department, the CEMS emission rates for NO<sub>x</sub> on these units shall be corrected to ISO conditions to demonstrate compliance with the NO<sub>x</sub> standards established in 40 CFR 60.332. With regard to NSPS Subpart GG, the NO<sub>x</sub> CEMS data shall also be used to report excess emissions in accordance with 40 CFR 60.334(j)(1)(iii) and 40 CFR 60.7(c).

**A.15. NO<sub>x</sub> CEMS Data Exclusion.** Exclusion of monitoring data is allowed for specifically defined periods of combustor tuning only if operators employ the best operational practices to minimize the amount and duration of emissions during such episodes. NO<sub>x</sub> data (1-hour emission rate values) collected during authorized combustor tuning may be excluded in accordance with specific condition **A.8**.

**A.16. NO<sub>x</sub> CEMS Requirements.** For each gas turbine, the permittee shall calibrate, maintain, and operate CEMS to measure and record NO<sub>x</sub> emissions and oxygen in a manner sufficient to demonstrate compliance with the standards of this permit. A monitor for carbon dioxide (CO<sub>2</sub>) may be used in place of the oxygen monitor, but the system shall comply with 40 CFR 60.334(b) for correcting the emissions to 15% oxygen.

- (a) **Performance Specifications.** Each monitor shall be installed in a location that will provide emissions measurements representative of actual stack emissions. Each CEMS shall comply with the corresponding performance specifications that identify location, installation, design, performance, and reporting requirements.

**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**  
**SUBSECTION A. COMBINED CYCLE GAS TURBINES 1 AND 2**

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Each NO<sub>x</sub> monitor shall be certified pursuant to 40 CFR Part 75 and shall be operated and maintained in accordance with the applicable requirements of 40 CFR Part 75, Subparts B and C. Record keeping and reporting shall be conducted pursuant to 40 CFR Part 75, Subparts F and G. The RATA tests required for the NO<sub>x</sub> monitor shall be performed using EPA Method 7E or 20 as defined in Appendix A of 40 CFR 60.

- (b) Data Collection. Each CEMS shall be designed and operated to sample, analyze, and record the emissions data evenly spaced over a 1-hour period during all periods of operation. Each 1-hour average shall be computed using at least one data point in each fifteen-minute quadrant of the 1-hour block during which the unit combusted fuel. If the NO<sub>x</sub> CEMS measures concentration on a wet basis, the permittee shall use DEP approved methods for correction of measured emissions to a dry basis (0% moisture). The oxygen (or CO<sub>2</sub>) CEMS shall express the 1-hour emission rate values in terms of “percent oxygen by volume”. The NO<sub>x</sub> CEMS shall express the 1-hour emission averages in terms of “ppmvd corrected to 15% oxygen” for compliance with the BACT standard and, when requested by the Department, ISO corrected at 15% oxygen for the NSPS standard.
- (c) Compliance Averages. Compliance with the simple 4-hour moving average NO<sub>x</sub> emissions standards shall be based on data collected by each required CEMS. For purposes of determining compliance with the emission standards of this permit, missing data shall not be substituted. If monitoring data is authorized for exclusion (due to startup, shutdown, malfunction, or tuning), the simple 4-hour moving average shall be the average of the remaining valid 1-hour emission averages collected during actual operation. A 1-hour emissions average that includes any amount of oil firing shall only be included in the compliance average for oil firing. The CEMS used shall comply with 40 CFR 60.334(B)(2) which requires a minimum of 1 data point for each quadrant of a full unit operating hour or at least 2 data points (one in each of the two quadrants) when required quality assurance or maintenance activities are performed on the system.
- (d) Data Exclusion. Except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, each CEMS shall record emissions data at all times including episodes of startup, shutdown, and malfunction. Emissions data recorded during periods of startup, shutdown, or malfunction may only be excluded from the compliance averages in accordance with the requirements previously specified in this permit. To the extent practicable, the permittee shall minimize the duration of data excluded for startup, shutdown and malfunctions, unless specifically authorized in writing by the Department for longer periods. Data recorded during startup, shutdown or malfunction shall not be excluded if the episode was caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented. Best operational practices shall be used to minimize hourly emissions that occur during startup, shutdown and malfunction. Emissions of any quantity or duration that occur entirely or in part from poor maintenance, poor operation, or any other equipment or process failure, which may reasonably be prevented, shall be prohibited. Excluded emissions data shall be summarized in the required quarterly report.

**SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS**  
**SUBSECTION A. COMBINED CYCLE GAS TURBINES 1 AND 2**

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- (e) Monitor Availability. Monitor availability shall not be less than 95% in any calendar quarter. In the event 95% availability is not achieved, the permittee shall provide the Department with a report identifying the problems in achieving 95% availability and a plan of corrective actions that will be taken to achieve 95% availability. The permittee shall implement the reported corrective actions within the next calendar quarter. Failure to take corrective actions or continued failure to achieve the minimum monitor availability shall be violations of this permit.

[Rules 62-4.070(3), 62-4.130, and 62-4.160(8), 62-204.800, 62-210.700, and 62-213.440, F.A.C.; 40 CFR 60.7; AC53-233851B/PSD-FL-206B; 1050231-007-AC/PSD-FL-206D; 1050231-008-AC; applicant request; and 1050231-010-AV]

**RECORDKEEPING AND REPORTING REQUIREMENTS**

**A.17. Excess Emissions.** For additional recordkeeping, reporting and notification requirements, see Appendices CC and NA. [Rule 62-210.700(6), F.A.C.; and 40 CFR 60.7]

**A.18. Recordkeeping, Reporting and Notification Requirements.** For additional recordkeeping, reporting and notification requirements, see Appendices CC, STR, NA and NGG. [Rule 62-4.070(3), F.A.C.]

**A.19. Fuel Sulfur Content Records Required.** The owner or operator shall monitor and maintain records of sulfur content of natural gas (and biogas fuel, whenever such fuel becomes available and is burned) pursuant to the custom fuel monitoring schedule specified in Appendix CFMS (Custom Fuel Monitoring Schedule). The records shall report total sulfur content in terms of grains of sulfur per hundred cubic feet (standard conditions). The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency; and, if applicable, the supplier of the biogas fuel (when available). [Rules 62-4.070(3) and 62-213.440, F.A.C.; and 40 CFR 60.335(b)(10) & (11)]

**A.20. Additional Reports Required.** The owner or operator shall report the following with the Air Operating Report (AOR): sulfur content and LHV of the fuel being fired, annual fuel consumption of natural gas and biogas, and hours of operation per fuel usage. See also Appendix CC. [Rule 62-210.370(3), F.A.C.; AC53-233851B/PSD-FL-206B; and 1050231-002-AC]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS  
SUBSECTION B. AUXILIARY BOILER**

| <b>EU No.</b> | <b>Brief Description</b>   |
|---------------|--|
| 003           | This emissions unit consists of an auxiliary boiler, a two drum bent tube boiler manufactured by Zurn Nepco, with a maximum heat input of 100 MMBtu/hr from firing natural gas and/or biogas and based on the higher heating value (HHV) of the fuel. The auxiliary boiler began commercial operation in 1995. |

This emissions unit is regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units. This emissions unit is also subject to only the recordkeeping requirements of 40 CFR 60, Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, because it combusts only natural gas and/or biogas. This unit underwent a revised BACT Determination dated March 7, 1995. The firing of natural gas is considered BACT for the emissions of PM and SO<sub>2</sub>. The exhaust is vented through a stack that is 3.7 feet in diameter and 65 feet tall. Emissions are controlled with low NO<sub>x</sub> burners. Since there are no post-combustion controls, then CAM does not apply.

**ESSENTIAL PTE PARAMETERS**

**B.1. Permitted Capacity.** When firing any combination of natural gas and biogas, the maximum heat input rate is 100 MMBtu per hour based on the HHV of each fuel. [Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and AC53-233852A/PSD-FL-206B]

**B.2. Emissions Unit Operating Rate Limitation After Testing.** The operating rate of an emissions unit may be restricted based on compliance testing. See Appendix STR. [Rule 62-297.310(2), F.A.C.]

**B.3. Methods of Operation - Fuels.** The auxiliary boiler shall be fired with any combination of natural gas and biogas. [Rules 62-213.410 and 62-296.406, F.A.C.; and AC53-233852A/PSD-FL-206B]

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

**EMISSION LIMITATIONS AND STANDARDS**

{Permitting Note: Unless otherwise specified, the averaging times for the emissions limitations are based on the specified averaging time of the applicable test method.}

**B.5. Emission Limits.** The maximum allowable emission limits are as follows:

| <b>Pollutant</b>                 | <b>Emissions Limits</b>          |               |            |
|----------------------------------|----------------------------------|---------------|------------|
|                                  | <b>Natural Gas and/or Biogas</b> | <b>lbs/hr</b> | <b>TPY</b> |
| NO <sub>x</sub>                  | 0.13 lb/MMBtu                    | 13.0          | 56.9       |
| CO                               | 0.10 lb/MMBtu                    | 10.0          | 43.8       |
| VOC                              | 0.04 lb/MMBtu                    | 4.3           | 18.8       |
| PM/PM <sub>10</sub> <sup>1</sup> | 0.01 lb/MMBtu                    | 1.0           | 4.4        |
| SO <sub>2</sub> <sup>2</sup>     | 0.003 lb/MMBtu                   | 0.3           | 1.3        |

<sup>1</sup> All PM is assumed to be PM<sub>10</sub>; the PM limitation shall be considered to be met if visible emissions are not greater than 15% opacity.

<sup>2</sup> The sulfur dioxide limitation shall be considered to be met if the total sulfur content of the natural gas and biogas fuels does not exceed 1 grain per hundred cubic feet (standard conditions) based on the custom fuel monitoring schedule specified in Appendix CFMS.

[AC53-233852A/PSD-FL-206B]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**  
**SUBSECTION B. AUXILIARY BOILER**

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**B.6. VE.** VE shall not exceed 15% opacity. {Permitting Note: This case-by-case BACT limit is more stringent than that specified in Rule 62-296.406, F.A.C.} [AC53-233852A/PSD-FL-206B]

**B.7. SO<sub>2</sub> - Sulfur Content.** The natural gas and biogas sulfur content shall not exceed 1 grain per hundred cubic feet (standard conditions) based on the custom fuel monitoring schedule specified in Appendix CFMS. [Rules 62-4.070(3) and 62-213.440, F.A.C.; and AC53-233852A/PSD-FL-206B]

**TEST METHODS AND PROCEDURES**

**B.8. Testing Requirements.** See Appendix STR of this permit for notification, testing, recordkeeping and reporting requirements regarding a performance test. Tests shall be conducted on both natural gas and biogas fuels (provided biogas fuels become available) unless previous test results or fuel analysis documents that emissions are independent of fuel fired, in which case tests may be conducted on either fuel. [Chapter 62-297, F.A.C.; and AC53-233852A/PSD-FL-206B]

**B.9. Test Methods.** NO<sub>x</sub> tests shall be conducted using EPA Method 7E. For PM tests, EPA Method 5 shall be used or EPA Method 17 may be used if the stack flue gas temperature is less than 320°F. CO tests shall be conducted using EPA Method 10. VOC tests shall be conducted using EPA Method 18 or 25A. VE tests shall be conducted using EPA Method 9. [Chapter 62-297, F.A.C.; 40 CFR 60, Appendix A; Rules 62-4.070(3) and 62-213.440, F.A.C.; and AC53-233852A/PSD-FL-206B]

**B.10. Testing Frequency.** Emission testing for NO<sub>x</sub>, PM, CO and VOC shall be performed in the year prior to the renewal of this permit. VE testing shall be conducted annually. Testing for PM is not required if VE are not greater than 15% opacity. If the unit is unable to be tested because of scheduled maintenance outages and emergency repairs, it shall be tested within thirty days of returning to service. [Rule 62-297.310(7) (a)4., F.A.C.; AC53-233852A/PSD-FL-206B; and 1050231-009-AV]

**RECORDKEEPING AND REPORTING REQUIREMENTS**

**B.11. Fuel Sulfur Content Records Required.** The owner or operator shall monitor and maintain records of the sulfur content of natural gas (and biogas fuel, whenever such fuel becomes available and is burned) pursuant to the custom fuel monitoring schedule specified in Appendix CFMS. The records shall report total sulfur content in terms of grains of sulfur per hundred cubic feet (standard conditions). The analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency; and, if applicable, the supplier of the biogas fuel (when available). [Rules 62-4.070(3) and 62-213.440, F.A.C.; and 40 CFR 60.335(b)(10) & (11)]

**B.12. Fuel Usage Records Required.** The owner or operator shall record and maintain records of the amounts of each fuel combusted during each day. The owner or operator shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports, and records. [40 CFR 60.7 and 60.48c(g); and Rule 62-213.440(1)(b)2.b., F.A.C.]

**B.13. Recordkeeping, Reporting and Notification Requirements.** For additional recordkeeping, reporting and notification requirements, see Appendices CC and STR.

**B.15. Additional Reports Required.** The owner or operator shall report the following with the AOR: sulfur content and HHV of the fuel being fired, annual fuel consumption of natural gas and biogas, and hours of operation per fuel usage. See also Appendix CC. [Rule 62-210.370(3), F.A.C.; and AC53-233852A/PSD-FL-206B]

**SECTION IV. ACID RAIN PART**

---

**Operated by:** Northern Star Generation Services Company, LLC

**Facility:** Orange Cogeneration Facility

**ORIS code:** 54365

**SUBSECTION A. ACID RAIN UNITS**

The emissions units listed below are regulated under Phase II of the Federal Acid Rain Program.

| EU No. | Brief Description                  |
|--------|------------------------------------|
| 001    | Combined Cycle Gas Turbine, Unit 1 |
| 002    | Combined Cycle Gas Turbine, Unit 2 |

**A.1.** The Phase II Part application submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these acid rain units must comply with the standard requirements and special provisions set forth in the application received on 07/20/2007. [Chapter 62-213, F.A.C.; and Rule 62-214.320, F.A.C.]

**A.2.** Summary of SO<sub>2</sub> Allowances. SO<sub>2</sub> allowance allocations requirements for each Acid Rain unit are as follows:

| EU No. | EPA ID | SO <sub>2</sub> Allowances* for Each Year |      |      |      |      |
|--------|--------|---|------|------|------|------|
|        |        | 2008                                      | 2009 | 2010 | 2011 | 2012 |
| 001    | 01     | 0*  | 0*   | 0*   | 0*   | 0*   |
| 002    | 02     | 0*  | 0*   | 0*   | 0*   | 0*   |

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

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

1. No permit revision shall be required for increase in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
3. Allowances shall be accounted for under the Federal Acid Rain Program.

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

**A.4.** Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 days after the end of the calendar year. [Rule 62-214.420(11), F.A.C.]

**A.5.** Comments, Notes, and Justifications. None.

## SECTION V. APPENDICES

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### CONTENTS

Appendix A. Citation Formats  
Appendix I. List of Insignificant Emissions Units and Activities  
Appendix U. List of Unregulated Emissions Units and Activities  
Appendix CC. Common Conditions  
Appendix GC. General Conditions  
Appendix STR. Stack Testing Requirements  
Appendix NA. NSPS Subpart A - General Provisions  
Appendix NGG. NSPS Subpart GG - Stationary Gas Turbines  
Appendix TV-6. Title V Conditions  
Appendix AR. Acid Rain Application  
Appendix CFMS. Custom Fuel Monitoring Schedule for Natural Gas  
Appendix H. Permitting History



**SECTION V. APPENDIX A**  
**CITATION FORMATS**

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*The following examples illustrate the format used in the permit to identify applicable permitting actions and regulations.*

**REFERENCES TO PREVIOUS PERMITTING ACTIONS**

Old Permit Numbers

*Example:* Permit No. AC50-123456 or Air Permit No. AO50-123456

*Where:* “AC” identifies the permit as an Air Construction Permit  
“AO” identifies the permit as an Air Operation Permit  
“123456” identifies the specific permit project number

New Permit Numbers

*Example:* Permit Nos. 099-2222-001-AC, 099-2222-001-AF, 099-2222-001-AO, or 099-2222-001-AV

*Where:* “099” represents the specific county ID number in which the project is located  
“2222” represents the specific facility ID number  
“001” identifies the specific permit project  
“AC” identifies the permit as an air construction permit  
“AF” identifies the permit as a minor federally enforceable state operation permit  
“AO” identifies the permit as a minor source air operation permit  
“AV” identifies the permit as a Title V Major Source Air Operation Permit

PSD Permit Numbers

*Example:* Permit No. PSD-FL-317

*Where:* “PSD” means issued pursuant to the Prevention of Significant Deterioration of Air Quality  
“FL” means that the permit was issued by the State of Florida  
“317” identifies the specific permit project

**RULE CITATION FORMATS**

Florida Administrative Code (F.A.C.)

*Example:* [Rule 62-213.205, F.A.C.]

*Means:* Title 62, Chapter 213, Rule 205 of the Florida Administrative Code

Florida Statutes (F.S.)

*Example:* [Section 403.161, F.S.]

*Means:* Chapter 403, Section 161 of the Florida Statutes

Code of Federal Regulations (CFR)

*Example:* [40 CRF 60.7]

*Means:* Title 40, Part 60, Section 7

**MISCELLANEOUS**

ARMS: Air Resource Management System

**SECTION V. APPENDIX I**

**LIST OF INSIGNIFICANT EMISSIONS UNITS AND ACTIVITIES**

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

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

| <b>Brief Description of Emissions Units and/or Activities</b>                                |
|--|
| 1. Internal Combustion Engines -- Vehicles.  |
| 2. Laboratory Vacuum Pumps.  |
| 3. Steam Cleaning Equipment.   |
| 4. Belt and Drum Sanders.  |
| 5. Laboratory Equipment.   |
| 6. Brazing, Soldering, and Welding Equipment.  |
| 7. Emergency Generators.   |
| 8. Heating Units, General Purpose Internal Combustion Engines, and other Combustion Sources. |
| 9. Surface Coating Operations.   |
| 10. Degreasing Units (Non-HAP Solvents).   |
| 11. Petroleum Lubrication Systems.   |
| 12. Fungicide, Herbicide, and Pesticide Applications.  |
| 13. Asbestos Renovation and Demolition Activities.   |
| 14. Non-Halogenated Solvent Storage and Cleaning.  |
| 15. Abrasive Blasting Activities.  |
| 16. Soda Ash Storage Hopper.   |
| 17. Primary Cooling Tower.   |
| 18. Secondary Cooling Tower.   |
| 19. Evaporator Tower.  |
| 20. Natural Gas Piping System.   |
| 21. Water Treatment, Storage, and Handling Activities.                                       |
| 22. Lawn and Ground Maintenance.   |
| 23. Paved and Unpaved Roads.   |

**SECTION V. APPENDIX U-1**

**LIST OF UNREGULATED EMISSIONS UNITS AND ACTIVITIES**

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

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

| <b>ARMS No.</b> | <b>Brief Description of Emissions Units and/or Activity</b>                          |
|-----------------|--|
| 004             | Storage of Lube Oil, Waste Oil and Diesel Fuel                                       |
| 005             | Lube Oil Vapor Extractor, Lube Oil Air/Oil Separator, Steam Turbine Drain Flash Tank |

**SECTION V. APPENDIX CC**  
**COMMON CONDITIONS**

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Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

**EMISSIONS AND CONTROLS**

1. 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 each 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.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions - Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions - Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program (designee) in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department or its designee. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(6), F.A.C.]
6. General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department or its designee.

Such controls include the following:

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

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

7. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(Definitions), F.A.C.]
8. General Particulate Emissions Limiting Standard. General Visible Emissions Standard: Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]

**SECTION V. APPENDIX CC**  
**COMMON CONDITIONS**

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9. Unconfined Particulate Emissions: No person shall cause, let, permit, suffer or allow the emission 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 emission.

Reasonable precautions include the following:

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

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

**RECORDS AND REPORTS**

10. 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 or its designee upon request. [Rule 62-213.440(1)(b)2., F.A.C.]
11. Annual Operating Report: The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by March 1<sup>st</sup> of each year. [Rule 62-210.370(3), F.A.C.]
12. Day 1 for Recording, Monitoring and Reporting Requirements. 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.]

**SECTION V. APPENDIX GC**  
**GENERAL CONDITIONS**

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The permittee shall comply with the following general conditions from Rule 62-4.160, F.A.C.

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
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 or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
  - a. Have access to and copy and records that must be kept under the conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
  - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
  - a. A description of and cause of non-compliance; and
  - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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 403.73 and 403.111, F.S. Such evidence

**SECTION V. APPENDIX GC**  
**GENERAL CONDITIONS**

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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 Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (Not Applicable);
  - b. Determination of Prevention of Significant Deterioration (Not Applicable); and,
  - c. Compliance with New Source Performance Standards (NSPS Subparts A and GG).
14. The permittee shall comply with the following:
  - a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - c. Records of monitoring information shall include:
    - (1) The date, exact place, and time of sampling or measurements;
    - (2) The person responsible for performing the sampling or measurements;
    - (3) The dates analyses were performed;
    - (4) The person responsible for performing the analyses;
    - (5) The analytical techniques or methods used; and
    - (6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

---

Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.

**COMPLIANCE TESTING REQUIREMENTS**

1. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
2. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. 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. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
3. 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.]
4. Applicable Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C. [Rule 62-297.310(4), F.A.C.]
  - a. Required Sampling Time.
    - (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
    - (2) Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
      - (a) For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
      - (b) The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
      - (c) The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
  - b. Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
  - c. Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride



**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sample volume will be obtained.

- d. *Calibration of Sampling Equipment.* Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

Table 62-297.310-1 CALIBRATION SCHEDULE

| 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  | Calibration liquid 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 0.004" |
| Dry Gas Meter and Orifice Meter | 1. Full Scale: Annually<br>- When received;<br>- When 5% change observed.<br>2. One Point: Semiannually<br>3. Check after each test series | Spirometer or calibrated wet test or dry gas test meter                                   | 2%   |
|                                 |  | Comparison check  | 5%   |

- e. *Allowed Modification to EPA Method 5.* When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

5. Determination of Process Variables: [Rule 62-297.310(5), F.A.C.]

- a. *Required Equipment.* The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
- b. *Accuracy of Equipment.* Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

6. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must also comply with all applicable Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E. [Rule 62-297.310(6), F.A.C.]

- a. *Permanent Test Facilities.* The owner or operator of an emissions unit for which a compliance test, other than a

**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

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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), toe board, 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.*
  - (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 toe boards.
- 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 × 3 inch × 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

**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

---

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 dual rail 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.

7. Frequency of Compliance Tests: The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required. [Rule 62-297.310(7), F.A.C.]

a. *General Compliance Testing.*

- 1. The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
- 2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.
- 3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
  - (a) Did not operate; or
  - (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours,
- 4. During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
  - (a) Visible emissions, if there is an applicable standard;
  - (b) Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
  - (c) Each NESHAP pollutant, if there is an applicable emission standard.
- 5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.
- 6. For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.

**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

---

7. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to paragraph 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.
  8. Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.
  9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
  10. An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to subsection 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to subparagraph 62-213.300(2)(a)1., F.A.C., or paragraph 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in paragraph 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
- c. *Waiver of Compliance Test Requirements.* If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7)(b), F.A.C., shall apply.

**RECORDS AND REPORTS**

8. Test Reports: [Rule 62-297.310(8), F.A.C.]
- a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.
  - b. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.
  - c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information.
    1. The type, location, and designation of the emissions unit tested.
    2. The facility at which the emissions unit is located.
    3. The owner or operator of the emissions unit.
    4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
    5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
    6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
    7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.

**SECTION V. APPENDIX STR**  
**STACK TESTING REQUIREMENTS**

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8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

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**Subpart A-General Provisions for 40 CFR 60**

**40 CFR 60.1 Applicability.**

- (a) Except as provided in 40 CFR 60 subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.
- (b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.
- (c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (CAA) as amended November 15, 1990 (42 U.S.C. 7661).

**§ 60.5 Determination of construction or modification.**

- (a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.
- (b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

**40 CFR 60.6 Review of plans.**

- (a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.
- (b)
  - (1) A separate request shall be submitted for each construction or modification project.
  - (2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.
- (c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall:
  - (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or
  - (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

**40 CFR 60.7 Notification and recordkeeping.**

- (a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:
  - (1) A notification of the date construction (or reconstruction as defined under 40 CFR 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
  - (2) Reserved.
  - (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
  - (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

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change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

- (5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.
  - (6) A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.
  - (7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5). This notification shall be postmarked not less than 30 days prior to the date of the performance test.
- (b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.
- (c) Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:
- (1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
  - (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
  - (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.
  - (4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.
- (d) The summary report form shall contain the information and be in the format shown in Figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.
- (1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.
  - (2) If the total duration of excess emissions for the reporting period is 1 percent or greater of the total operating time for the reporting period or the total CMS downtime for the reporting period is 5 percent or greater of the total operating time for the reporting period, the summary report form and the excess emission report described in 40 CFR 60.7(c) shall both be submitted.

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

**Figure 1. Summary Report**  
**Gaseous and Opacity Excess Emission and Monitoring System Performance**

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Emission Limitation: \_\_\_\_\_

Pollutant (*Circle One*):    SO<sub>2</sub>    NO<sub>x</sub>    TRS    H<sub>2</sub>S    CO    Opacity

Reporting Period Dates: From \_\_\_\_\_ to \_\_\_\_\_

Total source operating time in reporting period <sup>1</sup>: \_\_\_\_\_

Monitor Manufacturer: \_\_\_\_\_

Monitor Model No.: \_\_\_\_\_

Date of Latest CMS Certification or Audit: \_\_\_\_\_

| Emission Data Summary <sup>1</sup>  | CMS Performance Summary <sup>1</sup>  |
|---|---|
| 1. Duration of excess emissions in reporting period due to:   | 1. CMS downtime in reporting period due to:   |
| a. Startup/shutdown ..... _____   | a. Monitor equipment malfunctions ..... _____   |
| b. Control equipment problems ..... _____   | b. Non-Monitor equipment malfunctions ..... _____   |
| c. Process problems ..... _____   | c. Quality assurance calibration ..... _____  |
| d. Other known causes ..... _____   | d. Other known causes ..... _____   |
| e. Unknown causes ..... _____   | e. Unknown causes ..... _____   |
| 2. Total duration of excess emissions ..... _____   | 2. Total CMS Downtime ..... _____   |
| 3. $\frac{[\text{Total duration of excess emissions}] \times (100\%)}{[\text{Total source operating time}]}$ ..... % <sup>2</sup> | 3. $\frac{[\text{Total CMS Downtime}] \times (100\%)}{[\text{Total source operating time}]}$ ..... % <sup>2</sup> |

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

<sup>2</sup> For the reporting period: If the total duration of excess emissions is 1 percent or greater of the total operating time or the total CMS downtime is 5 percent or greater of the total operating time, both the summary report form and the excess emission report described in 40 CFR 60.7(c) shall be submitted.

*On a separate page, describe any changes since last quarter in CMS, process or controls.*

I certify that the information contained in this report is true, accurate, and complete.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

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- (e) (1) Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:
- (i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;
  - (ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and
  - (iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.
- (2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Administrator in writing of his or her intention to make such a change and the Administrator does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Administrator may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Administrator to make a judgment about the source's potential for noncompliance in the future. If the Administrator disapproves the owner or operator's request to reduce the frequency of reporting, the Administrator will notify the owner or operator in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Administrator to the owner or operator will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.
- (3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance re-report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.
- (f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:
- (1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS sub-hourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of sub-hourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.
  - (2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS sub-hourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all sub-hourly measurements for the

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

most recent reporting period. The sub-hourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

- (3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.
- (g) If notification substantially similar to that in 40 CFR 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR 60.7(a).
- (h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

**40 CFR 60.8 Performance tests.**

- (a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
- (b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.
- (c) Performance tests shall be conducted under such conditions as the Administrator shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.
- (d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.
- (e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:
  - (1) Sampling ports adequate for test methods applicable to such facility. This includes
    - (i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and
    - (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
  - (2) Safe sampling platform(s).

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

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- (3) Safe access to sampling platform(s).
- (4) Utilities for sampling and testing equipment.
- (f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.

**40 CFR 60.9 Availability of information.**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§ 60.5 and 60.6 is governed by §§ 2.201 through 2.213 of this chapter and not by § 2.301 of this chapter.)

**40 CFR 60.10 State authority.**

The provisions of 40 CFR 60 shall not be construed in any manner to preclude any State or political subdivision thereof from:

- (a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.
- (b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

**40 CFR 60.11 Compliance with standards and maintenance requirements.**

- (a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
- (c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

test conducted under 40 CFR 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of Appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in 40 CFR 60.11(e)(5), the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in Appendix B of 40 CFR 60, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

- (2) Except as provided in 40 CFR 60.11(e)(3), the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with 40 CFR 60.11(b), shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under 40 CFR 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.
- (3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR 60.7(e)(1) shall apply.
- (4) The owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by 40 CFR 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and 40 CFR 60.8 performance test results.
- (5) The owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.
- (6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by 40 CFR 60.8, the opacity observation results and observer certification required by 40 CFR 60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

required to be submitted along with the performance test results required by 40 CFR 60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with 40 CFR 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

- (7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.
  - (8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.
- (f) Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of 40 CFR 60.11.

**40 CFR 60.12 Circumvention.**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**40 CFR 60.13 Monitoring requirements.**

- (a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under Appendix B of 40 CFR 60 and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, Appendix F to 40 CFR 60, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.
- (b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.
- (c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he/she shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, Appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in Appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.
  - (1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under 40 CFR 60.8 and as described in 40 CFR 60.11(e)(5), shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in 40 CFR 60.13(c) at least 10 days before the performance test required under 40 CFR 60.8 is conducted.
  - (2) Except as provided in 40 CFR 60.13(c)(1), the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

- (d) (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.
- (2) Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.
- (e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
- (1) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.
- (2) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of 40 CFR 60 shall be used.
- (g) (1) When more than one continuous monitoring system is used to measure the emissions from only one affected facility (e.g. multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless installation of fewer systems is approved by the Administrator.
- (2) When the effluents from two or more affected facilities subject to the same opacity standard are combined before being released to the atmosphere, the owner or operator may either install a continuous opacity monitoring system at a location monitoring the combined effluent or install an opacity combiner system comprised of opacity and flow monitoring systems on each stream, and shall report as per 40 CFR 60.7(c) on the combined effluent. When the affected facilities are not subject to the same opacity standard applicable, except for documented periods of shutdown of the affected facility, subject to the most stringent opacity standard shall apply
- (3) When the effluents from two or more affected facilities subject to the same emissions standard, other than opacity, are combined before released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the continuous monitoring standard, separate continuous monitoring systems shall be installed on each effluent and the owner or operator shall report as required for each affected facility.
- (h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners or operators complying with the requirements in 40 CFR 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

- (i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:
  - (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.
  - (2) Alternative monitoring requirements when the affected facility is infrequently operated.
  - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
  - (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
  - (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
  - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
  - (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.
  - (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
  - (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.
- (j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:
  - (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in section 8.4 of Performance Specification 2 and substitute the procedures in section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

- (2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., 40 CFR 60.45(g)(2) and 40 CFR 60.45(g)(3), 40 CFR 60.73(e), and 40 CFR 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in section 8.4 of Performance Specification 2.

**40 CFR 60.14 Modification.**

- (a) Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.
- (b) Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:
- (1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.
- (2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
- (c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
- (d) [Reserved]
- (e) The following shall not, by themselves, be considered modifications under this part:
- (1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.
- (2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.
- (3) An increase in the hours of operation.



**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

- (4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.
- (5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.
- (6) The relocation or change in ownership of an existing facility.
- (f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in 40 CFR 60.14(a), compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.
- (i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.  
(2) This exemption shall not apply to any new unit that:
  - (i) Is designated as a replacement for an existing unit;
  - (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
  - (iii) Is located at a different site than the existing unit.
- (k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

**40 CFR 60.15 Reconstruction.**

- (a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.
- (b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:
  - (1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

---

- (2) It is technologically and economically feasible to meet the applicable standards set forth in this part.
- (c) "Fixed capital cost" means the capital needed to provide all the depreciable components.
- (d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:
- (1) Name and address of the owner or operator.
  - (2) The location of the existing facility.
  - (3) A brief description of the existing facility and the components which are to be replaced.
  - (4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
  - (5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.
  - (6) The estimated life of the existing facility after the replacements.
  - (7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
- (e) The Administrator will determine, within 30 days of the receipt of the notice required by 40 CFR 60.15(d) and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
- (f) The Administrator's determination under 40 CFR 60.15(e) shall be based on:
- (1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;
  - (2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;
  - (3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and
  - (4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.
- (g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

**40 CFR 60.18 General control device requirements.**

- (a) *Introduction.* This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.
- (b) *Flares.* Paragraphs (c) through (f) apply to flares. (*Not applicable.*)

**40 CFR 60.19 General notification and reporting requirements.**

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.
- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be postmarked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the post-mark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

**SECTION V. APPENDIX NA**  
**NSPS SUBPART A - GENERAL PROVISIONS**

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- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
  - (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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(updated 4/27/06)

**SUBPART GG. STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES**

**40 CFR 60.330 Applicability and designation of affected facility.**

- (a) The provisions of this subpart are applicable to the following affected facilities: All stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 million Btu) per hour, based on the lower heating value of the fuel fired.
- (b) Any facility under paragraph (a) of this section which commences construction, modification, or reconstruction after October 3, 1977, is subject to the requirements of this part except as provided in paragraphs (e) and (j) of 40 CFR 60.332.

**40 CFR 60.331 Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

- (a) *Stationary gas turbine* means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on a vehicle for portability.
- (b) *Simple cycle gas turbine* means any stationary gas turbine which does not recover heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine, or which does not recover heat from the gas turbine exhaust gases to heat water or generate steam.
- (c) *Regenerative cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine.
- (d) *Combined cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to heat water or generate steam.
- (e) *Emergency gas turbine* means any stationary gas turbine which operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by an emergency situation.
- (f) *Ice fog* means an atmospheric suspension of highly reflective ice crystals.
- (g) *ISO standard day conditions* means 288 degrees Kelvin, 60 percent relative humidity and 101.3 kilopascals pressure.
- (h) *Efficiency* means the gas turbine manufacturer's rated heat rate at peak load in terms of heat input per unit of power output based on the lower heating value of the fuel.
- (i) *Peak load* means 100 percent of the manufacturer's design capacity of the gas turbine at ISO standard day conditions.
- (j) *Base load* means the load level at which a gas turbine is normally operated.
- (k) *Fire-fighting turbine* means any stationary gas turbine that is used solely to pump water for extinguishing fires.
- (l) *Turbines employed in oil/gas production or oil/gas transportation* means any stationary gas turbine used to provide power to extract crude oil/natural gas from the earth or to move crude oil/natural gas, or products refined from these substances through pipelines.
- (m) A *Metropolitan Statistical Area* or *MSA* as defined by the Department of Commerce.

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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- (n) *Offshore platform gas turbines* means any stationary gas turbine located on a platform in an ocean.
- (o) *Garrison facility* means any permanent military installation.
- (p) *Gas turbine model* means a group of gas turbines having the same nominal air flow, combustor inlet pressure, combustor inlet temperature, firing temperature, turbine inlet temperature and turbine inlet pressure.
- (q) *Electric utility stationary gas turbine* means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.
- (r) *Emergency fuel* is a fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine.
- (s) *Unit operating hour* means a clock hour during which any fuel is combusted in the affected unit. If the unit combusts fuel for the entire clock hour, it is considered to be a full unit operating hour. If the unit combusts fuel for only part of the clock hour, it is considered to be a partial unit operating hour.
- (t) *Excess emissions* means a specified averaging period over which either:
  - (1) The NO<sub>x</sub> emissions are higher than the applicable emission limit in 40 CFR 60.332;
  - (2) The total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in 40 CFR 60.333; or
  - (3) The recorded value of a particular monitored parameter is outside the acceptable range specified in the parameter monitoring plan for the affected unit.
- (u) *Natural gas* means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Equivalents of this in other units are as follows: 0.068 weight percent total sulfur, 680 parts per million by weight (ppmw) total sulfur, and 338 parts per million by volume (ppmv) at 20 degrees Celsius total sulfur. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 British thermal units (Btu) per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.
- (v) *Duct burner* means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.
- (w) *Lean premix stationary combustion turbine* means any stationary combustion turbine where the air and fuel are thoroughly mixed to form a lean mixture for combustion in the combustor. Mixing may occur before or in the combustion chamber. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.
- (x) *Diffusion flame stationary combustion turbine* means any stationary combustion turbine where fuel and air are injected at the combustor and are mixed only by diffusion prior to ignition. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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- (y) Unit operating day means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

**40 CFR 60.332 Standard for nitrogen oxides.**

- (a) On and after the date on which the performance test required by 40 CFR 60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.
- (1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$\text{STD} = 0.0075[14.4/Y] + F$$

where:

STD = allowable ISO corrected (if required as given in 40 CFR 60.335(b)(1)) NO<sub>x</sub> emission concentration (percent by volume at 15 percent oxygen and on a dry basis),

Y = manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and

F = NO<sub>x</sub> emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

- (2) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$\text{STD} = 0.0150[14.4/Y] + F$$

where:

STD = allowable ISO corrected (if required as given in 40 CFR 60.335(b)(1)) NO<sub>x</sub> emission concentration (percent by volume at 15 percent oxygen and on a dry basis),

Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour), or actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and

F = NO<sub>x</sub> emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

- (3) The use of F in paragraphs (a)(1) and (2) of this section is optional. That is, the owner or operator may choose to apply a NO<sub>x</sub> allowance for fuel-bound nitrogen and determine the appropriate F-value in accordance with paragraph (a)(4) of this section or may accept an F-value of zero.
- (4) If the owner or operator elects to apply a NO<sub>x</sub> emission allowance for fuel-bound nitrogen, F shall be defined according to the nitrogen content of the fuel during the most recent performance test required under 40 CFR 60.8 as follows:

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

Fuel-bound nitrogen (% by weight)      F (NO<sub>x</sub> % by volume)

|                  |                     |
|------------------|---------------------|
| N≤0.015.....     | 0                   |
| 0.015<N≤0.1..... | 0.04(N)             |
| 0.1<N≤0.25.....  | 0.004+0.0067(N-0.1) |
| N>0.25.....      | 0.005               |

where:

N = the nitrogen content of the fuel (percent by weight).or:

Manufacturers may develop and submit to EPA custom fuel-bound nitrogen allowances for each gas turbine model they manufacture. These fuel-bound nitrogen allowances shall be substantiated with data and must be approved for use by the Administrator before the initial performance test required by 40 CFR 60.8. Notices of approval of custom fuel-bound nitrogen allowances will be published in the Federal Register.

- (b) Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with the provisions of paragraph (a)(1) of this section.
- (c) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired, shall comply with the provisions of paragraph (a)(2) of this section.
- (d) Stationary gas turbines with a manufacturer's rated base load at ISO conditions of 30 megawatts or less except as provided in 40 CFR 60.332(b) shall comply with paragraph (a)(2) of this section.
- (e) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired and that have commenced construction prior to October 3, 1982 are exempt from paragraph (a) of this section.
- (f) Stationary gas turbines using water or steam injection for control of NO<sub>x</sub> emissions are exempt from paragraph (a) when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine.
- (g) Emergency gas turbines, military gas turbines for use in other than a garrison facility, military gas turbines installed for use as military training facilities, and fire fighting gas turbines are exempt from paragraph (a) of this section.
- (h) Stationary gas turbines engaged by manufacturers in research and development of equipment for both gas turbine emission control techniques and gas turbine efficiency improvements are exempt from paragraph (a) on a case-by-case basis as determined by the Administrator.
- (i) Exemptions from the requirements of paragraph (a) of this section will be granted on a case-by-case basis as determined by the Administrator in specific geographical areas where mandatory water restrictions are required by governmental agencies because of drought conditions. These exemptions will be allowed only while the mandatory water restrictions are in effect.
- (j) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour that commenced construction, modification, or reconstruction between the dates of October 3, 1977, and January 27, 1982, and were required in the September 10, 1979, Federal Register (44 FR 52792) to comply with paragraph (a)(1) of this section, except electric utility stationary gas turbines, are exempt from paragraph (a) of this section.

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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- (k) Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 million Btu/hour) when fired with natural gas are exempt from paragraph (a)(2) of this section when being fired with an emergency fuel.
- (l) Regenerative cycle gas turbines with a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) are exempt from paragraph (a) of this section.

**40 CFR 60.333 Standard for sulfur dioxide.**

On and after the date on which the performance test required to be conducted by 40 CFR 60.8 is completed, every owner or operator subject to the provision of this subpart shall comply with one or the other of the following conditions:

- (a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.
- (b) No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains total sulfur in excess of 0.8 percent by weight (8000 ppmw).

**40 CFR 60.334 Monitoring of operations.**

- (a) Except as provided in paragraph (b) of this section, the owner or operator of any stationary gas turbine subject to the provisions of this subpart and using water or steam injection to control NO<sub>x</sub> emissions shall install, calibrate, maintain and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.
- (b) The owner or operator of any stationary gas turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which uses water or steam injection to control NO<sub>x</sub> emissions may, as an alternative to operating the continuous monitoring system described in paragraph (a) of this section, install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NO<sub>x</sub> and O<sub>2</sub> monitors. As an alternative, a CO<sub>2</sub> monitor may be used to adjust the measured NO<sub>x</sub> concentrations to 15 percent O<sub>2</sub> by either converting the CO<sub>2</sub> hourly averages to equivalent O<sub>2</sub> concentrations using Equation F-14a or F-14b in appendix F to part 75 of this chapter and making the adjustments to 15 percent O<sub>2</sub>, or by using the CO<sub>2</sub> readings directly to make the adjustments, as described in Method 20. If the option to use a CEMS is chosen, the CEMS shall be installed, certified, maintained and operated as follows:
  - (1) Each CEMS must be installed and certified according to PS 2 and 3 (for diluent) of 40 CFR part 60, appendix B, except the 7-day calibration drift is based on unit operating days, not calendar days. Appendix F, Procedure 1 is not required. The relative accuracy test audit (RATA) of the NO<sub>x</sub> and diluent monitors may be performed individually or on a combined basis, i.e., the relative accuracy tests of the CEMS may be performed either:
    - (i) On a ppm basis (for NO<sub>x</sub>) and a percent O<sub>2</sub> basis for oxygen; or
    - (ii) On a ppm at 15 percent O<sub>2</sub> basis; or
    - (iii) On a ppm basis (for NO<sub>x</sub>) and a percent CO<sub>2</sub> basis (for a CO<sub>2</sub> monitor that uses the procedures in Method 20 to correct the NO<sub>x</sub> data to 15 percent O<sub>2</sub>).
  - (2) As specified in 40 CFR 60.13(e)(2), during each full unit operating hour, each monitor must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each 15-minute quadrant of the hour, to validate the hour. For partial unit operating hours, at least one valid data point must be obtained for each quadrant of the hour in which the unit operates. For unit operating hours in which required quality assurance and maintenance activities are performed on the CEMS, a minimum of two valid data points (one in each of two quadrants) are required to validate the hour.
  - (3) For purposes of identifying excess emissions, CEMS data must be reduced to hourly averages as specified in 40 CFR 60.13(h).
    - (i) For each unit operating hour in which a valid hourly average, as described in paragraph (b)(2) of this section, is obtained for both NO<sub>x</sub> and diluent, the data acquisition and handling system must calculate and record the hourly NO<sub>x</sub> emissions in the units of the applicable NO<sub>x</sub> emission standard under 40 CFR 60.332(a), i.e.,



## SECTION 5. APPENDIX NGG

### NSPS SUBPART GG – STATIONARY GAS TURBINES

percent NO<sub>x</sub> by volume, dry basis, corrected to 15 percent O<sub>2</sub> and International Organization for Standardization (ISO) standard conditions (if required as given in 40 CFR 60.335(b)(1)). For any hour in which the hourly average O<sub>2</sub> concentration exceeds 19.0 percent O<sub>2</sub>, a diluent cap value of 19.0 percent O<sub>2</sub> may be used in the emission calculations.

- (ii) A worst case ISO correction factor may be calculated and applied using historical ambient data. For the purpose of this calculation, substitute the maximum humidity of ambient air (H<sub>o</sub>), minimum ambient temperature (T<sub>a</sub>), and minimum combustor inlet absolute pressure (P<sub>o</sub>) into the ISO correction equation.
  - (iii) If the owner or operator has installed a NO<sub>x</sub> CEMS to meet the requirements of part 75 of this chapter, and is continuing to meet the ongoing requirements of part 75 of this chapter, the CEMS may be used to meet the requirements of this section, except that the missing data substitution methodology provided for at 40 CFR part 75, subpart D, is not required for purposes of identifying excess emissions. Instead, periods of missing CEMS data are to be reported as monitor downtime in the excess emissions and monitoring performance report required in 40 CFR 60.7(c).
- (c) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which does not use steam or water injection to control NO<sub>x</sub> emissions, the owner or operator may, but is not required to, for purposes of determining excess emissions, use a CEMS that meets the requirements of paragraph (b) of this section. Also, if the owner or operator has previously submitted and received EPA, State, or local permitting authority approval of a procedure for monitoring compliance with the applicable NO<sub>x</sub> emission limit under 40 CFR 60.332, that approved procedure may continue to be used.
- (d) The owner or operator of any new turbine constructed after July 8, 2004, and which uses water or steam injection to control NO<sub>x</sub> emissions may elect to use either the requirements in paragraph (a) of this section for continuous water or steam to fuel ratio monitoring or may use a NO<sub>x</sub> CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section.
- (e) The owner or operator of any new turbine that commences construction after July 8, 2004, and which does not use water or steam injection to control NO<sub>x</sub> emissions, may, but is not required to, elect to use a NO<sub>x</sub> CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section. Other acceptable monitoring approaches include periodic testing approved by EPA or the State or local permitting authority or continuous parameter monitoring as described in paragraph (f) of this section.
- (f) The owner or operator of a new turbine that commences construction after July 8, 2004, which does not use water or steam injection to control NO<sub>x</sub> emissions may, but is not required to, perform continuous parameter monitoring as follows:
- (1) For a diffusion flame turbine without add-on selective catalytic reduction controls (SCR), the owner or operator shall define at least four parameters indicative of the unit's NO<sub>x</sub> formation characteristics and shall monitor these parameters continuously.
  - (2) For any lean premix stationary combustion turbine, the owner or operator shall continuously monitor the appropriate parameters to determine whether the unit is operating in low-NO<sub>x</sub> mode.
  - (3) For any turbine that uses SCR to reduce NO<sub>x</sub> emissions, the owner or operator shall continuously monitor appropriate parameters to verify the proper operation of the emission controls.
  - (4) For affected units that are also regulated under part 75 of this chapter, if the owner or operator elects to monitor NO<sub>x</sub> emission rate using the methodology in appendix E to part 75 of this chapter, or the low mass emissions methodology in 40 CFR 75.19 of this chapter, the requirements of this paragraph (f) may be met by performing the parametric monitoring described in section 2.3 of appendix E or in 40 CFR 75.19(c)(1)(iv)(H) of this chapter.
- (g) The steam or water to fuel ratio or other parameters that are continuously monitored as described in paragraphs (a), (d) or (f) of this section shall be monitored during the performance test required under 40 CFR 60.8, to establish acceptable values and ranges. The owner or operator may supplement the performance test data with engineering analyses, design specifications, manufacturer's recommendations and other relevant information to define the acceptable parametric ranges more precisely. The owner or operator shall develop and keep on-site a parameter monitoring plan which explains the procedures used to document proper operation of the NO<sub>x</sub> emission controls. The plan shall include the parameter(s) monitored and the acceptable range(s) of the parameter(s) as well as the basis for designating the

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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parameter(s) and acceptable range(s). Any supplemental data such as engineering analyses, design specifications, manufacturer's recommendations and other relevant information shall be included in the monitoring plan. For affected units that are also subject to part 75 of this chapter and that use the low mass emissions methodology in 40 CFR 75.19 of this chapter or the NO<sub>x</sub> emission measurement methodology in appendix E to part 75, the owner or operator may meet the requirements of this paragraph by developing and keeping on-site (or at a central location for unmanned facilities) a quality-assurance plan, as described in 40 CFR 75.19 (e)(5) or in section 2.3 of appendix E and section 1.3.6 of appendix B to part 75 of this chapter.

- (h) The owner or operator of any stationary gas turbine subject to the provisions of this subpart:
- (1) Shall monitor the total sulfur content of the fuel being fired in the turbine, except as provided in paragraph (h)(3) of this section. The sulfur content of the fuel must be determined using total sulfur methods described in 40 CFR 60.335(b)(10). Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4000 ppmw), ASTM D4084-82, 94, D5504-01, D6228-98, or Gas Processors Association Standard 2377-86 (all of which are incorporated by reference-see 40 CFR 60.17), which measure the major sulfur compounds may be used; and
  - (2) Shall monitor the nitrogen content of the fuel combusted in the turbine, if the owner or operator claims an allowance for fuel bound nitrogen (i.e., if an F-value greater than zero is being or will be used by the owner or operator to calculate STD in 40 CFR 60.332). The nitrogen content of the fuel shall be determined using methods described in 40 CFR 60.335(b)(9) or an approved alternative.
  - (3) Notwithstanding the provisions of paragraph (h)(1) of this section, the owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR 60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:
    - (i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or
    - (ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.
  - (4) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and for which a custom fuel monitoring schedule has previously been approved, the owner or operator may, without submitting a special petition to the Administrator, continue monitoring on this schedule.
- (i) The frequency of determining the sulfur and nitrogen content of the fuel shall be as follows:
- (1) Fuel oil. For fuel oil, use one of the total sulfur sampling options and the associated sampling frequency described in sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to part 75 of this chapter (i.e., flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank). If an emission allowance is being claimed for fuel-bound nitrogen, the nitrogen content of the oil shall be determined and recorded once per unit operating day.
  - (2) Gaseous fuel. Any applicable nitrogen content value of the gaseous fuel shall be determined and recorded once per unit operating day. For owners and operators that elect not to demonstrate sulfur content using options in paragraph (h)(3) of this section, and for which the fuel is supplied without intermediate bulk storage, the sulfur content value of the gaseous fuel shall be determined and recorded once per unit operating day.
  - (3) Custom schedules. Notwithstanding the requirements of paragraph (i)(2) of this section, operators or fuel vendors may develop custom schedules for determination of the total sulfur content of gaseous fuels, based on the design and operation of the affected facility and the characteristics of the fuel supply. Except as provided in paragraphs (i)(3)(i) and (i)(3)(ii) of this section, custom schedules shall be substantiated with data and shall be approved by the Administrator before they can be used to comply with the standard in 40 CFR 60.333.
    - (i) The two custom sulfur monitoring schedules set forth in paragraphs (i)(3)(i)(A) through (D) and in paragraph (i)(3)(ii) of this section are acceptable, without prior Administrative approval:
      - (A) The owner or operator shall obtain daily total sulfur content measurements for 30 consecutive unit operating days, using the applicable methods specified in this subpart. Based on the results of the 30

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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daily samples, the required frequency for subsequent monitoring of the fuel's total sulfur content shall be as specified in paragraph (i)(3)(i)(B), (C), or (D) of this section, as applicable.

- (B) If none of the 30 daily measurements of the fuel's total sulfur content exceeds 0.4 weight percent (4000 ppmw), subsequent sulfur content monitoring may be performed at 12 month intervals. If any of the samples taken at 12-month intervals has a total sulfur content between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), follow the procedures in paragraph (i)(3)(i)(C) of this section. If any measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section.
  - (C) If at least one of the 30 daily measurements of the fuel's total sulfur content is between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), but none exceeds 0.8 weight percent (8000 ppmw), then:
    - (1) Collect and analyze a sample every 30 days for three months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(2) of this section.
    - (2) Begin monitoring at 6-month intervals for 12 months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(3) of this section.
    - (3) Begin monitoring at 12-month intervals. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, continue to monitor at this frequency.
  - (D) If a sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), immediately begin daily monitoring according to paragraph (i)(3)(i)(A) of this section. Daily monitoring shall continue until 30 consecutive daily samples, each having a sulfur content no greater than 0.8 weight percent (8000 ppmw), are obtained. At that point, the applicable procedures of paragraph (i)(3)(i)(B) or (C) of this section shall be followed.
- (ii) The owner or operator may use the data collected from the 720-hour sulfur sampling demonstration described in section 2.3.6 of appendix D to part 75 of this chapter to determine a custom sulfur sampling schedule, as follows:
- (A) If the maximum fuel sulfur content obtained from the 720 hourly samples does not exceed 20 grains/100 scf (i.e., the maximum total sulfur content of natural gas as defined in 40 CFR 60.331(u)), no additional monitoring of the sulfur content of the gas is required, for the purposes of this subpart.
  - (B) If the maximum fuel sulfur content obtained from any of the 720 hourly samples exceeds 20 grains/100 scf, but none of the sulfur content values (when converted to weight percent sulfur) exceeds 0.4 weight percent (4000 ppmw), then the minimum required sampling frequency shall be one sample at 12 month intervals.
  - (C) If any sample result exceeds 0.4 weight percent sulfur (4000 ppmw), but none exceeds 0.8 weight percent sulfur (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(C) of this section.
  - (D) If the sulfur content of any of the 720 hourly samples exceeds 0.8 weight percent (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(D) of this section.
- (j) For each affected unit that elects to continuously monitor parameters or emissions, or to periodically determine the fuel sulfur content or fuel nitrogen content under this subpart, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with 40 CFR 60.7(c). Excess emissions shall be reported for all periods of unit operation, including startup, shutdown and malfunction. For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions and monitor downtime that shall be reported are defined as follows:
- (I) Nitrogen oxides.
    - (i) For turbines using water or steam to fuel ratio monitoring:
      - (A) An excess emission shall be any unit operating hour for which the average steam or water to fuel ratio, as measured by the continuous monitoring system, falls below the acceptable steam or water to fuel ratio needed to demonstrate compliance with 40 CFR 60.332, as established during the performance test required in 40 CFR 60.8. Any unit operating hour in which no water or steam is injected into the turbine shall also be considered an excess emission.

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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- (B) A period of monitor downtime shall be any unit operating hour in which water or steam is injected into the turbine, but the essential parametric data needed to determine the steam or water to fuel ratio are unavailable or invalid.
- (C) Each report shall include the average steam or water to fuel ratio, average fuel consumption, ambient conditions (temperature, pressure, and humidity), gas turbine load, and (if applicable) the nitrogen content of the fuel during each excess emission. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in 40 CFR 60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of 40 CFR 60.335(b)(1).
- (ii) If the owner or operator elects to take an emission allowance for fuel bound nitrogen, then excess emissions and periods of monitor downtime are as described in paragraphs (j)(1)(ii)(A) and (B) of this section.
  - (A) An excess emission shall be the period of time during which the fuel-bound nitrogen (N) is greater than the value measured during the performance test required in 40 CFR 60.8 and used to determine the allowance. The excess emission begins on the date and hour of the sample which shows that N is greater than the performance test value, and ends with the date and hour of a subsequent sample which shows a fuel nitrogen content less than or equal to the performance test value.
  - (B) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour that a required sample is taken, if invalid results are obtained. The period of monitor downtime ends on the date and hour of the next valid sample.
- (iii) For turbines using NO<sub>x</sub> and diluent CEMS:
  - (A) An hour of excess emissions shall be any unit operating hour in which the 4-hour rolling average NO<sub>x</sub> concentration exceeds the applicable emission limit in 40 CFR 60.332(a)(1) or (2). For the purposes of this subpart, a "4-hour rolling average NO<sub>x</sub> concentration" is the arithmetic average of the average NO<sub>x</sub> concentration measured by the CEMS for a given hour (corrected to 15 percent O<sub>2</sub> and, if required under 40 CFR 60.335(b)(1), to ISO standard conditions) and the three unit operating hour average NO<sub>x</sub> concentrations immediately preceding that unit operating hour.
  - (B) A period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour, for either NO<sub>x</sub> concentration or diluent (or both).
  - (C) Each report shall include the ambient conditions (temperature, pressure, and humidity) at the time of the excess emission period and (if the owner or operator has claimed an emission allowance for fuel bound nitrogen) the nitrogen content of the fuel during the period of excess emissions. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in 40 CFR 60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of 40 CFR 60.335(b)(1).
- (iv) For owners or operators that elect, under paragraph (f) of this section, to monitor combustion parameters or parameters that document proper operation of the NO<sub>x</sub> emission controls:
  - (A) An excess emission shall be a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan for the unit.
  - (B) A period of monitor downtime shall be a unit operating hour in which any of the required parametric data are either not recorded or are invalid.
- (2) Sulfur dioxide. If the owner or operator is required to monitor the sulfur content of the fuel under paragraph (h) of this section:
  - (i) For samples of gaseous fuel and for oil samples obtained using daily sampling, flow proportional sampling, or sampling from the unit's storage tank, an excess emission occurs each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 weight percent and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.
  - (ii) If the option to sample each delivery of fuel oil has been selected, the owner or operator shall immediately switch to one of the other oil sampling options (i.e., daily sampling, flow proportional sampling, or sampling from the unit's storage tank) if the sulfur content of a delivery exceeds 0.8 weight percent. The owner or operator shall continue to use one of the other sampling options until all of the oil from the delivery has been combusted, and shall evaluate excess emissions according to paragraph (j)(2)(i) of this section. When all of the

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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fuel from the delivery has been burned, the owner or operator may resume using the as-delivered sampling option.

- (iii) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour of a required sample, if invalid results are obtained. The period of monitor downtime shall include only unit operating hours, and ends on the date and hour of the next valid sample.
- (3) *Ice fog*. Each period during which an exemption provided in 40 CFR 60.332(f) is in effect shall be reported in writing to the Administrator quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.
- (4) *Emergency fuel*. Each period during which an exemption provided in 40 CFR 60.332(k) is in effect shall be included in the report required in 40 CFR 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.
- (5) All reports required under 40 CFR 60.7(c) shall be postmarked by the 30th day following the end of each 6-month period.

**40 CFR 60.335 Test methods and procedures.**

- (a) The owner or operator shall conduct the performance tests required in 40 CFR 60.8, using either
  - (1) EPA Method 20,
  - (2) ASTM D6522-00 (incorporated by reference, see 40 CFR 60.17), or
  - (3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NO<sub>x</sub> and diluent concentration.
  - (4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.
  - (5) Notwithstanding paragraph (a)(4) of this section, the owner or operator may test at few points than are specified in Method 1 or Method 20 if the following conditions are met:
    - (i) You may perform a stratification test for NO<sub>x</sub> and diluent pursuant to
      - (A) [Reserved]
      - (B) The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of this chapter.
    - (ii) Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:
      - (A) If each of the individual traverse point NO<sub>x</sub> concentrations, normalized to 15 percent O<sub>2</sub>, is within 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO<sub>x</sub> concentration during the stratification test; or
      - (B) If each of the individual traverse point NO<sub>x</sub> concentrations, normalized to 15 percent O<sub>2</sub>, is within 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.
  - (6) Other acceptable alternative reference methods and procedures are given in paragraph (c) of this section.
- (b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in 40 CFR 60.332 and shall meet the performance test requirements of 40 CFR 60.8 as follows:
  - (1) For each run of the performance test, the mean nitrogen oxides emission concentration (NO<sub>xo</sub>) corrected to 15 percent O<sub>2</sub> shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$\text{NO}_X = (\text{NO}_{X_0})(P_r/P_o)^{0.5} e^{19(H_o - 0.00633)} (288[\text{deg}]\text{K}/T_a)^{1.53}$$

where:

$\text{NO}_X$  = emission concentration of  $\text{NO}_X$  at 15 percent  $\text{O}_2$  and ISO standard ambient conditions, ppm by volume, dry basis,

$\text{NO}_{X_0}$  = mean observed  $\text{NO}_X$  concentration, ppm by volume, dry basis, at 15 percent  $\text{O}_2$ ,

$P_r$  = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg,

$P_o$  = observed combustor inlet absolute pressure at test, mm Hg,

$H_o$  = observed humidity of ambient air, g  $\text{H}_2\text{O}/\text{g}$  air,

$e$  = transcendental constant, 2.718, and

$T_a$  = ambient temperature, [deg]K.

- (2) The 3-run performance test required by 40 CFR 60.8 must be performed within 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in 40 CFR 60.331).
- (3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine  $\text{NO}_X$  emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable  $\text{NO}_X$  emission limit in 40 CFR 60.332 for the combustion turbine must still be met.
- (4) If water or steam injection is used to control  $\text{NO}_X$  with no additional post-combustion  $\text{NO}_X$  control and the owner or operator chooses to monitor the steam or water to fuel ratio in accordance with 40 CFR 60.334(a), then that monitoring system must be operated concurrently with each EPA Method 20, ASTM D6522-00 (incorporated by reference, see 40 CFR 60.17), or EPA Method 7E run and shall be used to determine the fuel consumption and the steam or water to fuel ratio necessary to comply with the applicable 40 CFR 60.332  $\text{NO}_X$  emission limit.
- (5) If the owner operator elects to claim an emission allowance for fuel bound nitrogen as described in 40 CFR 60.332, then concurrently with each reference method run, a representative sample of the fuel used shall be collected and analyzed, following the applicable procedures described in 40 CFR 60.335(b)(9). These data shall be used to determine the maximum fuel nitrogen content for which the established water (or steam) to fuel ratio will be valid.
- (6) If the owner or operator elects to install a CEMS, the performance evaluation of the CEMS may either be conducted separately (as described in paragraph (b)(7) of this section) or as part of the initial performance test of the affected unit.
- (7) If the owner or operator elects to install and certify a  $\text{NO}_X$  CEMS under 40 CFR 60.334(e), then the initial performance test required under 40 CFR 60.8 may be done in the following alternative manner:
  - (i) Perform a minimum of 9 reference method runs, with a minimum time per run of 21 minutes, at a single load level, between 90 and 100 percent of peak (or the highest physically achievable) load.
  - (ii) Use the test data both to demonstrate compliance with the applicable  $\text{NO}_X$  emission limit under 40 CFR 60.332 and to provide the required reference method data for the RATA of the CEMS described under 40 CFR 60.334(b).
  - (iii) The requirement to test at three additional load levels is waived.
- (8) If the owner or operator elects under 40 CFR 60.334(f) to monitor combustion parameters or parameters indicative of proper operation of  $\text{NO}_X$  emission controls, the appropriate parameters shall be continuously monitored and recorded during each run of the initial performance test, to establish acceptable operating ranges, for purposes of the parameter monitoring plan for the affected unit, as specified in 40 CFR 60.334(g).
- (9) To determine the fuel bound nitrogen content of fuel being fired (if an emission allowance is claimed for fuel bound nitrogen), the owner or operator may use equipment and procedures meeting the requirements of:

**SECTION 5. APPENDIX NGG**  
**NSPS SUBPART GG – STATIONARY GAS TURBINES**

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- (i) For liquid fuels, ASTM D2597-94 (Reapproved 1999), D6366-99, D4629-02, D5762-02 (all of which are incorporated by reference, see 40 CFR 60.17); or
  - (ii) For gaseous fuels, shall use analytical methods and procedures that are accurate to within 5 percent of the instrument range and are approved by the Administrator.
- (10) If the owner or operator is required under 40 CFR 60.334(i)(1) or (3) to periodically determine the sulfur content of the fuel combusted in the turbine, a minimum of three fuel samples shall be collected during the performance test. Analyze the samples for the total sulfur content of the fuel using:
- (i) For liquid fuels, ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00 or D1552-01 (all of which are incorporated by reference, see 40 CFR 60.17); or
  - (ii) For gaseous fuels, ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); or D6667-01 (all of which are incorporated by reference, see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the prior approval of the Administrator.
- (11) The fuel analyses required under paragraphs (b)(9) and (b)(10) of this section may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.
- (c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
- (1) Instead of using the equation in paragraph (b)(1) of this section, manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in 40 CFR 60.8 to ISO standard day conditions.

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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(version dated 06/23/06)

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.); and, 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.

(b) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the required fee was not received and advise the applicant of the correct fee. The Department shall take no further action until the correct fee is received. If a fee was received by the Department which is less than the amount required, the Department shall return the fee along with the written notification.

(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.]



## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

#### 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)(v), 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 his agent:

(a) Submitted false or inaccurate information in his application or operational reports.

(b) Has violated law, Department orders, rules or permit conditions.

(c) Has failed to submit operational reports or other information required by Department rules.

(d) Has refused lawful inspection under Section 403.091, F.S.

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

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

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

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

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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8. Transfer of Permits.

- (1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.
- (2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.
- (3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.
- (4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.
- (5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

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

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. (also, see Condition No. 10.)

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

10. For purposes of notification to the Department pursuant to Condition No. 9., Condition No. 12.(8), and Rule 62-4.130, F.A.C., Plant Operation-Problems, "immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of 40 CFR 70.6(a)(3)(iii)(B), "prompt" shall have the same meaning as "immediately". [also, see Conditions Nos. 9. and 12.(8).]

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

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

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

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

- (1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- (2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- (3) As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

- (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:
- Have access to and copy any records that must be kept under conditions of the permit;
  - Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
  - 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 description of and cause of noncompliance; and
  - 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 Florida Statutes 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 Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- (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:
- Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - Records of monitoring information shall include:
    - The date, exact place, and time of sampling or measurements;
    - The person responsible for performing the sampling or measurements;
    - The dates analyses were performed;
    - The person responsible for performing the analyses;
    - The analytical techniques or methods used;
    - 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.]

SECTION V. APPENDIX TV-6

TITLE V CONDITIONS

13. Construction Permits.

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

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

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

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

- (2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.
- (3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.

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

14. **Not federally enforceable.** Operation Permit for New Sources. To properly apply for an operation permit for new sources the applicant shall submit the appropriate fee and certification that construction was completed, noting any deviations from the conditions in the construction permit and test results where appropriate.

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

Chapters 28-106 and 62-110, F.A.C.

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rules 62-110.106 and 62-210.350, F.A.C.

[Rules 62-110.106, 62-210.350 and 62-213.430(1)(b), F.A.C.]

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

[Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.]

Chapter 62-204, F.A.C.

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

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

## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

#### Chapter 62-210, F.A.C.

18. Permits Required. Unless exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., or unless specifically authorized by provision of Rule 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C., the owner or operator of any facility or 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, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit; or to establish a PAL or Air Emissions Bubble. 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 a facility or 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, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, or modification of the facility or emissions unit or addition of the pollution control equipment; or to establish a PAL; 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., Chapters 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment 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(11)(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(11)(d)2., Rule 62-212.400 or Rule 62-212.500, F.A.C., as appropriate.

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

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

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

SECTION V. APPENDIX TV-6

TITLE V CONDITIONS

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(8), F.A.C.

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

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

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

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

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

20. **Emissions Unit Reclassification.**

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

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

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

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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), (5), and (6), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

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

(a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and
3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.

(b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.

(d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.

(e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.

(f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

(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 or 62-212.500, F.A.C.:

1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.

2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.

(3) **Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.**

(a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and

2. A 30-day period for submittal of public comments.

(b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. If written comments received during the 30-day comment period on a draft permit result in the Department's issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C.

(c) The notice shall identify:

1. The facility;

2. The name and address of the office at which processing of the permit occurs;

3. The activity or activities involved in the permit action;

4. The emissions change involved in any permit revision;

5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;

6. A brief description of the comment procedures required by Rule 62-210.350(3), F.A.C.;

7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and

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

[Rules 62-210.350(1) thru (3), 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.



## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

(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.

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

#### 24. Emissions Computation and Reporting.

(1) Applicability. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit.

(2) Computation of Emissions. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

(a) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.

1. If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.

2. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

3. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

#### (b) Continuous Emissions Monitoring System (CEMS).

1. An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:

a. The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or

b. The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.

2. Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:

a. A calibrated flowmeter that records data on a continuous basis, if available; or

b. The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.

3. The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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(c) Mass Balance Calculations.

1. An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
  - a. Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and
  - b. Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.
2. Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
3. In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.

(d) Emission Factors.

1. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
  - a. If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
  - b. Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
  - c. The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
2. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.

(e) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

(f) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.

(g) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.

(h) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

(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 of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by March 1 of the following year.
- (d) Beginning with 2007 annual emissions, emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C., for purposes of the annual operating report.

[Rules 62-210.370(1), (2) and (3)(a), (c) & (d), 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.]

## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

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. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at [www.dep.state.fl.us/air](http://www.dep.state.fl.us/air). The requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit - Long Form, Form and Instructions (Effective 02-02-2006).

(a) Acid Rain Part, Form and Instructions (Effective 06-16-2003).

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 Source, (Effective 04/16/2001).

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

#### Chapter 62-213, F.A.C.

27. Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For sources with only one responsible official, this is how the Title V source designates the responsible official.

(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit a Responsible Official Notification Form (DEP Form No. 62-213.900(8)) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(8) for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible official of any Title V source which has a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(8) or the next application for Title V permit, permit revision or permit renewal, whichever comes first.

[Rules 62-213.202(1) thru (5), F.A.C.]

28. 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.

(1)(g) If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to \$50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted 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.

(1)(i) 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.

SECTION V. APPENDIX TV-6

TITLE V CONDITIONS

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

[Rules 62-213.205, (1)(g), (1)(i) & (1)(j), F.A.C.]

29. Reserved.

30. Reserved.

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., except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(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 Chapter 62-213, F.A.C., 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 Chapter 62-212 or 62-296, F.A.C.;
- (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
- (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;
- (h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;
- (i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1), (2), or (3), (b)(1) or (b)(3), hereby incorporated by reference;
- (j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;

[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:

(1) Permitted sources may change among those alternative methods of operation;

(2) 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;

(3) 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, 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.;

## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.
- (2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.
- (3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action on the operation permit revision application 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. If any terms and conditions of the new or revised construction permit have not been complied with prior to the issuance of the draft operation permit revision, the operation permit shall include a compliance plan in accordance with the provisions of Rule 62-213.440(2), F.A.C.
- (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(s) from the currently effective Title V permit and any other requirements that become applicable at the time of application. 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

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

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

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

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (also, see **Condition No. 50.**)

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

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

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

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and permit renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes subject to any condition listed at 40 CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause. (also, see **Condition No. 4.**)

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

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

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

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

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

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

**SECTION V. APPENDIX TV-6**  
**TITLE V CONDITIONS**

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

(a) All requests for determination of insignificant emissions units or activities made pursuant to Rule 62-213.420(3)(n), 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.]

## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

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 that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., 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., for Title V requirements and with Rule 62-214.350, F.A.C., for Acid Rain requirements. 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. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

(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 Resource 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 06/02/2002)



## SECTION V. APPENDIX TV-6

### TITLE V CONDITIONS

(8) Responsible Official Notification Form. (Effective 06/02/2002)

[Rule 62-213.900, F.A.C.: Forms (1), (7) and (8)]

#### 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.

**SECTION V. APPENDIX TV-6**

**TITLE V CONDITIONS**

- c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
  - d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
  - e. Landscaping or planting of vegetation.
  - f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
  - g. Confining abrasive blasting where possible.
  - h. Enclosure or covering of conveyor systems.
4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

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

SECTION V. APPENDIX AR  
ACID RAIN PART



United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0258

**Acid Rain Permit Application**

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

**RECEIVED**

This submission is:  New  Revised **RENEWAL**

JUL 20 2007

**STEP 1**

Identify the source by plant name, State, and ORIS code.

BUREAU OF AIR REGULATION

Plant Name Orange Cogeneration State FL ORIS Code 54365

**STEP 2**

Enter the unit ID# for every affected unit at the affected source in column "a." For new units, enter the requested information in columns "c" and "d."

| a        | b  | c                                 | d  |
|----------|--|-----------------------------------|--|
| Unit ID# | Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1) | New Units Commence Operation Date | New Units Monitor Certification Deadline |
| 01       | Yes  | 6/16/95                           | 1/1/96                                   |
| 02       | Yes  | 6/16/95                           | 1/1/96                                   |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |
|          | Yes  |                                   |  |

EPA Form 7610-16 (rev. 12-03)

SECTION V. APPENDIX AR

ACID RAIN PART

Acid Rain - Page 2

Plant Name (from Step 1) Orange Cogeneration

STEP 3

Read the standard requirements

**Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

**Monitoring Requirements**

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

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

EPA Form 7610-16 (rev. 12-03)

SECTION V. APPENDIX AR

ACID RAIN PART

Plant Name (from Step 1) **Orange Cogeneration**

Acid Rain - Page 3

STEP 3,  
Cont'd.

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

**Excess Emissions Requirements**

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

**Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

EPA Form 7610-16 (rev. 12-03)

SECTION V. APPENDIX AR

ACID RAIN PART

Plant Name (from Step 1) **Orange Cogeneration**

Step 3,  
Cont'd.

**Liability, Cont'd.**

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

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

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

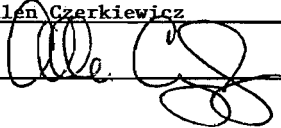
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

**Certification**

Read the  
certification  
statement,  
sign, and  
date

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

|   |                     |
|---|---------------------|
| Name <b>Allen Czerkiewicz</b>   |                     |
| Signature  | Date <b>7-19-07</b> |

EPA Form 7610-16 (rev. 12-03)

**SECTION V. APPENDIX CFMS**  
**CUSTOM FUEL MONITORING SCHEDULE FOR NATURAL GAS**

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Pursuant to 40 CFR 60.334(i)(3), a custom fuel monitoring schedule shall be followed for the natural gas fired at this facility and shall be as follows:

1. The monitoring of fuel nitrogen for natural gas and distillate oil is not required since no fuel bound nitrogen allowances are claimed for these fuels. [40 CFR 60.334(h)(2)]
2. Sulfur Monitoring
  - a. Analysis for fuel sulfur content of the natural gas fired at this facility shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternate method. The reference methods are: ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); and D6667-01, as referenced in 40 CFR 60.335(b)(10).
  - b. If the sulfur content shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, and the fuel sulfur limits of this permit, sample analysis shall be conducted twice per year. This monitoring shall be conducted during the first and third quarters of each calendar year.
  - c. Should any sulfur analysis, as required in item 2.b. above, indicate noncompliance with the sulfur limits of 40 CFR 60.333 or this permit, the owner or operator shall notify the Department of such excess emissions and the custom schedule shall be re-examined by the Environmental Protection Agency (EPA). Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
3. If there is a change in fuel supply, the owner or operator shall notify the Department and EPA of such change for re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.
4. Records of sample analysis and fuel supply pertinent to this custom fuel monitoring schedule for natural gas shall be retained for a period of five years, and shall be available at the facility for inspection by personnel of the Department or EPA.

**SECTION V. APPENDIX H**  
**PERMITTING HISTORY**

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| ARMS No. | Description | Permit No.     | Issue Date           | Effective Date          | Expiration Date | Project Type |
|----------|-------------|----------------|----------------------|-------------------------|-----------------|--------------|
| All      | Facility    | 1050231-001-AV | 12/30/1997           | 01/01/1998              | 12/31/2002      | Initial      |
| All      | Facility    | 1050231-006-AV | 12/24/2002           | 01/01/2003              | 12/31/2007      | Renewal      |
| All      | Facility    | 1050231-010-AV | Pending <sup>1</sup> | 01/01/2008 <sup>2</sup> | 12/31/2012      | Renewal      |

<sup>1</sup> Change to an actual date, which is day 45 from the date of posting the PROPOSED Permit for EPA review (see confirmation e-mail from Tallahassee) or the date that EPA confirms resolution of any objections.

<sup>2</sup> For the Acid Rain Part of the Title V Permit, the effective date is January 1 of a given year and effective for 5 years.



## Compliance Plan

The purpose of this compliance plan is to end up with an approved calculation methodology with corresponding allowable range values other than what is referred to as MACT option (1) for scrubber parameters monitored under the MACTs 40 CFR 63 Subparts AA & BB. This methodology was proposed to be used for CAM purposes also. [Rule 62-213.440(2), F.A.C.]

1. Mosaic-New Wales submitted range values using a calculation methodology other than MACT option (1) to the Department on October 10, 2006. Mosaic-New Wales shall be allowed to continue to operate within those ranges until final agency action is taken on either an Alternate Monitoring Plan (AMP) or Mosaic-New Wales establishes ranges under the MACT option (1) calculation methodology, for emissions units affected by the October 10, 2006 submittal.
2. On or before October 31, 2007, Mosaic-New Wales shall submit an Alternate Monitoring Plan (AMP) request to establish allowable range values using a calculation methodology other than MACT option (1). Submit the request to the attention of Mr. Errin Pichard, P.E., Emissions Monitoring Section, Bureau of Air Monitoring and Mobile Sources, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A copy of the request shall be submitted to the Bureau of Air Regulation at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.
3. The AMP request must be certified by the responsible official and a Florida licensed professional engineer.  
[Rules 62-213.420(4) and 62-4.050(3), F.A.C.]

## Friday, Barbara

---

**From:** Osbourn, Scott [Scott\_Osbourn@golder.com]  
**To:** Friday, Barbara  
**Sent:** Saturday, September 22, 2007 12:34 PM  
**Subject:** Read: DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

Your message

**To:** Scott\_Osbourn@golder.com  
**Subject:**

was read on 9/22/2007 12:34 PM.

**Friday, Barbara**

---

**To:** allen.czerkiewicz@nsgen.com; gwynne.johnson@northernstargen.com;  
dave.kellermeyer@northernstargen.com; sosbourn@golder.com; Nasca, Mara

**Cc:** Mitchell, Bruce

**Subject:** DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

**Attachments:** 1050231.010.AV.D\_pdf[1].zip

Dear Sir/Madam:

Please send a "reply" message verifying receipt of the attached document(s); this may be done by selecting "Reply" on the menu bar of your e-mail software and then selecting "Send". We must receive verification of receipt and your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

The document(s) may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible.

The document is in Adobe Portable Document Format (pdf). Adobe Acrobat Reader can be downloaded for free at the following internet site: <http://www.adobe.com/products/acrobat/readstep.html>.

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record.

Thank you,

DEP, Bureau of Air Regulation

9/21/2007

## Friday, Barbara

---

**From:** System Administrator  
**To:** Nasca, Mara  
**Sent:** Friday, September 21, 2007 2:48 PM  
**Subject:** Delivered:DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

### Your message

**To:** 'allen.czerkiewicz@nsgen.com'; 'gwynne.johnson@northernstargen.com'; 'dave.kellermeyer@northernstargen.com'; 'sosbourn@golder.com'; Nasca, Mara  
**Cc:** Mitchell, Bruce  
**Subject:** DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility  
**Sent:** 9/21/2007 2:48 PM

was delivered to the following recipient(s):

Nasca, Mara on 9/21/2007 2:48 PM

## Friday, Barbara

---

**From:** System Administrator  
**To:** Mitchell, Bruce  
**Sent:** Friday, September 21, 2007 2:48 PM  
**Subject:** Delivered:DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

### Your message

**To:** 'allen.czerkiewicz@nsgen.com'; 'gwynne.johnson@northernstargen.com'; 'dave.kellermeyer@northernstargen.com'; 'sosbourn@golder.com'; Nasca, Mara  
**Cc:** Mitchell, Bruce  
**Subject:** DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility  
**Sent:** 9/21/2007 2:48 PM

was delivered to the following recipient(s):

Mitchell, Bruce on 9/21/2007 2:48 PM

## Friday, Barbara

---

**From:** Nasca, Mara  
**To:** Friday, Barbara  
**Sent:** Friday, September 21, 2007 2:49 PM  
**Subject:** Read: DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

Your message

**To:** 'allen.czerkiewicz@nsgen.com'; 'gwynne.johnson@northernstargen.com'; 'dave.kellermeyer@northernstargen.com'; 'sosbourn@golder.com'; Nasca, Mara  
**Cc:** Mitchell, Bruce  
**Subject:** DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility  
**Sent:** 9/21/2007 2:48 PM

was read on 9/21/2007 2:49 PM.

**Friday, Barbara**

---

**From:** System Administrator  
**To:** Czerkiewicz, Allen  
**Sent:** Friday, September 21, 2007 2:59 PM  
**Subject:** Delivered:DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

Your message

**To:** allen.czerkiewicz@nsgen.com; gwynne.johnson@northernstargen.com; dave.kellermeyer@northernstargen.com; sosbourn@golder.com; Nasca, Mara  
**Cc:** Mitchell, Bruce  
**Subject:** DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility  
**Sent:** 9/21/2007 2:48 PM

was delivered to the following recipient(s):

Czerkiewicz, Allen on 9/21/2007 2:47 PM

## Friday, Barbara

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**From:** Mail Delivery System [MAILER-DAEMON@sophos.golder.com]  
**Sent:** Friday, September 21, 2007 2:48 PM  
**To:** Friday, Barbara  
**Subject:** Successful Mail Delivery Report

**Attachments:** Delivery report; Message Headers



Delivery report.txt  
(460 B)

Message  
Headers.txt (2 KB)

This is the mail system at host sophos.golder.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<sosbourn@golder.com>: delivery via 127.0.0.1[127.0.0.1]:10025: 250 OK, sent  
46F411D2\_7839\_116\_1



**Friday, Barbara**

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**From:** Kellermeyer, Dave [dave.kellermeyer@northernstargen.com]  
**To:** undisclosed-recipients  
**Sent:** Friday, September 21, 2007 4:47 PM  
**Subject:** Read: DRAFT Title V Permit Renewal No.: 1050231-010-AV - Northern Star Generation Services Company, LLC - Orange Cogeneration Facility

Your message

To: dave.kellermeyer@northernstargen.com  
Subject:

was read on 9/21/2007 4:47 PM.