



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

## P.E. Certification Statement

**Permittee:**


City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050352

**Project:** Initial Title V Air Operation Permit for the operation of Lakeland Electric's Winston Peaking Station. This facility is located at 1200 Airport Road, Lakeland, Polk County; UTM coordinates are Zone 17, 400.2 km E, 3100.6 km N.; and, Latitude: 28° 01' 45" North and Longitude: 82° 00' 53" West.

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



  
Jonathan K. Holtom, P.E.

Registration Number: 0052664

6-2-04  
Date

Permitting Authority:

Florida Department of Environmental Protection  
Division of Air Resources Management  
Bureau of Air Regulation  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: 850/488-0114  
Fax: 850/922-6979

"More Protection, Less Process"

Printed on recycled paper.



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## P.E. Certification Statement

**Permittee:**

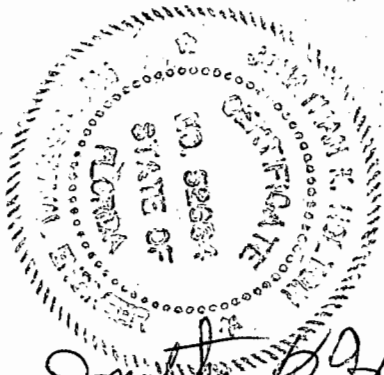
City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-004-AC

**Facility ID No.:** 1050352

**Project:** The Department is issuing this construction permit in order to correct minor inconsistencies, between the original permit application information and the limitations of permit 1050352-001-AC, that were discovered during the processing of the Title V air operation permit. Making these changes will allow the Title V air operation permit to be issued with limitations that will meet the US EPA's criteria for being practically enforceable and assure that the facility maintains the requested non-PSD classification. In addition, this action will be used to respond to a recent request by Ms. Farzie Shelton to make changes to the visible emissions testing requirements contained in permit 1050352-001-AC, which expired on June 30, 2002.

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



Jonathan K. Holtom, P.E.

Registration Number: 0052664

6-2-04  
Date

Permitting Authority:

Florida Department of Environmental Protection  
Division of Air Resources Management  
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Mail Station #5505  
2600 Blair Stone Road  
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# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

June 2, 2004

Mr. Timothy Bates  
Director of Energy Supply  
Lakeland Electric  
501 East Lemon Street  
Lakeland, Florida 33801-5079

Re: Revised Air Construction Permit, DRAFT Permit No.: 1050352-004-AC  
Title V Air Operation Permit, DRAFT Permit No.: 1050352-002-AV  
Winston Peaking Station

Dear Mr. Bates:

One copy of the Technical Evaluation and Preliminary Determination, the combined Public Notice, the Draft Air Construction Permit, and the DRAFT Title V Air Operation Permit for the Winston Peaking Station, located at 1200 Airport Road, Lakeland, Polk County, is enclosed. The permitting authority's "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" and the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" are also included.

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

"<http://www.dep.state.fl.us/air/eproducts/airpermit/AirSearch.asp>"

The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT" must be published as soon as possible. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the 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 Jonathan Holtom, P.E., at the above letterhead address. If you have any other questions, please contact Jonathan Holtom, P.E., at (850) 921-9531.

Sincerely,

Trina L. Vielhauer  
Chief, Bureau of Air Regulation

TLV/jkp/h

Enclosures  
cc: U.S. EPA, Region 4 (INTERNET E-mail)

"More Protection, Less Process"

In the Matter of an  
Application for Permits by:

Lakeland Electric  
501 East Lemon Street  
Lakeland, Florida 33801-5079

Draft Air Construction Permit No.: 1050352-004-AC  
DRAFT Title V Air Operation Permit No.: 1050352-002-AV  
Winston Peaking Station  
Polk County

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**INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT**

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit and the initial Title V Air Operation Permit (copies of the Draft Air Construction Permit and DRAFT Title V Air Operation Permit attached) for the Title V source detailed in the applications specified above, and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, Lakeland Electric, applied on April 1, 2002 to the permitting authority for a Title V Air Operation Permit for the Winston Peaking Station located at 1200 Airport Road, Lakeland, Polk County.

The construction permit is being issued to correct minor inconsistencies, between the original permit application information and the limitations of permit 1050352-001-AC, that were discovered during the processing of the Title V air operation permit. Making these changes will allow the Title V air operation permit to be issued with limitations that will meet the US EPA's criteria for being practically enforceable and assure that the facility maintains the requested non-PSD classification. In addition, this action will be used to respond to a recent request by Ms. Farzie Shelton to make changes to the visible emissions testing requirements contained in permit 1050352-001-AC.

The Title V air operation permit is being issued to allow commercial operation of the facility, as authorized by the initial air construction permit 1050352-001-AC, and as revised by air construction permit 1050352-004-AC.

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

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

Pursuant to Sections 403.815 and 403.087, F.S., and Rules 62-110.106 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "**PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT**." The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting

authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979), within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

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

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

The permitting authority will accept written comments concerning the proposed Title V Air Operation Permit Revision issuance action for a period of 30 (thirty) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Title V Air Operation Permit, the permitting authority shall issue a Revised DRAFT Title V Air Operation Permit and require, if applicable, another Public Notice.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of a agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

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

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of how and when each petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes, which entitle the petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

Mediation will not be available in this proceeding.

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

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

(a) The name, address, and telephone number of the petitioner;

(b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;

(c) Each rule or portion of a rule from which a variance or waiver is requested;

(d) The citation to the statute underlying (implemented by) the rule identified in (c) above;

(e) The type of action requested;

(f) The specific facts that would justify a variance or waiver for the petitioner;

(g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and,

(h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

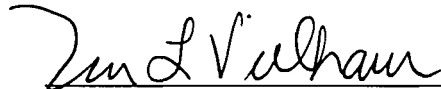
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will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

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

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

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 INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT (including the combined PUBLIC NOTICE, the Draft Air Construction Permit, the Technical evaluation and Preliminary Determination and the DRAFT Title V Air Operation Permit) and all copies, were sent by certified mail before the close of business on 6/3/04 to the person(s) listed:

Mr. Timothy Bates

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT AND A TITLE V AIR OPERATION PERMIT (including the combined PUBLIC NOTICE, the Draft Air Construction Permit, the Technical evaluation and Preliminary Determination and the DRAFT Title V Air Operation Permit) were sent by U.S. mail on the same date to the person(s) listed or as otherwise noted:

Ms. Farzie Shelton, Lakeland Electric  
Mr. Kennard Kosky, P.E.  
U.S. EPA, Region 4 (INTERNET E-mail Memorandum)  
Mr. Gerald Kissel, P.E., DEP-SWD (e-mail)

*Jason Waters*  
*6/3/04 cc: [unclear]*  
*[unclear]*  
*[unclear]*  
*[unclear]*

Clerk Stamp

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

*Paulina J. [unclear]*  
(Clerk) Friday 6/3/04  
(Date)



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:  
 Mr. Timothy Bates  
 Director of Energy Supply  
 Lakeland Electric  
 501 East Lemon Street  
 Lakeland, Florida 33801-5079

2. Article Number  
 (Transfer from service label)

7001 1140 0002 1578 1307

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Steven D Harris*

B. Received by (Printed Name) C. Date of Delivery  
 STEVEN D HARRIS 6/7/09

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

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

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

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

7001 1140 0002 1578 1307

**OFFICIAL USE**  
 Mr. Timothy Bates, Director of Energy Supply

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

**Sent To**  
 Mr. Timothy Bates, Director of Energy Supply  
 Street, Apt. No.,  
 or PO Box No. 501 East Lemon Street  
 City, State, ZIP+4  
 Lakeland, Florida 33801-5079

PS Form 3800, January 2001

See Reverse for Instructions

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Draft Air Construction Permit No.: 1050352-004-AC  
DRAFT Title V Air Operation Permit Project No.: 1050352-002-AV  
Winston Peaking Station  
Polk County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit to Lakeland Electric for the Winston Peaking Station located at 1200 Airport Road, Lakeland, Polk County. The applicant's name and address are: Mr. Timothy Bates, Lakeland Electric, 501 East Lemon Street, Lakeland, Florida 33801-5079.

The construction permit is being issued to correct minor inconsistencies, between the original permit application information and the limitations of permit 1050352-001-AC, that were discovered during the processing of the Title V air operation permit. Making these changes will allow the Title V air operation permit to be issued with limitations that will meet the US EPA's criteria for being practically enforceable and assure that the facility maintains the requested non-PSD classification. In addition, this action will be used to respond to a recent request by Ms. Farzie Shelton to make changes to the visible emissions testing requirements contained in permit 1050352-001-AC.

The Title V air operation permit is being issued to allow commercial operation of the facility, as authorized by the initial air construction permit 1050352-001-AC, and as revised by air construction permit 1050352-004-AC.

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

The permitting authority will accept written comments concerning the proposed Draft Air Construction Permit issuance action for a period of 14 (fourteen) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979). Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this Draft Air Construction Permit, the permitting authority shall issue a Revised Draft Air Construction Permit and require, if applicable, another Public Notice.

The permitting authority will accept written comments concerning the proposed DRAFT Permit issuance action for a period of 30 (thirty) days from the date of publication of this Notice. Written comments should be provided to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-1344; Fax: 850/922-6979). Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

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, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3),

F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code (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; 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 petitioner's substantial rights will be affected by the agency determination;

(c) A statement of how and when the petitioner received notice of the agency action or proposed action;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so state;

(e) A concise statement of the ultimate facts alleged, as well as the rules and statutes, which entitle petitioner to relief;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

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

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

Mediation is not available for this proceeding.

In addition to the above, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 (sixty) days of the expiration of the Administrator's 45 (forty-five) day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to issuance of any permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.

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

Permitting Authority:

Department of Environmental Protection  
Bureau of Air Regulation  
111 South Magnolia Drive, Suite 4  
Tallahassee, Florida 32301  
Telephone: 850/488-0114  
Fax: 850/922-6979

Affected District/Local Program:

Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
Telephone: 813/744-6100  
Fax: 813/744-6084

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact Mr. Jonathan Holtom, P.E., at the above address, or call 850-921-9531 for additional information.

## STATEMENT OF BASIS

**City of Lakeland, Lakeland Electric  
Winston Peaking Station  
Facility ID No.: 1050352  
Polk County**

**Initial Title V Air Operation Permit  
DRAFT Permit No.: 1050352-002-AV**

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

This facility consists of twenty nominal 2.5-MW GM EMD 20/645/E4B diesel engines and one 294,000-gallon fuel oil storage tank. The engines will use selective catalytic reduction, oxidation catalyst, and an air/fuel ratio regulator for emission reduction control. The units are designed for peaking service. The engines are fired on distillate fuel oil or natural gas with 6% diesel fuel for ignition. Fuel oil will contain a maximum sulfur content of 0.05 percent. Completion of this project will result in the installation of 20 internal combustion engines with generators capable of providing a nominal 50 MW (55 MW at peak load) of electrical power.

These emissions units are not considered large pollutant-specific emissions units; therefore, CAM does not apply to these units at this time. CAM will apply when the permit is revised or renewed.

There is a compliance plan included in this permit. Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing, has been included to require the source to test for NO<sub>x</sub> and ammonia when natural gas becomes available at the site.

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

Based on the initial Title V permit application received April 1, 2002, this facility is not a major source of hazardous air pollutants (HAPs).

Lakeland Electric  
Winston Peaking Station  
**Facility ID No.:** 1050352  
Polk County

**Initial Title V Air Operation Permit**

**DRAFT Permit No.:** 1050352-002-AV

**Permitting Authority**

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

Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: 850/488-0114  
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**Compliance Authority**

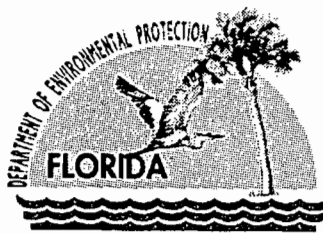
State of Florida  
Department of Environmental Protection  
Southwest District Office  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8218  
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# Initial Title V Air Operation Permit

DRAFT Permit No.: 1050352-002-AV

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Jeb Bush  
Governor

# Department of Environmental Protection

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

Colleen M. Castille  
Secretary

**Permittee:**  
City of Lakeland  
Lakeland Electric

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050352  
**SIC Nos.:** 4911  
**Project:** Initial Title V Air Operation Permit

This permit is for the operation of the Winston Peaking Station. This facility is located at 1200 Airport Road, Lakeland, Polk County; UTM coordinates are Zone 17, 400.2 km E, 3100.6 km N.; and, Latitude: 28° 01' 45" North and Longitude: 82° 00' 53" West.

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

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

APPENDIX I-1, LIST OF INSIGNIFICANT EMISSIONS UNITS AND/OR ACTIVITIES  
APPENDIX TV-4, TITLE V CONDITIONS version dated 02/12/02  
APPENDIX SS-1, STACK SAMPLING FACILITIES version dated 10/07/96  
TABLE 297.310-1, CALIBRATION SCHEDULE version dated 10/07/96  
APPENDIX CP-1, COMPLIANCE PLAN FOR NATURAL GAS TESTING

**Effective Date:** [ARMS Day 55]  
**Renewal Application Due Date:** [M/D/Y]  
**Expiration Date:** [M/D/Y]

Department of Environmental Protection

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Michael G. Cooke, Director,  
Division of Air Resources Management

MGC/jkp/jh



## **Section I. Facility Information.**

### **Subsection A. Facility Description.**

This facility consists of twenty nominal 2.5-MW GM EMD 20/645/E4B diesel engines and one 294,000-gallon fuel oil storage tank. The engines will use selective catalytic reduction, oxidation catalyst, and an air/fuel ratio regulator for emission reduction control. The units are designed for peaking service. The engines are fired on distillate fuel oil or natural gas with 6% diesel fuel for ignition. Fuel oil will contain a maximum sulfur content of 0.05 percent. Completion of this project will result in the installation of 20 internal combustion engines with generators capable of providing a nominal 50 MW (55-MW at peak load) of electrical power.

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

Based on the initial Title V permit application received April 1, 2002, this facility was not identified as a major source of hazardous air pollutants (HAPs).

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

<b><u>E.U. ID No.</u></b>	<b><u>Brief Description</u></b>
001 – 020	20 GM EMD 20/645/E4B diesel engines and associated electric generators.

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

### **Subsection C. Relevant Documents.**

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

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

Table 1-1, Summary of Air Pollutant Standards and Terms (optional)

Table 2-1, Summary of Compliance Requirements (optional)

Appendix A-1: Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H-1: Permit History/ID Number Changes

Statement of Basis

These documents are on file with permitting authority:

Initial Title V Permit Application received April 1, 2002

## Section II. Facility-wide Conditions.

### **The following conditions apply facility-wide:**

1. APPENDIX TV-4, TITLE V CONDITIONS, is a part of this permit.

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

2. **[Not federally enforceable.]** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. No person shall cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]

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

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

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

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

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

6. Compliance Plans. Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing, is a part of this permit.  
[Rule 62-213.440(2), F.A.C.]

7. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. **Nothing was deemed necessary and ordered at this time.**

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

8. Unconfined Emissions of Particulate Matter.

- a. 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.
- b. Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
- c. Reasonable precautions include the following:
  - Paving and maintenance of roads, parking areas and yards.
  - Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
  - Application of a sphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
  - Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent re-entrainment, and from buildings or work areas to prevent particulate from becoming airborne.
  - Landscaping or planting of vegetation.
  - Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
  - Confining abrasive blasting where possible.
  - Enclosure or covering of conveyor systems.
- d. In determining what constitutes reasonable precautions for a particular source, 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.

[Rule 62-296.320(4)(c), F.A.C.; and, 1050352-001-AC]

{Permitting Note: This condition implements the requirements of Rules 62-296.320(4)(c)1., 3., & 4., F.A.C. (see Condition 57. of APPENDIX TV-4, TITLE V CONDITIONS.)}

9. 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.]

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

[Rules 62-213.440(3) and 62-213.900, F.A.C.]

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

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

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

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

United States Environmental Protection Agency  
Region 4  
Air, Pesticides & Toxics Management Division  
Air and EPCRA Enforcement Branch, Air Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303  
Telephone: 404/562-9155, Fax: 404/562-9164

13. 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(s) and Conditions.**

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

<b><u>E.U. ID No.</u></b>	<b><u>Brief Description</u></b>
001 – 020	20 GM EMD 20/645/E4B diesel engines and associated electric generators.

Twenty GM EMD 20/645/E4B diesel engines and associated electric generators. Each Power Module consists of one General Motors (GM) Electro Motive Division (EMD) 20-cylinder Model 645 E4B, 2-cycle turbocharged internal combustion (IC) engine and one Baylor-Stallion Model G8558RNV electric generator. The GM EMD IC engine has a power rating of 3,600 brake horsepower (bhp) at 100 percent load. The Baylor-Stallion generator has a power output rating of 2,500 kilowatt (continuous rating) and 2,750 kilowatts (kW) under peak load conditions. The 20 generators are designed to produce a nominal 50 MW (55 MW at peak load) of electric power. The IC engines will be fired with low-sulfur (maximum of 0.05 weight percent sulfur) diesel fuel oil and natural gas (with 6 percent diesel fuel for ignition) and operate using selective catalytic reduction (SCR), oxidation catalyst, and an air/fuel ratio regulator for the control of nitrogen oxide (NO<sub>x</sub>) emissions.

{Permitting note(s): Due to a voluntary restriction on the hours of operation and a facility-wide limit on NO<sub>x</sub> emissions, the facility is not subjected to the Prevention of Significant Deterioration (PSD) regulations found in Rules 212.400(5) & (6), F.A.C.; however, it is subjected to the "Source Obligation" conditions contained in Rule 62-212.400(2)(g), F.A.C. These emissions units are not regulated under Acid Rain, Phase II. Each 2.5 MW unit exhausts through a single stack. Stack height = 34 feet; exit diameter = 2.3 feet; exit temperature = 740 °F (natural gas), 635 F (fuel oil); actual volumetric flow rate = 21,350 acfm.}

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

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

**A.1. Permitted Capacity.** The heat input to each internal combustion engine from firing No. 2 fuel oil shall not exceed 25 MMBtu per hour at 100% load or 28 MMBtu per hour at peak load. The heat input to each internal combustion engine from firing natural gas shall not exceed 26.35 MMBtu per hour at 100% load.

[Rules 62-4.160(2) & 62-210.200(PTE), F.A.C.; and, 1050352-001-AC & 1050352-004-AC]

**A.2. Emissions Unit Operating Rate Limitation After Testing.** See Specific Condition A.19. [Rule 62-297.310(2), F.A.C.]

**A.3. Methods of Operation - (i.e. Fuels).** No. 2 fuel oil and natural gas can be fired in the internal combustion engines. Only No. 2 fuel oil will be fired in the engines for the first two years of operation. The internal combustion engines shall be fired primarily with No. 2 fuel oil or natural gas (with 6 percent diesel fuel for ignition). The permittee shall demonstrate compliance with the fuel oil sulfur limit by keeping the records specified in this permit.

- a. **Natural Gas.** The heat input from natural gas shall not exceed 26.35 MMBtu/hr. The maximum natural gas that can be burned in the twenty internal combustion engines combined is 2,240 MMCF per year (@1050 Btu/CF), which is equivalent to 89,200 engine-hours per year at 100% load. Firing of natural gas requires 6% diesel fuel for ignition.

- b. Fuel Oil. The heat input from No. 2 fuel oil shall not exceed 25 MMBtu/hr at full load or 28 MMBtu/hr at peak load. The maximum sulfur content of the No. 2 fuel oil shall not exceed 0.05 percent, by weight. The maximum No. 2 fuel oil allowed to be burned in the twenty internal combustion engines combined is 7,789,855 gallons per year (@138,000 Btu/gallon), which is equivalent to 43,000 engine-hours per year at 100% load.

[Rule 62-213.410, F.A.C.; and, 1050352-001-AC & 1050352-004-AC]

**A.4. Hours of Operation:** The twenty internal combustion engines shall operate no more than 43,000 engine-hours when firing fuel oil at 100% load, or 17,520 engine-hours at peak load or 89,200 engine-hours when firing natural gas during any consecutive 12-month period. If multiple fuels are used during a 12-month period, the allowable hours for each fuel type shall be prorated so as not to exceed the facility-wide NO<sub>x</sub> cap. The permittee shall install, calibrate, operate and maintain a monitoring system to measure the hours of operation for each fuel on each internal combustion engine. Compliance with the facility-wide NO<sub>x</sub> cap shall be demonstrated using the equation contained in Specific Condition **A.28**. [Rules 62-4.160(2) & 62-210.200(PTE), F.A.C.; and, 1050352-001-AC & 1050352-004-AC]

**A.5. Future PSD Review.** The internal combustion engines shall not exceed the permitted hours of operation, nor the permitted NO<sub>x</sub> emission limits allowed by this permit. This restriction is based on the permittee's request, which formed the basis of the PSD non-applicability determination and resulted in the emission standards specified in this permit. For any request to modify this emission unit (whether a physical or operational modification, including a change in the allowable hours of operation or heat input) the permittee shall submit a full PSD permit application, if required under the Department's rules. [Rules 62-212.400(2)(g) & 62-212.400(6)(b), F.A.C.; 1050352-001-AC]

### **Emission Limitations and Standards**

{Permitting note: Table 1-1, Summary of Air Pollutant Standards and Terms, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}}

{Permitting note: Unless otherwise specified, the averaging time for conditions A.6. – A.8. are based on the specified averaging time of the applicable test method.}

**A.6. Nitrogen Oxides (NO<sub>x</sub>):** NO<sub>x</sub> emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peak load operation firing distillate oil, or 11.6 lb/hr while in base load operation firing distillate oil, or 5.58 lb/hr in base load operation firing natural gas. Annual emissions of NO<sub>x</sub> in tpy from these emission units shall be calculated by using the allowable NO<sub>x</sub> emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. (See Specific Condition A.28.) This NO<sub>x</sub> emission in tpy shall not exceed 249.4 TPY, based upon a consecutive 12-month period.  
[Rule 62-212.400, F.A.C. (PSD avoidance); and, 1050352-001-AC & 1050352-004-AC]

**A.7. General Visible Emissions Standard.** Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20% opacity). The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.  
[Rule 62-296.320(4)(b)1, F.A.C.; and, 1050352-001-AC]

**A.8. Ammonia Emissions.** The concentration of ammonia in the exhaust gas from each internal combustion engine shall not exceed 10 ppmvd @15% O<sub>2</sub> while firing natural gas or fuel oil.  
[Rule 62-4.070, F.A.C.; and, 1050352-001-AC]

### **Excess Emissions**

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

**A.9. 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.  
[Rule 62-210.700(1), F.A.C.; and, 1050352-001-AC]

**A.10. Excess Emissions Prohibited.** Excess emissions which are 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.  
[Rule 62-210.700(4), F.A.C.; and, 1050352-001-AC]



### **Monitoring of Operations**

**A.11. Fuel Monitoring.** The fuel oil shall be monitored initially and annually for the sulfur content using ASTM D4294 Method (or equivalent). The permittee shall also maintain daily records of fuel oil and natural gas consumption for the emission units.  
[Rules 62-297.440, F.A.C. & 62-210.200, F.A.C.; and, 1050352-001-AC]

**A.12. Time Monitoring.** The permittee shall have installed and calibrated, and shall operate and maintain a monitoring system to measure the hours of operation for each fuel on each internal combustion engine.  
[Rule 62-213.440, F.A.C.; and, 1050352-001-AC]

**A.13. Ammonia Monitoring.** The flow of ammonia to the Selective Catalytic Reduction unit shall be continuously monitored to ensure that the ammonia flow is maintained at the same level as recorded during the most recent successful compliance test for NO<sub>x</sub> emissions. (See attached Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing.)  
[Rules 62-4.070 & 62-213.440, F.A.C.]

### **Required Tests, Test Methods and Procedures**

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

**A.14. Initial Tests Required.** Initial performance tests to demonstrate compliance with the emission standards specified in this permit shall be conducted within 60 days after achieving at least 90% of permitted capacity, but not later than 180 days after initial operation of the emissions unit. Initial performance tests shall be conducted for NO<sub>x</sub> and visible emissions on a sample of 5 (five) randomly picked internal combustion engines for the first year. A different set of randomly picked five engines from the remaining internal combustion engines will be tested during subsequent years of operation until all of the engines have completed the initial performance test. Initial performance test while firing natural gas shall be done when the fuel is available to the facility. Initial performance tests shall be conducted for ammonia slip for both oil and gas (when available) on only one internal combustion engine. (See the attached Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing.)  
[Rules 62-213.440(2), 62-297.310(7)(a)1. & 62-297.310(7)(c), F.A.C.; and, 1050352-001-AC]

**A.15. Annual Performance Tests:** To demonstrate compliance with the emission standards specified in this permit, the permittee shall conduct annual performance tests for visible emissions on each emissions unit that operated for more than 400 hours in the preceding 12-month period. Annual performance tests for NO<sub>x</sub> shall be conducted on the emission units that emitted more than 100 tons per year of NO<sub>x</sub> in the preceding 12-month period. The facility will be required to keep 12-month emission totals of NO<sub>x</sub> in tons per year for each internal combustion engine during each federal fiscal year (October 1- September 30). Tests required on an annual basis shall be conducted at least once during each federal fiscal year.  
[Rule 62-297.310(7)(a)4. & 62-297.310(7)(c), F.A.C.; 1050352-001-AC & 1050352-004-AC]

**A.16. Tests Prior to Permit Renewal:** Prior to renewing the air operation permit, the permittee shall conduct performance tests for NO<sub>x</sub>, visible emissions and ammonia on one of the internal combustion engines. These tests shall be conducted within the 12-month period prior to renewing the air operation permit. For pollutants required to be tested annually, the permittee may submit the most recent annual compliance test to satisfy the requirements of this provision. All tests shall be conducted while separately firing oil and gas (when available).  
[Rule 62-297.310(7)(a)3., F.A.C.; and, 1050352-001-AC & 1050352-004-AC]

**A.17. Performance Test Methods.** Annual compliance tests shall be performed in accordance with the following reference methods as described in 40 CFR 60, Appendix A, and adopted by reference in Chapter 62-204.800, F.A.C.

- a. EPA Method 7 or 7E – Determination of Nitrogen Oxide Emissions from Stationary Sources;
- b. EPA Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources;
- c. Method CTM-027 or equivalent for ammonia slip (see Specific Condition A.14.)

No other test methods may be used for compliance testing unless prior DEP approval is received, in writing, from the DEP Emissions Monitoring Section Administrator.

[1050352-001-AC]

### **Compliance Test Requirements**

**A.18. Required Number of Test Runs.** For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

[Rule 62-297.310(1), F.A.C.]

**A.19. Operating Rate During Testing.** Testing of emissions shall be conducted with the emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

[Rules 62-297.310(2) & (2)(b), F.A.C.]

**A.20. Calculation of Emission Rate.** The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

**A.21. Applicable Test Procedures.**

(a) **Required Sampling Time.**

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons

per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

- 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, the minimum sample volume per run shall be 25 dry standard cubic feet.
- (c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
- (d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, attached to this permit.
- (e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.
- [Rule 62-297.310(4), F.A.C.]

**A.22. Determination of Process Variables.**

- (a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
  - (b) Accuracy of Equipment. Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.
- [Rule 62-297.310(5), F.A.C.]

**A.23. Required Stack Sampling Facilities.** When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.

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

**A.24. Frequency of Compliance Tests.** The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

- (a) General Compliance Testing.
  3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting

- standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
- a. Did not operate; or
  - b. In the case of a fuel burning emissions unit, burned liquid 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.
  9. The owner or operator shall notify the SWD, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- (b) Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
- (c) Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.
- [Rule 62-297.310(7), F.A.C.; and, SIP approved.]

### **Recordkeeping and Reporting Requirements**

**A.25. Records Retention**. All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request.

[Rules 62-4.160(14) & 62-213.440(1)(b)2., F.A.C.; and, 1050352-001-AC]

**A.26. Emissions Performance Test Reports.** A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C.

[Rule 62-297.310(8), F.A.C.; and, 1050352-001-AC]

**A.27. Monthly Operations Summary:** By the fifth calendar day of each month, the permittee shall record the 12-month hours of operation of the internal combustion engines, 12-month emission totals for NO<sub>x</sub> (see Specific Condition A.28.), and amount of the No. 2 fuel oil and natural gas fired in the internal combustion engines. The information shall be recorded in a written or electronic log and shall be available for inspection and/or printing within at least one day of a request from the Compliance Authority.

[Rule 62-4.160(15), F.A.C.; and, 1050352-001-AC & 1050352-004-AC]

**A.28. Compliance Assurance Demonstration Method:** Using the information required by Specific Conditions A.4. & A.27., compliance with the 12-month facility-wide NO<sub>x</sub> emissions cap shall be demonstrated by using the following equation:

$$[(X * 11.6 \text{ lbs/hr}) + (Y * 13.9 \text{ lbs/hr}) + (Z * 5.6 \text{ lbs/hr}) / (2000 \text{ lbs/ton})] = \text{Calculated tons of NO}_x.$$

Where:

X = Documented hours per year firing oil at 100% load (total of all 20 engines)

Y = Documented hours per year firing oil at peak load (total of all 20 engines)

Z = Documented hours per year firing natural gas at 100% load (total of all 20 engines)

[1050352-004-AC]

**A.29. 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 1st of each year.

[Rule 62-210.370(2), F.A.C.; and, 1050352-001-AC]

**A.30. NSPS Requirements.** The fuel oil storage tank shall comply with the requirements of 40 CFR 60, Subpart Kb.

[40 CFR 60.110b – 117b; and, 1050352-001-AC]

**A.31. Excess Emissions Report.** In the case of excess emissions resulting from malfunctions, the owner or operator shall notify the SWD 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 SWD.

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

**A.32. Test Reports.**

- (a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the SWD on the results of each such test.
- (b) The required test report shall be filed with the SWD 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 SWD to determine if the test was properly conducted and the test results properly

computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.
4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission-limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

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

## **Referenced Attachments**

**Appendix A-1, Abbreviations, Definitions, Citations, and Identification Numbers**

**Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing**

**Appendix H-1, Permit History**

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

**Appendix SS-1, Stack Sampling Facilities (version dated 10/7/96)**

**Appendix TV-4, Title V Conditions (version dated 2/12/02)**

**Table 297.310-1, Calibration Schedule**

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

**Table 2-1, Compliance Requirements**

**Appendix A-1,**  
**Abbreviations, Definitions, Citations, and Identification Numbers**  
**(Version Dated 2/5/97)**



## Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 02/05/97)

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### Abbreviations and Acronyms:

°F: Degrees Fahrenheit  
**BACT:** Best Available Control Technology  
**CFR:** Code of Federal Regulations  
**DEP:** State of Florida, Department of Environmental Protection  
**DARM:** Division of Air Resource Management  
**EPA:** United States Environmental Protection Agency  
**F.A.C.:** Florida Administrative Code  
**F.S.:** Florida Statute  
**ISO:** International Standards Organization  
**LAT:** Latitude  
**LONG:** Longitude  
**MMBtu:** million British thermal units  
**MW:** Megawatt  
**ORIS:** Office of Regulatory Information Systems  
**SOA:** Specific Operating Agreement  
**UTM:** Universal Transverse Mercator

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### Citations:

*The following examples illustrate the methods used in this permit to abbreviate and cite the references of rules, regulations, guidance memorandums, permit numbers, and ID numbers.*

#### Code of Federal Regulations:

*Example:* [40 CFR 60.334]

Where:	40	reference to	Title 40
	CFR	reference to	Code of Federal Regulations
	60	reference to	Part 60
	60.334	reference to	Regulation 60.334

#### Florida Administrative Code (F.A.C.) Rules:

*Example:* [Rule 62-213, F.A.C.]

Where:	62	reference to	Title 62
	62-213	reference to	Chapter 62-213
	62-213.205	reference to	Rule 62-213.205, F.A.C.

**ISO:** International Standards Organization refers to those conditions at 288 degrees K, 60 percent relative humidity, and 101.3 kilopascals pressure.

**Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers  
(version dated 02/05/97) (continued)**

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**Identification Numbers:**

Facility Identification (ID) Number:

*Example:* Facility ID No.: 1050221

*Where:*

105 = 3-digit number code identifying the facility is located in Polk County  
0221 = 4-digit number assigned by state database.

Permit Numbers:

*Example:* 1050221-002-AV, or  
1050221-001-AC

*Where:*

AC = Air Construction Permit  
AV = Air Operation Permit (Title V Source)  
105 = 3-digit number code identifying the facility is located in Polk County  
0221 = 4-digit number assigned by permit tracking database  
001 or 002 = 3-digit sequential project number assigned by permit tracking database

*Example:* PSD-FL-185  
PA95-01  
AC53-208321

*Where:*

PSD = Prevention of Significant Deterioration Permit  
PA = Power Plant Siting Act Permit  
AC = old Air Construction Permit numbering

**Appendix CP-1,**  
**Compliance Plan for Natural Gas Compliance Testing**

## **Appendix CP-1, Compliance Plan for Natural Gas Compliance Testing**

In accordance with Rule 62-213.440(2), Florida Administrative Code (F.A.C.), this compliance plan is being issued as a part of the initial Title V permit for the Lakeland Electric Winston Peaking Station, located at 1200 Airport Road, Lakeland, Polk County. It is being issued to ensure that the permitted emissions limits for nitrogen oxides (NO<sub>x</sub>), visible emissions and ammonia are not exceeded while combusting natural gas.

The twenty internal combustion engines are permitted to operate while firing natural gas; however, natural gas is not currently available at the site. The initial performance tests to demonstrate compliance with the emission standards specified in this permit for periods of natural gas combustion shall be conducted within 60 days after achieving at least 90% of permitted capacity, but not later than 180 days after initial operation of any of the emissions units combusting natural gas. Initial performance tests shall be conducted for NO<sub>x</sub> and visible emissions on a sample of 5 (five) randomly picked internal combustion engines for the first year after natural gas combustion commences. A different set of randomly picked five engines from the remaining internal combustion engines will be tested during each subsequent year of operation until all of the engines have completed the initial performance test while combusting natural gas. An initial performance test shall be conducted for ammonia slip on only one internal combustion engine within 60 days after achieving at least 90% of permitted capacity, but not later than 180 days after initial operation of any of the emissions units combusting natural gas.

Results of the above tests shall be submitted to the Southwest District office (SWD) within 45 days of completion of the tests.

If the above milestones are not met (i.e., testing not completed within 60 days after achieving at least 90% of permitted capacity, but not later than 180 days after initial operation of any of the emissions units combusting natural gas; tests results not submitted within 45 days; etc.), the source shall notify the SWD in writing, within 15 days after the milestone has passed, to include the achievement of compliance, of progress achieved, requirements met, requirements not met, corrective measures adopted and an explanation of any measures not met by the completion date for the milestone or for compliance. All reports shall be accompanied by a certification, signed by a responsible official, in accordance with Rule 62-213.420(4), F.A.C.

The requirements of this compliance plan shall remain in effect until the required initial tests have been completed and the results of said tests have been submitted to, and approved by, the SWD.

[Rule 62-213.440(2), F.A.C.; and, 1050352-001-AC]

## **Appendix H-1, Permit History**

## Appendix H-1, Permit History

City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050352

<u>E.U. ID No.</u>	<u>Brief Project Description</u>	<u>Permit No.</u>	<u>Effective Date</u>	<u>Expiration Date</u>
001 - 020	Initial Construction Permit	1050352-001-AC	08/20/01	06/30/02
001 - 020	Minor Modifications To Assure PSD Avoidance	1050352-004-AC	m/dd/yy	12/31/04
001 - 020	Initial Title V Permit	1050352-002-AV	m/dd/yy	m/dd/yy

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

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

City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050332

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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.

### **Brief Description of Emissions Units and/or Activities:**

1. Emergency foam fire protection system Model CC S3-500 VDF, manufactured by Arrow Tank and Engineering Company.
2. Storage operations for the 4,000-gallon fuel oil tank inside the building used to supply makeup oil to the engines.
3. Storage operations for the 12,000-gallon liquid ammonia tank which is used to supply ammonia for the Selective Catalytic Reduction (SCR) systems (NH<sub>3</sub> content is less than 19% at all times).
4. Miscellaneous maintenance and cleaning of the building, control room, and their contents.
5. Storm water retention basin maintenance (if required).



**Appendix SS-1,**  
**Stack Sampling Facilities (version dated 10/7/96)**

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

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

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

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

(c) Sampling Ports.

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

5. On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.

(d) Work Platforms.

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

(e) Access to Work Platform.

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

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

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

**(f) Electrical Power.**

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

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

**(g) Sampling Equipment Support.**

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

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

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

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

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

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

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

**Appendix TV-4,**  
**Title V Conditions (version dated 2/12/02)**

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

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

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

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

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

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

2. **Not federally enforceable. Procedures to Obtain Permits and Other Authorizations: Applications.**

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

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

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

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

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

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

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

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

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

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application for the same time duration except for modification under Chapter 62-45, F.A.C.

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

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

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

4. Modification of Permit Conditions.

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following: (also, see Condition No. 38.)

(a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.

(b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.

(c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.

(e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

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

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

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

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

[Rule 62-4.090, F.A.C.]

6. Suspension and Revocation.

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

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

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

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

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

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

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

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

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

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

7. **Not federally enforceable.** Financial Responsibility. The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules. [Rule 62-4.110, F.A.C.]

8. Transfer of Permits.

(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.

(2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.

(3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.

(4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.

(5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

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

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

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

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

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

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

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

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

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:
- (1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
  - (2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
  - (3) As provided in Subsections 403.087(7) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
  - (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
  - (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
  - (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
  - (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
    - (a) Have access to and copy any records that must be kept under conditions of the permit;
    - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
    - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
  - (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: **(also, see Condition No. 10.)**
    - (a) A description of and cause of noncompliance; and,
    - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
  - (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
  - (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
  - (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
  - (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
  - (14) The permittee shall comply with the following:
    - (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
    - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.



(c) Records of monitoring information shall include:

1. the date, exact place, and time of sampling or measurements;
2. the person responsible for performing the sampling or measurements;
3. the dates analyses were performed;
4. the person responsible for performing the analyses;
5. the analytical techniques or methods used;
6. the results of such analyses.

(15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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

### 13. Construction Permits.

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

(a) A completed application on forms furnished by the Department.

(b) An engineering report covering:

1. plant description and operations,
2. types and quantities of all waste material to be generated whether liquid, gaseous or solid,
3. proposed waste control facilities,
4. the treatment objectives,
5. the design criteria on which the control facilities are based, and,
6. other information deemed relevant.

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 62-204, F.A.C.

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

Chapter 62-210, F.A.C.

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

(1) Air Construction Permits.

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

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

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

- a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;
- b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and
- c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(10)(d)2., Rule 62-212.400, or Rule 62-212.500, F.A.C., as appropriate.

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

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

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

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

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

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.
3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.
  - a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.
  - b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:
    - (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
    - (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
    - (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.
  - c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.
  - d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.
4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

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

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

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

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

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

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

20. Emissions Unit Reclassification.

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

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

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

21. Transfer of Air Permits.

(a) An air permit is transferable only after submission of an Application for Transfer of Air Permit (DEP Form 62-210.900(7)) and Department approval in accordance with Rule 62-4.120, F.A.C. For Title V permit transfers only, a complete application for transfer of air permit shall include the requirements of 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Within 30 days after approval of the transfer of permit, the Department shall update the permit by an administrative permit correction pursuant to Rule 62-210.360, F.A.C.

(b) For an air general permit, the provision of Rules 62-210.300(7)(a) and 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new owner must submit an air general permit notification to the Department in accordance with Rule 62-210.300(4), F.A.C., or Rule 62-213.300(2)(b), F.A.C.

[Rule 62-210.300(7), F.A.C.]

22. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

1. An air construction permit;
2. An air operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C., (i.e., a FESOP), except as provided in Rule 62-210.300(2)(b)1.b., F.A.C.; or
3. An air operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except Title V air general permits or those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C.

(b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-110.106, F.A.C. A public notice under Rule 62-210.350(1)(a)1., F.A.C., for an air construction permit may be combined with any required public notice under Rule 62-210.350(1)(a)2. or 3., F.A.C., for air operation permits. If such notices are combined, the public notice must comply with the requirements for both notices.

(c) Except as otherwise provided at Rules 62-210.350(2) and (5), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

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

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

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

3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and, notifying the public of the opportunity for submitting comments and requesting a public hearing.
- (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.
- (d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.
- (e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.
- (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.
- (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.
- (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:
1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
  2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.
- (3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.
- (a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:
1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and,
  2. A 30-day period for submittal of public comments.
- (b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. If written comments received during the 30-day comment period on a draft permit result in the Department's issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C.
- (c) The notice shall identify:
1. The facility;
  2. The name and address of the office at which processing of the permit occurs;
  3. The activity or activities involved in the permit action;
  4. The emissions change involved in any permit revision;
  5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;

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

6. A brief description of the comment procedures required by Rule 62-210.350(3), F.A.C.;
7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and,
8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

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

23. Administrative Permit Corrections.

- (1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:
  - (a) Typographical errors noted in the permit;
  - (b) Name, address or phone number change from that in the permit;
  - (c) A change requiring more frequent monitoring or reporting by the permittee;
  - (d) A change in ownership or operational control of a facility, subject to the following provisions:
    1. The Department determines that no other change in the permit is necessary;
    2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
    3. The new permittee has notified the Department of the effective date of sale or legal transfer.
  - (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
  - (f) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and,
  - (g) Any other similar minor administrative change at the source.
- (2) Upon receipt of any such notification the Department shall within 60 days correct the permit and provide a corrected copy to the owner.
- (3) After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.
- (4) For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.
- (5) The Department shall incorporate requirements resulting from issuance of a new or revised construction permit into an existing Title V source permit, if the construction permit or permit revision incorporates requirements of federally enforceable preconstruction review, and if the applicant requests at the time of application that all of the requirements of Rule 62-213.430(1), F.A.C., be complied with in conjunction with the processing of the construction permit application.

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

24. Reports.

- (3) Annual Operating Report for Air Pollutant Emitting Facility.
  - (a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.
  - (c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

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

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

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

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

26. Forms and Instructions. The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) Application for Air Permit - Title V Source, Form and Instructions (Effective 02/11/1999).

(a) Acid Rain Part (Phase II), Form and Instructions (Effective 04/16/2001).

1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995).

2. New Unit Exemption, Form and Instructions (Effective 04/16/2001).

3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001).

4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998).

5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998).

(b) Reserved.

(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 02/11/1999).

(7) Application for Transfer of Air Permit - Title V and Non-Title V Source, (Effective 04/16/2001).

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

Chapter 62-213, F.A.C.

27. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.

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

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

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

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

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

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

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

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

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

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

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

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:

(a) Constitutes a modification;

(b) Violates any applicable requirement;

(c) Exceeds the allowable emissions of any air pollutant from any unit within the source;

(d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;

(e) Requires a case-by-case determination of an emission limitation or other standard or a source specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapters 62-212 or 62-296, F.A.C.;

(f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;

(g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;

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

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- (h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;
- (i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1),(2),or (3),(b)(1) or (b)(3), hereby incorporated by reference;
- (j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;
- (k) Is a request for industrial-utility unit exemption pursuant to Rule 62-214.340, F.A.C.

[Rules 62-213.400(1) & (2), F.A.C.]

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

- (1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;
- (2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;
  - (a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;
  - (b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.; and,
  - (c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;
- (3) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
  - (a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
  - (b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
- (4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

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

34. Immediate Implementation Pending Revision Process.

- (1) Those permitted Title V sources making any change that constitutes a modification pursuant to the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision in accordance with this section, provided the change:
  - (a) Does not violate any applicable requirement;
  - (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;
  - (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
  - (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.
- (2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.



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

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

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

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

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

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

**35. Permit Applications.**

(1) **Duty to Apply.** For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, F.A.C., and Rules 62-4.050(1) through (3), F.A.C.

(a) **Timely Application.**

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

(b) **Complete Application.**

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

2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4. F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.

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

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested

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

and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

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

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (also, see **Condition No. 50**.) [Rule 62-213.420(2), F.A.C.]

37. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. [Rule 62-213.420(3), F.A.C.]

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

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

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

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

- (i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).
- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
- (iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

(b) An emissions unit or activity shall be considered insignificant if all of the following criteria are met:

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

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

40. Permit Duration. Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Rule 62-213.440(1)(d)4., F.A.C.]

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

[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (also, see **Condition No. 36.**)

[Rule 62-213.440(1)(d)6., F.A.C.]

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

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

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

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

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

[Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

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

[Rule 62-213.460, F.A.C.]

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

(1) Major Air Pollution Source Annual Emissions Fee Form. (Effective 01/03/2001)

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

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

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

### Chapter 62-256, F.A.C.

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

### Chapter 62-281, F.A.C.

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

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

### Chapter 62-296, F.A.C.

56. **Industrial, Commercial, and Municipal Open Burning Prohibited.** Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

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

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

57. **Unconfined Emissions of Particulate Matter.**

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

3. Reasonable precautions include the following:

- a. Paving and maintenance of roads, parking areas and yards.
- b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
- c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.

- d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
- e. Landscaping or planting of vegetation.
- f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
- g. Confining abrasive blasting where possible.
- h. Enclosure or covering of conveyor systems.

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

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

[electronic file name: tv-4.doc]

**Table 297.310-1, Calibration Schedule**

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

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

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



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

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

City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050352

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

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
					Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
-001 Thru -020	2-cycle turbocharged internal combustion (IC) engine and electric generator (20 sets, individual stacks)	NO <sub>x</sub>	No. 2 F.O. (100%)	43,000		11.6	#####	N/A	(249.4)	1050352-001-AC	A.6.
			No. 2 F.O. (peak)	17,520		13.9	#####	N/A	(121.8)	1050352-001-AC	A.6.
			Natural Gas	89,200		5.58	#####	N/A	(248.9)	1050352-001-AC	A.6.
		VE	No. 2 F.O.	8760	20%			N/A	N/A	62-296.320(4)(b)1.	A.7.
			Natural Gas	8760	20%			N/A	N/A	62-296.320(4)(b)1.	A.7.
		Ammonia	No. 2 F.O.	43,000	10 ppmvd	N/A	N/A	0.057	1.22	1050352-001-AC	A.8.
			Natural Gas	89,200	10 ppmvd	N/A	N/A	0.057	2.53	1050352-001-AC	A.8.
% Sulfur	No. 2 F.O.	43,000	max. sulfur content 0.05%, by wt.			1.24	26.6	1050352-001-AC	A.3.		

**Notes:**

\* The "Equivalent Emissions" listed are for informational purposes.

**Table 2-1, Summary of Compliance Requirements**

**Table 2-1, Summary of Compliance Requirements**

City of Lakeland, Lakeland Electric  
Winston Peaking Station

**DRAFT Permit No.:** 1050352-002-AV  
**Facility ID No.:** 1050352

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

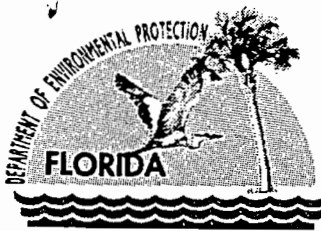
E. U. ID No.	Brief Description	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date <sup>2</sup>	Min. Compliance Test Duration	CMS <sup>1</sup>	See Permit Condition(s)
-001 Thru -020	2-cycle turbocharged internal combustion (IC) engine and electric generator (20 sets, individual stacks)	NO <sub>x</sub>	No. 2 F.O.	EPA method 7 or 7E (See Respective Sections)	Annually <sup>3</sup>	10/1 - 9/30	1 Hour	No	A.14. - A.32.
			Natural Gas			7/1 - 9/30	1 Hour	No	A.14. - A.32.
		VE	No. 2 F.O.	DEP method 9	Annually <sup>3</sup>	10/1 - 9/30	30 Minutes	No	A.14. - A.32.
			Natural Gas	DEP method 9	N/A	7/1 - 9/30	30 Minutes	No	A.14. - A.32.
		Ammonia	No. 2 F.O.	17, 5, 5B or 5F	Renewal	10/1 - 9/30	1 Hour	Yes	A.13. - A.32.
			Natural Gas	17, 5, 5B or 5F	Renewal	10/1 - 9/30	1 Hour	Yes	
% Sulfur	No. 2 F.O.	Fuel Sampling & Analysis					No	A.11., A.25.	

**Notes:**

<sup>1</sup> CMS [=] continuous monitoring system. For Ammonia, flow monitor required to measure ammonia feed.

<sup>2</sup> Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

<sup>3</sup> Test not required in years that unit is operated less than 400 hours.



# Department of Environmental Protection

Jeb Bush  
Governor

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

Colleen M. Castille  
Secretary

## PERMITTEE:

City of Lakeland; Lakeland Electric  
Winston Peaking Station  
501 E. Lemon Street  
Lakeland, Florida 33801-5079

<b>ARMS Permit No.</b>	1050352-004-AC
<b>Facility ID No.</b>	1050352
<b>SIC No.</b>	4911
<b>Expires:</b>	December 31, 2004

### *Authorized Representative:*

Timothy Bates  
Director of Energy Supply

## PROJECT AND LOCATION

Construction permit number 1050352-001-AC authorized the installation of 20 internal combustion engines with electrical generator sets. The 20 engines are capable of producing a nominal 50 MW (55 MW at peak load) of electricity. The Department is issuing this construction permit in order to correct minor inconsistencies between the original permit application information and the limitations of permit 1050352-001-AC that were discovered during the processing of the Title V air operation permit. Making these changes will allow the Title V air operation permit to be issued with limitations that will meet the US EPA's criteria for being practically enforceable and assure that the facility maintains the requested non-PSD classification. In addition, this action will be used to respond to a recent request by Ms. Farzie Shelton to make changes to the visible emissions testing requirements contained in permit 1050352-001-AC, which expired on June 30, 2002.

The facility is located in Polk County, one-mile southeast of the intersection of Airport Road and Old Tampa Highway, Lakeland, Florida. The UTM coordinates are Zone 17, 400.2 km E, 3100.6 km N.

## STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to make changes in accordance with the conditions of this permit.

## APPENDICES

The following documents are attached and are incorporated as part of this permit:

1050352-001-AC	Initial Air Construction Permit
Appendix GC	Construction Permit General Conditions

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Michael G. Cooke, Director  
Division of Air Resource Management

"More Protection, Less Process"

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## SECTION II. ADMINISTRATIVE REQUIREMENTS

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### **FACILITY DESCRIPTION**

The facility is located on a 6-acre parcel adjacent to an existing Lakeland Electric substation. Lakeland Electric owns the property and owns/controls the operation of the facility. Lakeland Electric owns the equipment and dispatches the units to supply electric power. The facility consists of twenty nominal 2.5-MW GM EMD 20/645/E4B diesel engines and one 294,000-gallon fuel oil storage tank. The engines use selective catalytic reduction, oxidation catalyst, and an air/fuel ratio regulator for emission reduction control. The units are designed for peaking service. The fuel for the engines is distillate fuel oil with natural gas. Fuel oil contains a maximum sulfur content of 0.05 percent. The 20 internal combustion engines with generators are capable of providing a nominal 50 MW (55 MW at peak load) of electrical power.

### **REGULATORY CLASSIFICATION**

Title V Major Source: This facility is a Title V major source of air pollution.

PSD Major Source: Each pollutant with potential emissions greater than the Significant Emissions Rates specified in Table 62-212.400-2, F.A.C. requires a PSD review and Best Available Control Technology (BACT) determination. For this project, emissions of no pollutant are significant or subject to BACT standards, provided that the Emissions Units are operated as specified in this permit.

### **RELEVANT DOCUMENTS**

The documents listed form the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

- 1050352-001-AC issued 8-20-01
- Company letters dated 8-26-03 and 2-23-04
- Technical Evaluation and Preliminary Determination dated 5-19-04

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

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1. All of the terms and conditions of the attached air construction permit, No. 1050352-001-AC, dated August 20, 2001, are incorporated into this air construction permit and remain the same, except for the changes that follow in Specific Conditions 2. through 8., below.

2. In keeping with the permit application information and to assure PSD avoidance, Specific Condition 6. is changed:

**From:**

6. Nitrogen Oxides (NO<sub>x</sub>): NO<sub>x</sub> emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peak load operation firing distillate oil, 11.6 lb/hr while in base load operation firing distillate oil and 5.6 lb/hr in base load operation firing natural gas. Annual emissions of NO<sub>x</sub> in tpy from these emission units shall be calculated by using the NO<sub>x</sub> emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. This NO<sub>x</sub> emission in tpy shall not exceed 250 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 250 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter.

[Rule 62-212.400, F.A.C. (PSD avoidance)]

**To:**

6. Nitrogen Oxides (NO<sub>x</sub>): NO<sub>x</sub> emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peak load operation firing distillate oil, or 11.6 lb/hr while in base load operation firing distillate oil, or 5.58 lb/hr in base load operation firing natural gas. Annual emissions of NO<sub>x</sub> in tpy from these emission units shall be calculated by using the allowable NO<sub>x</sub> emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. (See Specific Condition 32.) This NO<sub>x</sub> emission in tpy shall not exceed 249.4 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 249.4 TPY shall become effective upon the issuance date of this permit modification and shall be demonstrated based on the preceding 12-month period.

[Rule 62-212.400, F.A.C. (PSD avoidance)]

3. In keeping with the permit application information and to maintain practical enforceability, Specific Condition 12. is changed:

**From:**

12. Fuel Oil Consumption: The maximum No. 2 fuel oil allowed to be burned in the twenty internal combustion engines combined is 8,184,480 gallons per year, which is equivalent to 43,000 engine-hours per year at 100% load. The maximum natural gas that can be burned in the twenty internal combustion engines combined is 2,240 MMCF per year, which is equivalent to 89,200 engine-hours per year at 100% load. [Rule 62-210.200, F.A.C. (Definitions – PTE)]

**To:**

12. Fuel Oil Consumption: The maximum No. 2 fuel oil allowed to be burned in the twenty internal combustion engines combined is 7,789,855 gallons per year, which is equivalent to 43,000 engine-hours per year at 100% load (25 MMBtu/hr/engine & 138,000 Btu/gallon of oil). The maximum natural gas that can be burned in the twenty internal combustion engines combined is 2,240 MMCF per year, which

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

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is equivalent to 89,200 engine-hours per year at 100% load (26.35 MMBtu/hr/engine & 1,050 Btu/CF of gas). [Rule 62-210.200, F.A.C. (Definitions – PTE)]

4. In keeping with the permit application information and to maintain practical enforceability, Specific Condition 13. is changed:

**From:**

13. Permitted Capacity: The heat input to each internal combustion engine from firing No. 2 fuel oil shall not exceed 25 MMBtu per hour at 100% load or 28 MMBTU per hour at peak load. The heat input to each internal combustion engine from firing natural gas shall not exceed 29 MMBTU per hour at 100% load. [Design, Rule 62-210.200, F.A.C. (Definition - PTE)]

**To:**

13. Permitted Capacity: The heat input to each internal combustion engine from firing No. 2 fuel oil shall not exceed 25 MMBtu per hour at 100% load or 28 MMBTU per hour at peak load. The heat input to each internal combustion engine from firing natural gas shall not exceed 26.35 MMBTU per hour at 100% load. [Design, Rule 62-210.200, F.A.C. (Definition - PTE)]

5. For practical enforceability, Specific Condition 14. is changed:

**From:**

14. Hours of Operation: The twenty internal combustion engines shall operate no more than 43,000 engine-hours when firing fuel oil at 100% load, 17,520 engine-hours at peak load and 89,200 engine-hours when firing natural gas during any consecutive 12-month period. The permittee shall install, calibrate, operate and maintain a monitoring system to measure the hours of operation for each fuel on each internal combustion engine. [Rule 62-210.200, F.A.C. (Definitions - PTE)]

**To:**

14. Hours of Operation: The twenty internal combustion engines shall operate no more than 43,000 engine-hours when firing fuel oil at 100% load, or 17,520 engine-hours at peak load or 89,200 engine-hours when firing natural gas during any consecutive 12-month period. If multiple fuels are used during a 12-month period, the allowable hours for each fuel type shall be prorated so as not to exceed the facility-wide NO<sub>x</sub> cap. The permittee shall install, calibrate, operate and maintain a monitoring system to measure the hours of operation for each fuel on each internal combustion engine. Compliance with the facility-wide NO<sub>x</sub> cap shall be demonstrated using the equation contained in Specific Condition 32. [Rule 62-210.200, F.A.C. (Definitions - PTE)]

6. At applicant request, to require annual visible emissions testing only on units that operate more than 400 hours per year, Specific Condition 20. is changed:

**From:**

20. Annual Performance Tests: To demonstrate compliance with the emission standards specified in this permit, the permittee shall conduct annual performance tests for visible emissions on emissions unit that operated in the preceding 12-month period. Annual performance tests for NO<sub>x</sub> shall be conducted on the emission units that emitted more than 100 tons per year of NO<sub>x</sub> in the preceding 12-month period. The facility will be required to keep 12-month emission totals of NO<sub>x</sub> in tons per year for each internal combustion engine during each federal fiscal year (October 1- September 30). Tests required on an



**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

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annual basis shall be conducted at least once during each federal fiscal year.

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

**To:**

20. Annual Performance Tests: To demonstrate compliance with the emission standards specified in this permit, the permittee shall conduct annual performance tests for visible emissions on each emissions unit that operated for more than 400 hours in the preceding 12-month period. Annual performance tests for NO<sub>x</sub> shall be conducted on the emission units that emitted more than 100 tons per year of NO<sub>x</sub> in the preceding 12-month period. The facility will be required to keep 12-month emission totals of NO<sub>x</sub> in tons per year for each internal combustion engine during each federal fiscal year (October 1- September 30). Tests required on an annual basis shall be conducted at least once during each federal fiscal year.

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

7. To provide a cross-reference to Specific Condition 32., Specific Condition 29. is changed:

**From:**

29. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the 12- month hours of operation of the internal combustion engines, 12-month emission totals for NO<sub>x</sub> and amount of the No. 2 fuel oil and natural gas fired in the internal combustion engines. The information shall be recorded in a written or electronic log and shall be available for inspection and/or printing within at least one day of a request from the Compliance Authority. [Rule 62-4.160(15), F.A.C.]

**To:**

29. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the 12- month hours of operation of the internal combustion engines, 12-month emission totals for NO<sub>x</sub> (see Specific Condition 32.), and amount of the No. 2 fuel oil and natural gas fired in the internal combustion engines. The information shall be recorded in a written or electronic log and shall be available for inspection and/or printing within at least one day of a request from the Compliance Authority. [Rule 62-4.160(15), F.A.C.]

8. To provide a method for assuring compliance with the facility-wide NO<sub>x</sub> emissions cap based on records of fuel usage and hours of operation, the following Specific Condition 32. is added:

32. Compliance Assurance Demonstration Method: Using the information required by Specific Conditions 14. & 29., compliance with the 12-month facility-wide NO<sub>x</sub> emissions cap shall be demonstrated by using the following equation:

$$[(X * 11.6 \text{ lbs/hr}) + (Y * 13.9 \text{ lbs/hr}) + (Z * 5.6 \text{ lbs/hr}) / (2000 \text{ lbs/ton})] = \text{Calculated tons of NO}_x.$$

Where:

X = Documented hours per year firing oil at 100% load (total of all 20 engines)

Y = Documented hours per year firing oil at peak load (total of all 20 engines)

Z = Documented hours per year firing natural gas at 100% load (total of all 20 engines)

[Rule 62-4.070(1), F.A.C.]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

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9. For clarification purposes, Specific Condition 21. is changed:

**From:**

21. Tests Prior to Permit Renewal: Prior to renewing the air operation permit, the permittee shall conduct performance tests for NO<sub>x</sub> and visible emissions on one of the internal combustion engines. These tests shall be conducted within the 12-month period prior to renewing the air operation permit. For pollutants required to be tested annually, the permittee may submit the most recent annual compliance test to satisfy the requirements of this provision. [Rule 62-297.310(7)(a)3., F.A.C.]

**To:**

21. Tests Prior to Permit Renewal: Prior to renewing the air operation permit, the permittee shall conduct performance tests for NO<sub>x</sub>, visible emissions and ammonia on one of the internal combustion engines. These tests shall be conducted within the 12-month period prior to renewing the air operation permit. For pollutants required to be tested annually, the permittee may submit the most recent annual compliance test to satisfy the requirements of this provision. All tests shall be conducted while separately firing oil and gas (when available). [Rule 62-297.310(7)(a)3., F.A.C.]



Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

## PERMITTEE:

City of Lakeland; Lakeland Electric  
Winston Peaking Station  
501 E. Lemon Street  
Lakeland, Florida 33801-5079

ARMS Permit No.	1050352-001-AC
Facility ID No.	1050352
SIC No.	4911
Expires:	June 30, 2002

## Authorized Representative:

Roger D. Harr  
City Manager

## PROJECT AND LOCATION

The proposed project authorizes the installation of 20 internal combustion engines with electrical generator sets. The 20 engines are capable of producing a nominal 50 MW (55 MW at peakload) of electricity.

The project will be located in Polk County, one-mile southeast of the intersection of Airport Road and Old Tampa Highway, Lakeland, Florida. The UTM coordinates are Zone 17, 400.2 km E, 3100.6 km N.

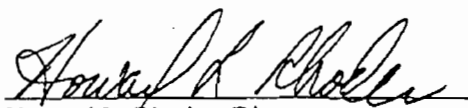
## STATEMENT OF BASIS

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

## APPENDICES

The following Appendices are attached as part of this permit.

Appendix GC - Construction Permit General Conditions

  
Howard L. Rhodes; Director  
Division of Air Resources Management

"More Protection, Less Process"

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## SECTION II. ADMINISTRATIVE REQUIREMENTS

---

### FACILITY DESCRIPTION

The facility will be located on a 6-acre parcel adjacent to an existing Lakeland Electric substation. Lakeland Electric will own the property and own/control the operation of the facility. Lakeland Electric will own the equipment and dispatch the units to supply electric power. The Project consists of the construction and operation of twenty nominal 2.5-MW GM EMD 20/645/E4B diesel engines and one 294,000-gallon fuel oil storage tank. The engines will use selective catalytic reduction, oxidation catalyst, and an air/fuel ratio regulator for emission reduction control. The units are designed for peaking service. The fuel for the engines will be distillate fuel oil with natural gas. Fuel oil will contain a maximum sulfur content of 0.05 percent. Completion of this project will result in the installation of 20 internal combustion engines with generators capable of providing a nominal 50 MW (55 MW at peakload) of electrical power.

### REGULATORY CLASSIFICATION

Title V Major Source: This facility is a Title V major source of air pollution.

PSD Major Source: Each pollutant with potential emissions greater than the Significant Emissions Rates specified in Table 62-212.400-2, F.A.C. requires a PSD review and Best Available Control Technology (BACT) determination. For this project, emissions of no pollutant are significant or subject to BACT standards, provided that the Emission Unit is operated as specified in this permit.

### PERMIT SCHEDULE

- 05-14-01: Date of Receipt of Permit Application
- 07-19-01: Application deemed complete
- 07-27 -01: Intent issued
- 08-01-01: Notice published in the Lakeland Ledger

### RELEVANT DOCUMENTS

The documents listed form the basis of the permit. They are specifically related to this permitting action. These documents are on file with the Department.

- Application received 5-14-01
- Department letters dated 5-24-01 and 7-10-01
- Company letters dated 6-12-01 and 7-14-01
- Technical Evaluation and Preliminary Determination dated 7-24-01

## SECTION II. ADMINISTRATIVE REQUIREMENTS

### GENERAL AND ADMINISTRATIVE REQUIREMENTS

1. Permitting Authority: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection (DEP), at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and phone number 850/488-0114.
2. Compliance Authority: All documents related compliance activities such as reports, tests, and notifications should be submitted to the FDEP Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318. The phone number is 813/744-6100 and the fax number is 813/744-6084.
3. Terminology: The terms used in this permit have specific meanings as defined in the applicable chapters of the Florida Administrative Code.
4. General Conditions: The owner and operator are subject to, and shall operate under, the attached General Conditions listed in *Appendix GC* of this permit. General Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes. [Rule 62-4.160, F.A.C.]
5. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297 and the Code of Federal Regulations Title 40, Part 60, adopted by reference in the Florida Administrative Code (F.A.C.) regulations. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
6. New or Additional Conditions: For good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
7. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
8. Expiration: This air construction permit shall expire on **June 30, 2002**. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rules 62-210.300(1), 62-4.070(4) 62-4.080, and 62-4.210, F.A.C.]
9. Title V Permit: This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. A Title V operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for a Title V operation permit at least ninety days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Bureau of Air Regulation, and a copy sent to the Department's Southwest District office. [Rules 62-4.030, 62-4.050, 62-4.220, and 62-213.420, F.A.C.]

**SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS**

This permit addresses the following emissions units.

EU ID No.	EMISSIONS UNIT DESCRIPTION
001 - 020	20 GM EMD 20/645/E4B diesel engines and associated electric generators. Each Power Module consists of one General Motors (GM) Electro Motive Division (EMD) 20-cylinder Model 645 E4B, 2-cycle turbocharged internal combustion (IC) engine and one Baylor-Stallion Model G8558RNV electric generator. The GM EMD IC engine has a power rating of 3,600 brake horsepower (bhp) at 100 percent load. The Baylor-Stallion generator has a power output rating of 2,500 kilowatt (continuous rating) and 2,750 kilowatts (kW) under peak load conditions. The IC engines will be fired with low-sulfur (maximum of 0.05 weight percent sulfur) diesel fuel oil and natural gas (with 6 percent diesel fuel for ignition).

**The following Specific Conditions apply to the new emission units 001-020:**

**PERFORMANCE RESTRICTIONS**

1. **Internal Combustion Engines:** The permittee is authorized to install, tune, operate and maintain 20 new internal combustion engines with electrical generator sets (GM EMD 20/645/E4B diesel engines and Baylor-Stallion Model G8558RNV electric generator). The 20 generators are designed to produce a nominal 50 MW (55 MW at peakload) of electrical power. [Applicant Request]
2. **Future PSD Review:** The internal combustion engines shall not exceed the permitted hours of operation, nor the permitted NO<sub>x</sub> emission limits allowed by this permit. This restriction is based on the permittee's request, which formed the basis of the PSD non-applicability determination and resulted in the emission standards specified in this permit. For any request to modify this emission unit (whether a physical or operational modification, including a change in the allowable hours of operation or heat input) the permittee shall submit a full PSD permit application, if required under the Department's rules. [Rules 62-212.400(2)(g) and 62-212.400(6)(b), F.A.C.]
3. **Allowable Fuel:** The internal combustion engine shall be fired primarily with No. 2 fuel oil and natural gas (with 6 percent diesel fuel for ignition). The permittee shall demonstrate compliance with the fuel oil sulfur limit by keeping the records specified in this permit. [Applicant Request, Rule 62-210.200, F.A.C. (Definition - PTE)]
4. **Plant Operation - Problems:** If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify the Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]

**EMISSIONS CONTROLS**

5. **Unconfined Emissions of Particulate Matter:** [Rule 62-296.320(4)(c), F.A.C.]
  - (a) 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,

### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.

(b) Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.

(c) Reasonable precautions include the following:

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

(d) In determining what constitutes reasonable precautions for a particular source, 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.

#### EMISSION STANDARDS

##### 6. Nitrogen Oxides (NO<sub>x</sub>):

NO<sub>x</sub> emissions from each internal combustion engine shall not exceed 13.9 lb/hr while in peakload operation firing distillate oil, 11.6 lb/hr while in baseload operation firing distillate oil and 5.6 lb/hr in baseload operation firing natural gas. Annual emissions of NO<sub>x</sub> in tpy from these emission units shall be calculated by using the NO<sub>x</sub> emission rate in lb/hr for each mode of operation multiplied by the total operating hours for each mode of operation for the 20 engines divided by 2000. This NO<sub>x</sub> emission in tpy shall not exceed 250 TPY, based upon a consecutive 12-month period. This facility-wide annual emissions cap of 250 TPY shall become effective on the first day of the month following the initial compliance test of the first internal combustion engine, and compliance shall begin based upon the first twelve months of operation thereafter.

**[Rule 62-212.400, F.A.C. (PSD avoidance)]**

##### 7. General Visible Emissions Standard:

Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer, or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20% opacity). The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C. **[Rule 62-296.320(4)(b)1, F.A.C.]**

### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

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8. Ammonia Emissions:

The concentration of ammonia in the exhaust gas from each internal combustion engine shall not exceed 10 ppmvd @15% O<sub>2</sub> while firing natural gas or fuel oil. [Rule 62-4.070, F.A.C.]

#### EXCESS EMISSIONS

9. 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. [Rule 62-210.700(1), F.A.C.]

10. 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. [Rule 62-210.700(4), F.A.C.]

#### OPERATIONAL LIMITATIONS

11. Fuel Oil Specification: No. 2 fuel oil and natural gas can be fired in the internal combustion engines. Only No. 2 fuel oil will be fired in the engines for the first two years of operation. The maximum sulfur content of the No. 2 fuel oil shall not exceed 0.05 percent, by weight. [Rule 62-210.200, F.A.C. (Definitions - PTE)]

12. Fuel Oil Consumption: The maximum No. 2 fuel oil allowed to be burned in the twenty internal combustion engines combined is 8,184,480 gallons per year, which is equivalent to 43,000 engine-hours per year at 100% load. The maximum natural gas that can be burned in the twenty internal combustion engines combined is 2,240 MMCF per year, which is equivalent to 89,200 engine-hours per year at 100% load. [Rule 62-210.200, F.A.C. (Definitions - PTE)]

13. Permitted Capacity: The heat input to each internal combustion engine from firing No. 2 fuel oil shall not exceed 25 MMBtu per hour at 100% load or 28 MMBTU per hour at peak load. The heat input to each internal combustion engine from firing natural gas shall not exceed 29 MMBTU per hour at 100% load. [Design, Rule 62-210.200, F.A.C. (Definition - PTE)]

14. Hours of Operation: The twenty internal combustion engines shall operate no more than 43,000 engine-hours when firing fuel oil at 100% load, 17,520 engine-hours at peak load and 89,200 engine-hours when firing natural gas during any consecutive 12-month period. The permittee shall install, calibrate, operate and maintain a monitoring system to measure the hours of operation for each fuel on each internal combustion engine. [Rule 62-210.200, F.A.C. (Definitions - PTE)]

#### EMISSIONS PERFORMANCE TESTING

15. Sampling Facilities: The permittee shall design the internal combustion engine stack to accommodate adequate testing and sampling locations in order to determine compliance with the applicable emission limits specified by this permit. [Rule 62-297.310(6), F.A.C.]

16. Performance Test Methods: Initial (I) and Annual (A) compliance tests shall be performed in accordance with the following reference methods as described in 40 CFR 60, Appendix A, and adopted by reference in Chapter 62-204.800, F.A.C.

(a) EPA Method 7 or 7E - Determination of Nitrogen Oxide Emissions from Stationary Sources (I, A);

(b) EPA Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources (I, A);



### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

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(c) Method CTM-027 or equivalent for ammonia slip (l);

No other test methods may be used for compliance testing unless prior DEP approval is received, in writing, from the DEP Emissions Monitoring Section Administrator.

17. Fuel Monitoring: The fuel oil shall be monitored initially and annually for the sulfur content using ASTM D4294 Method (or equivalent). The permittee shall also maintain daily records of fuel oil and natural gas consumption for the emission units. [Rules 62-297.440, F.A.C., and 62-210.200, F.A.C.]
18. Test Notification: The permittee shall notify the Compliance Authority in writing 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. [Rule 62-297.310(7)(a)9., F.A.C.]
19. Initial Tests Required: Initial performance tests to demonstrate compliance with the emission standards specified in this permit shall be conducted within 60 days after achieving at least 90% of permitted capacity, but not later than 180 days after initial operation of the emissions unit. Initial performance tests shall be conducted for NO<sub>x</sub> and visible emissions on a sample of 5 (five) randomly picked internal combustion engines for the first year. A different set of randomly picked five engines from the remaining internal combustion engines will be tested during subsequent years of operation until all of the engines have completed the initial performance test. Initial performance test while firing natural gas shall be done when the fuel is available to the facility. Initial performance test shall be conducted for ammonia slip for both oil and gas (when available) on only one internal combustion engine. [Rule 62-297.310(7)(a)1., and 62-297.310(7)(c), F.A.C.]
20. Annual Performance Tests: To demonstrate compliance with the emission standards specified in this permit, the permittee shall conduct annual performance tests for visible emissions on emissions unit that operated in the preceding 12-month period. Annual performance tests for NO<sub>x</sub> shall be conducted on the emission units that emitted more than 100 tons per year of NO<sub>x</sub> in the preceding 12-month period. The facility will be required to keep 12-month emission totals of NO<sub>x</sub> in tons per year for each internal combustion engine during each federal fiscal year (October 1- September 30). Tests required on an annual basis shall be conducted at least once during each federal fiscal year. [Rule 62-297.310(7)(a)4., and 62-297.310(7)(c), F.A.C.]
21. Tests Prior to Permit Renewal: Prior to renewing the air operation permit, the permittee shall conduct performance tests for NO<sub>x</sub> and visible emissions on one of the internal combustion engines. These tests shall be conducted within the 12-month period prior to renewing the air operation permit. For pollutants required to be tested annually, the permittee may submit the most recent annual compliance test to satisfy the requirements of this provision. [Rule 62-297.310(7)(a)3., F.A.C.]
22. Internal Combustion Engine Testing Capacity: Performance tests for compliance with standards specified in this permit shall be conducted with the emission unit operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit. If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. However, subsequent operation is limited to 110 percent of the value reached during the test 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 purposes of additional compliance testing to regain the permitted capacity. Emissions performance tests shall meet all applicable requirements of Chapters 62-204 and 62-297, F.A.C. [Rule 62-297.310(2), F.A.C.]
23. 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

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### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

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the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

#### 24. Applicable Test Procedures

##### (a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. [Rule 62-297.310(4)(a)1., F.A.C.]
2. The minimum observation period for a visible emissions compliance test shall be thirty (30) minutes. The observation period shall include the period during which the highest opacity can reasonably be expected to occur. [Rule 62-297.310(4)(a)2., F.A.C.]

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet. [Rule 62-297.310(4)(b), F.A.C.]

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

#### 25. Determination of Process Variables

(a) Required Equipment. The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards. [Rule 62-297.310(5)(a), F.A.C.]

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

26. Special Compliance Tests: When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department. [Rule 62-297.310(7)(b), F.A.C.]

### RECORDKEEPING AND REPORTING REQUIREMENTS

27. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

28. Emissions Performance Test Reports: A report indicating the results of any required emissions performance test shall be submitted to the Compliance Authority no later than 45 days after completion of the last test run. The test report shall provide sufficient detail on the tested emission unit and the procedures used to allow the Department to determine if the test was properly conducted and if the test

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### SECTION III. EMISSIONS UNIT SPECIFIC CONDITIONS

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results were properly computed. At a minimum, the test report shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C. [Rule 62-297.310(8), F.A.C.]

29. Monthly Operations Summary: By the fifth calendar day of each month, the permittee shall record the 12-month hours of operation of the internal combustion engines, 12-month emission totals for NO<sub>x</sub> and amount of the No. 2 fuel oil and natural gas fired in the internal combustion engines. The information shall be recorded in a written or electronic log and shall be available for inspection and/or printing within at least one day of a request from the Compliance Authority. [Rule 62-4.160(15), F.A.C.]
30. 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 1st of each year. [Rule 62-210.370(2), F.A.C.]
31. NSPS Requirements: The fuel oil storage tank shall comply with the requirements of 40 CFR 60, Subpart Kb.

**APPENDIX GC**  
**GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]**

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- G.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, Florida Statutes. 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.
- G.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 or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, 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.
- G.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.
- G.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 Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.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.
- G.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.
- G.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.

**APPENDIX GC**  
GENERAL PERMIT CONDITIONS [F.A.C. 62-4.160]

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- 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.
- G.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 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.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.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code 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.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- a) Determination of Best Available Control Technology ( )
  - b) Determination of Prevention of Significant Deterioration ( ); and
  - c) Compliance with New Source Performance Standards (x). Subpart Kb requirements
- G.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.
- G.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.

**TECHNICAL EVALUATION  
AND  
PRELIMINARY DETERMINATION**

City of Lakeland, Lakeland Electric  
Winston Peaking Station  
**Facility ID No.:** 1050352  
Polk County

**Draft Air Construction Permit Project No.:** 1050352-004-AC

Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation

May 19, 2004

**1. APPLICATION INFORMATION.**

Applicant Name and Address:  
City of Lakeland, Lakeland Electric  
Winston Peaking Station  
501 E. Lemon Street  
Lakeland, Florida 33801-5079

Responsible Official:  
Mr. Timothy Bates, Director of Energy Supply

**2. FACILITY INFORMATION.**

2.1. Facility Location:  
Lakeland Electric's Winston Peaking Station is located one-mile southeast of the intersection of Airport Road and Old Tampa Highway, Lakeland, Florida.  
The UTM coordinates of this facility are: Zone 17; 4400.20 km East; and, 3100.60 km North.

2.2. Standard Industrial Classification Code (SIC):

Major Group No.	49	Electric, Gas, and Sanitary Services
Group No.	491	Electric Services
Industry No.	4911	Electric Services

2.3. Facility Category:  
Lakeland Electric's Winston Peaking Station is classified as a major air pollutant emitting facility pursuant to Rule 62-210.200, F.A.C. - Definitions. This facility is classified as a Title V facility. The permittee requested limitations in the original air construction permit to avoid being classified as a PSD major source. As such, the facility is considered a synthetic non-PSD source and is subject to the source obligation provisions of Rule 62-212.400(2)(g), F.A.C.

**3. PROJECT DESCRIPTION.**

During the processing of the initial Title V permit for this facility, minor inconsistencies were discovered in the air construction permit that would prevent the Title V permit from meeting EPA's requirement to be practically enforceable and that failed to properly assure the desired synthetic non-PSD status. This permit is being issued to assure the non-PSD classification, to correct the inconsistencies for practical enforceability and to make minor changes to the visible emissions testing requirements (at the applicant's request).

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

4. **RULE APPLICABILITY.**

The proposed project is not subject to preconstruction review requirements under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, because the revision is for a reduction in the allowable NO<sub>x</sub> emission limits and for minor changes to operating parameters. Therefore, the proposed project is not a modification by definition because it is not a change in the method of operation nor is there an actual emissions increase.

In accordance with Rule 62-204.340, F.A.C., this facility is located in an Attainment Area (Polk County) for all pollutants. The proposed project is subject to permitting under Rule 62-212.300, F.A.C., Permits Required, for purposes of establishing federal enforceability of the reduced facility-wide allowable NO<sub>x</sub> emission limit and for the change to the visible emissions testing requirements and minor changes to the operating parameter limitations, that were established in air construction permit, No. 1050352-001-AC.

5. **SOURCE IMPACT ANALYSIS.**

5.1. Emission Limitations:

This permitting action is for the reduction of the facility-wide NO<sub>x</sub> allowable emission limitation.

5.2. Control Technology Review:

A control technology review is not required under this permitting action.

5.3. Air Quality:

Air quality modeling is not required under this permitting action.

6. **CONCLUSION.**

Based on the foregoing technical evaluation, the Department has made a preliminary determination that the proposed project will be in compliance with all applicable state and federal air pollution regulations. The changes are provided in the attached proposed Draft air construction permit.

Permit Engineer: Jonathan Holtom, P.E.

Reviewed and Approved by: James K. Pennington, P.E.