

ST. PETERSBURG TIMES

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF PINELLAS

} S.S.

Before the undersigned authority personally appeared **B. HARR** who on oath says that he/she is **Legal Clerk** of the *St. Petersburg Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: NOTICE OF INTENT TO ISSUE AIR PERMIT 7770073-010-AC** was published in said newspaper in the issues of **CLS N Pinellas CLS S Pinellas**, 5/12/07

Affiant further says the said **ST. PETERSBURG TIMES** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

B. Harr

Signature of Affiant

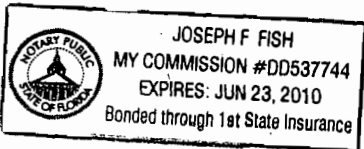
Sworn to and subscribed before me
this 14th day of May A.D.2007

Joseph F. Fish

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



RECEIVED

MAY 21 2007

BUREAU OF AIR REGULATION

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Bureau of Air Regulation
Project No. 7770073-010-AC
APAC-Southeast, Inc. - Central Florida Division
Pinellas County, Florida

Applicant: The applicant for this project is the APAC-Southeast, Inc. - Central Florida Division. The applicant's authorized representative and mailing address is: Mr. John H. Skidmore, Division President, APAC-Southeast, Inc. - Central Florida Division, 4636 Scarborough Drive, Lutz, Florida 33559.

Facility Location: APAC-Southeast, Inc. - Central Florida Division has been operating an existing drum-mix asphalt plant in Okeechobee County located at 1491 24th Drive NW, Okeechobee, Florida.

Project: The applicant seeks authorization to relocate an existing rotary drum-mix asphalt plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County, Florida. The existing facility will dry and mix aggregates of rock, sand, and reclaimed asphalt pavement with liquid asphalt cement in a rotary drum to make an asphalt product, which will be stored in silos for load-out into trucks. The rotary drum is allowed to fire distillate fuel oil and on-specification used oil to dry the aggregate materials. The fuel oils have a maximum sulfur content limitation of 0.5 percent, by the plant operations will emit particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide and volatile organic compounds. The total emissions are such that the plant is designated as a minor source of emissions (less than 100 tons/year).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from permitting requirements and an air permit is required to perform the proposed work. The Permitting Authority responsible for making a permit determination for this project is the Permitting Authority of Environmental Protection's Bureau of Air Regulation is the Permitting Authority's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency action or decision; (c) A statement of when and how each petitioner received notice of the agency action or decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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: Mediation is not available in this proceeding.

(1002368664)

5/12/07

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, May 30, 2007 2:55 PM
To: Adams, Patty
Subject: FW: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

From: ldellis@apac.com [mailto:ldellis@apac.com]
Sent: Wednesday, May 30, 2007 12:13 PM
To: Harvey, Mary
Subject: Re: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

Mary,

E-mail received.

Thanks,

SAFETY FIRST ALWAYS

Luther D. Ellis
V.P. / Production Manager
APAC Southeast Inc.
Central Florida Division
Office 813-973-2888
Fax 813-973-2994
Cell 813-299-3127
Nextel 158*57453*200

This electronic mail may contain information that is privileged, proprietary and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information contained in this transmission by anyone other than the intended recipient is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication.

5/31/2007

Adams, Patty

From: Harvey, Mary
Sent: Tuesday, May 29, 2007 4:08 PM
To: Adams, Patty; Mitchell, Bruce
Subject: FW: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

From: Skidmore, John (APAC) [mailto:John.Skidmore@apac.com]
Sent: Tuesday, May 29, 2007 4:07 PM
To: Harvey, Mary
Subject: RE: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

From: Harvey, Mary [mailto:Mary.Harvey@dep.state.fl.us]
Sent: Tuesday, May 29, 2007 3:10 PM
To: Skidmore, John (APAC); Ellis, Luther D (APAC); Mr. Roger T. Caldwell, Bottorf Associates, Inc.; Mr. Douglas W. Bauman, Bottorf Associates, Inc.; Mr. Gary Robbins, Pinellas County
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

Dear Sir/Madam:

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

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

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

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

Thank you,

DEP, Bureau of Air Regulation

Adams, Patty

From: Harvey, Mary
Sent: Tuesday, May 29, 2007 3:43 PM
To: Adams, Patty; Mitchell, Bruce
Subject: FW: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

-----Original Message-----

From: ldellis@apac.com [mailto:ldellis@apac.com]
Sent: Tuesday, May 29, 2007 3:16 PM
To: Harvey, Mary
Subject: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

Return Receipt

Your APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID.
document: #7770073-010-AC-FINAL

was Luther D Ellis/Central FL/APAC/Ashland
received
by:

at: 05/29/2007 03:16:13 PM

This electronic mail may contain information that is privileged, proprietary and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information contained in this transmission by anyone other than the intended recipient is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication.

Adams, Patty

From: Harvey, Mary
Sent: Tuesday, May 29, 2007 3:42 PM
To: Adams, Patty; Mitchell, Bruce
Subject: FW: Read: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL
Attachments: Read_ APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL.txt

From: Roger Caldwell [mailto:roger@bottorf.com]
Sent: Tuesday, May 29, 2007 3:27 PM
To: Harvey, Mary
Subject: Read: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL

Adams, Patty

From: Harvey, Mary
Sent: Tuesday, May 29, 2007 3:10 PM
To: 'Mr. John H. Skidmore, APAC-Southeast, Inc. – Central Florida Division'; 'Mr. Luther Ellis, APAC-Southeast, Inc. – Central Florida Division'; 'Mr. Roger T. Caldwell, Bottorf Associates, Inc.'; 'Mr. Douglas W. Bauman, Bottorf Associates, Inc.'; 'Mr. Gary Robbins, Pinellas County'
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: APAC-SOUTHEAST, INC. - CENTRAL FLORIDA DIVISION ID #7770073-010-AC-FINAL
Attachments: 7770073.010.AC.F_pdf.zip

Dear Sir/Madam:

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

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

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

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Thank you,


DEP, Bureau of Air Regulation

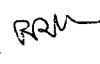
Memorandum

Florida Department of Environmental Protection

TO: Joseph Kahn

THRU: Trina Vielhauer 

THRU: Jeff Koerner 

FROM: Bruce Mitchell 

DATE: May 23, 2007

SUBJECT: APAC-Southeast, Inc. – Central Florida Division
Relocate from Okeechobee County to Pinellas County
Final Air Construction Permit
7770073-010-AC
Portable Hot Mix Asphalt Concrete Plant

Attached is the Final air construction permit, Project No. 7770073-010-AC.

The subject of the permit is to authorize the construction of a 300 TPH portable hot drum-mix asphalt concrete plant and its relocation from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County; and, the permit authorizes the periodic use of a permitted portable crusher unit with a maximum capacity of 250 TPH. The applicant requested the terms and conditions pursuant to Rule 62-210.300(3)(c)2., F.A.C., Conditional Exemption from Title V Permitting – Asphalt Concrete Plants.

There were no comments received during the Public Notice period. Therefore, it is recommended that the Final air construction permit be signed as noticed.

Attachments

JK/tlv/jfk/bm



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

PERMITTEE

APAC-Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

Permit No. 7770073-010-AC
Portable Drum-Mix Asphalt Plant
Facility ID No. 7770073
SIC No. 2951
Project: Relocation from Okeechobee County
to Pinellas County
Permit Expires: May 31, 2008

Authorized Representative:

Mr. John H. Skidmore, Division President

FACILITY AND LOCATION

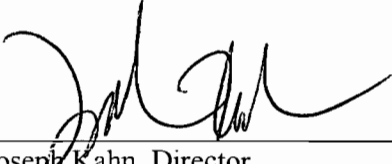
APAC-Southeast, Inc. - Central Florida Division proposes to construct and operate a portable 300 tons per hour (TPH) drum-mix concrete asphalt batch plant and a portable 250 TPH reclaimed asphalt and concrete pavement (RAP) crusher unit. The site location is 12955 40th Street North, Clearwater, Pinellas County, Florida.

STATEMENT OF BASIS

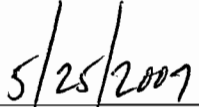
This air pollution construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, Florida Administrative Code (F.A.C.). The above named permittee is authorized to construct the facility in accordance with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

CONTENTS

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Units Specific Conditions
- Section 4. Appendices



Joseph Kahn, Director
Division of Air Resource Management



Effective Date

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Mr. John H. Skidmore
Division President
APAC-Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

DEP File No. 7770073-010-AC
Portable Asphalt Concrete Plant
Pinellas County

Enclosed is the Final Air Construction Permit No. 7770073-010-AC for authorization to relocate a portable asphalt concrete plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County. This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.).

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

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

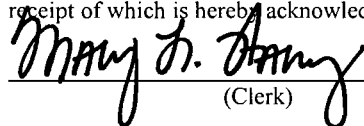
CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this "Notice of Final Permit" (including the "Final Permit") was sent electronically (with received receipt requested) before the close of business on 5/29/07 to the persons listed:

Mr. John H. Skidmore, APAC-Southeast, Inc. – Central Florida Division (jhskidmore@apac.com)
Mr. Luther Ellis, APAC-Southeast, Inc. – Central Florida Division (ldellis@apac.com)
Mr. Roger T. Caldwell, Bottorf Associates, Inc. (roger@bottorf.com)
Mr. Douglas W. Bauman, Bottorf Associates, Inc. (doug4ucf@earthlink.net)
Mr. Gary Robbins, Pinellas County (grobbins@co.pinellas.fl.us)

Clerk Stamp

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


(Clerk)

5/29/07
(Date)

Final Determination

APAC Southeast, Inc.
Central Florida Division
Portable Asphalt Concrete Plant

Facility ID No. 7770073
Pinellas County

Air Construction Permit
Permit Project No. 7770073-010-AC

I. Public Notice.

An Intent to Issue an Air Construction Permit to APAC Southeast, Inc. – Central Florida Division, for authorization to relocate their portable asphalt concrete plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County, was clerked on May 8, 2007. The Public Notice of Intent to Issue an Air Construction Permit was published in the St. Petersburg Times on May 12, 2007. Proof of publication of the Public Notice of Intent to Issue an Air Construction Permit was received on May 21, 2007.

II. Public Comment(s).

No comments were received during the Public Notice period.

III. Conclusion.

In conclusion, the permitting authority hereby issues the Final Air Construction Permit as drafted and noticed.

**APAC-Southeast, Inc., Central Florida Division
Relocatable Asphalt Plant**

**Facility ID No. 7770073
Pinellas County**

Air Construction Permit Project No. 7770073-010-AC

Permitting Authority:

State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: 850/488-0114
Fax: 850/922-6979
Fax: 850/921-9533

Compliance Authority:

Pinellas County Department of Environmental Management
Air Quality Division
300 South Garden Avenue
Clearwater, Florida 33756
Telephone: (727)464-4422
Fax: (727)464-4420

FACILITY DESCRIPTION

The Gencor Model “300 Ultraplant” portable drum-mix asphalt plant consists of the following equipment: a Gencor rotary drum-mix dryer with an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, an asphalt cement storage tank and heating system, two fuel oil storage tanks, a drag conveyor that transports the finished asphalt product from the drum mixer to the storage silos, three 200-ton capacity asphalt product storage silos, and miscellaneous screens, conveyors, hoppers and stockpiles. The asphalt plant will have a production capacity of 300 TPH of hot drum-mix asphalt. The plant is designed to be dismantled, trucked to a new location and reassembled. The asphalt plant will also include a portable 250 TPH RAP crusher unit consisting of a crusher/grinder, conveyors, a screener, and potentially an associated diesel engine and a diesel electrical generator to power the crusher operations. Each portable RAP crusher unit may be owned by a different company and brought on site periodically to crush RAP for use in the manufacturing of new hot drum-mix asphalt product.

PROJECT DESCRIPTION

The permittee currently operates the following two asphalt plants:

- A 300 TPH hot-mix asphalt plant located at 1491 24th Drive Northwest in Okeechobee, Okeechobee County.
- A 200 TPH hot-mix asphalt plant located at 12955 40th Street North in Clearwater, Pinellas County.

This project authorizes the following:

- Removal of all equipment at the Clearwater site except for the drag conveyor and three hot-mix asphalt silos.
- Relocation of the 300 TPH Gencor portable drum mixer and associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, the asphalt cement storage tank and heating system, two fuel oil storage tanks, and miscellaneous screens, conveyors and hoppers from the Okeechobee site to the Clearwater site.
- Installation of a portable 250 TPH crusher at the Clearwater site.
- Relocation of the newly permitted Clearwater plant to 12955 40th Street North.

RELEVANT DOCUMENTS

The following relevant documents are not a part of this permit, but helped form the basis for this permitting action: the permit application and additional information received to make it complete; the draft permit package including the Department’s Technical Evaluation and Preliminary Determination; publication and comments; and, the Department’s Final Determination.

SECTION 2. ADMINISTRATIVE REQUIREMENTS (Draft)

1. Permitting Authority: All documents related to applications for permits to construct, modify and operate emissions units regulated by this permit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall be submitted to the appropriate Compliance Authority.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the appropriate Compliance Authority for the plant location. For this new location, the Compliance Authority is the Pinellas County Department of Environmental Management. A list of the Department's District Offices and approved Local Air Programs is provided in Appendix CA of this permit.
3. Appendices: The following Appendices are attached as a part of this permit:
 - a. Appendix A. Citation Formats
 - b. Appendix CA. List of Compliance Authorities
 - c. Appendix CC. Common Conditions
 - d. Appendix GC. General Conditions
 - e. Appendix NA. NSPS Subpart A - General Provisions
 - f. Appendix NI. NSPS Subpart I - Hot Mix Asphalt Facilities
 - g. Appendix OS. On-Specification Used Oil Requirements
 - h. Appendix PC. Permitted Counties
4. 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 of the F.S.; Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the F.A.C.; and, 40 CFR 60, adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the F.A.C. 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 permittee 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.]
5. 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.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air pollution 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.]
7. Extension of Expiration Date: For good cause, the permittee may request that this air pollution construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least 60 days before the expiration of this permit. [Rules 62-4.070(4), 62-4.210 and 62-210.300(1), F.A.C.]
8. Air Operation Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. An air operation permit is required for commercial operation of the permitted emissions unit. The permittee shall apply for an air pollution operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after

SECTION 2. ADMINISTRATIVE REQUIREMENTS (Draft)

commencing operation. To apply for an air operation permit, the applicant shall submit the appropriate application form in quadruplicate, the corresponding processing fee, compliance test results, and such additional information as the Department may by law require. [Rules 62-4.030, 62-4.050, 62-4.220, 62-210.300(2), and 62-210.900, F.A.C.]

9. 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. [Rule 62-210.300(3)(c)2., F.A.C.]
10. 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. [Rules 62-210.300(3)(c)2. and 62-210.370(3), F.A.C.]
11. Facility Relocation: The permittee is authorized to relocate the portable asphalt plant to any site within a previously "permitted county or site" as identified in Appendix PC of this permit. At least five (5) days prior to the relocation, the permittee shall submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6), F.A.C.) to the current Compliance Authority and the new Compliance Authority identifying the proposed move. This air permit does not relieve the owner from complying with other local provisions such as zoning requirements.

The owner or operator of any facility claiming this exemption (from Title V permitting) must have authorization to operate by obtaining a non-Title V air operation permit that implements the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through j., F.A.C. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source; nor shall it create a Title V source in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting. However, the relocatable asphalt plant may be temporarily stored (no operation) at an existing permitted facility. [Rules 62-210.300(3)(c)2. and 62-210.370(4), F.A.C.]

12. Adding New Permitted Counties: The portable asphalt plant shall only be relocated to sites within previously permitted counties and/or sites identified in Appendix PC of this permit. To add a county to the list of permitted counties, the permittee shall provide the Bureau of Air Regulation with a letter of request with the following information: identification of the asphalt plant and the air construction and operation permits; a statement that there have been no changes to the plant; the latest compliance test report; a list of previously permitted counties; the new county to be added and the specific site where the plant will be located in the future (if known); and the Facility Relocation Notification Form No. 62-210.900(6), F.A.C. (if relocating). A copy of this information shall be submitted to the appropriate Compliance Authority for the proposed new site. The Bureau of Air Regulation will process the request as a modification of the air pollution construction permit and a revision of the air pollution operation permit. The permittee must publish a new Public Notice provided by the Bureau of Air Regulation in a newspaper of general circulation for the new county. The Public Notice provides administrative rights for affected parties to petition for an administrative hearing or provide comments on the draft permit. If there are no substantial comments and no petitions for administrative hearings, the Department will issue a final air pollution construction permit and a revised air pollution operation permit recognizing the new permitted county. The permittee is authorized to relocate the portable asphalt plant upon issuance of the final modified air pollution construction permit and revised air pollution operation permit. [Rules 62-210.300 and 62-210.350, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

A. This section of the permit addresses the following emissions units and related activities.

ID No.	Emissions Unit Description
001	A Gencor Model "300 Ultraplant" portable drum-mix asphalt plant with a capacity of 300 TPH using an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, that has 792 bags with a total cloth area of 10,367 square feet and an air to cloth ratio of 5.3:1., or equivalent.
005	A portable RAP crusher unit with a maximum capacity of 250 TPH, which includes a crusher/grinder, conveyors, a RAP screener, and potentially a diesel engine and a diesel electric generator to power the crusher operations. (Please note: This emissions unit has been previously permitted at this new location in Pinellas County (1030004-011-AF).

{Permitting Note: The facility is subject to the following regulations for asphalt plants: NSPS, Subpart I (Hot Mix Asphalt Facilities) in 40 CFR 60, as adopted by Rule 62-204.800, F.A.C.; and, Rule 62-210.300(3)(c)2., F.A.C. (Conditional Exemption from Title V Air Permitting for Asphalt Concrete Plants). The portable RAP crusher is subject to the following regulations: Rule 62-210.310.(5)(e), F.A.C., Air General Permits for Miscellaneous Facilities – Nonmetallic Mineral Processing Plants (Crushing Operations), which includes the terms and conditions of 40 CFR 60, Subpart OOO, Nonmetallic Mineral Processing Plants.}

EQUIPMENT

1. **Existing Equipment:** Except for the drag conveyor and the three hot-mix asphalt silos, the permittee shall remove the existing equipment. The facility shall consist of only one operational hot-mix asphalt plant. [Application No. 7770073-010-AC and Rule 6204.070(3), F.A.C.]
2. **Portable Asphalt Plant:** The permittee is authorized to construct a Gencor Model "300 Ultraplant" portable drum-mix asphalt plant with a production capacity of 300 TPH of asphalt product consisting of: a Gencor rotary drum dryer with an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse; an asphalt cement storage tank and heating system; a drag conveyor, which transports the finished asphalt product from the drum mixer to the storage silos; three 200-ton capacity hot mix asphalt product storage silos; miscellaneous screens, conveyors, hoppers and stockpiles; and, a portable 250 TPH RAP crusher unit that may or may not have a diesel engine and a diesel generator to power the crusher operations. The sulfur content of the fuel oil and on-specification used oil fired in the rotary drum-mix dryer shall not exceed 0.5 percent, by weight. To control particulate matter emissions from the drum-mix dryer, the permittee shall use a baghouse, and from other operations the permittee shall apply a dust suppressant, such as a water spray. The associated liquid asphalt heater is fired with a distillate fuel oil with a maximum sulfur content of 0.5 percent, by weight. Although the heater is deemed an insignificant source pursuant to Rule 62-4.040, F.A.C., fuel oil usage and fuel oil sulfur content is tracked as part of the facility in order to demonstrate compliance with Rules 62-210.300(3)(c)2.b. and 62-210.300(3)(c)2.c., F.A.C. The distillate fuel oil and on-specification used oil will be stored in separate tanks. The plant is designed to be dismantled, trucked to a new location, and reassembled. [Design and Application No. 7770073-010-AC]

PERFORMANCE RESTRICTIONS

3. **Permitted Counties:** The permittee may relocate this portable plant to any site within a previously permitted county or site as identified in Appendix PC. The conditions of this permit apply to the plant as a whole regardless of the sites at which it may operate during any year. [Rule 62-210.300(3)(c)2., F.A.C.]
4. **Hours of Operation:** The hours of operation of the asphalt plant are not limited (8760 hours per year). [Rule 62-210.200(Definitions-PTE), F.A.C., and Application No. 7770073-010-AC]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

- 5. **Permitted Capacity:** The maximum asphalt production rate is 200 tons per hour (daily average) and shall not exceed 500,000 tons in any consecutive 12-month period, which includes up to 50% recycled asphalt product (RAP). [Rules 62-210.200(Definitions-PTE) and 62-210.300(3)(c)2., F.A.C., and Application No. 7770073-010-AC]
- 6. **Fuel Limitations:** The asphalt cement heater is authorized to fire distillate oil. The drum-mix dryer is authorized to fire distillate or on-specification used oil as specified in Appendix OS of this permit. The sulfur content of any authorized fuel used at this plant shall not exceed 0.5%, by weight. The facility shall not fire more than 1,200,000 gallons of fuel oil (including on-specification used oil) during any consecutive 12-month period. [Rule 62-210.300(3)(c)2., F.A.C., and Application No. 7770073-010-AC]

EMISSIONS STANDARDS

- 7. **Particulate Matter:** Particulate matter emissions from the baghouse vent on the drum-mix dryer shall not exceed 0.04 grains per dscf as determined by EPA Method 5 or 5A based on a 3-run test average. [40 CFR 60.92(a)(1), and Rules 62-204.800 and 62-210.300(3)(c) 2., F.A.C.]
- 8. **Visible Emissions – Drum-Mix Dryer:** Visible emissions from the baghouse vent on the drum-mix dryer shall not be equal to or greater than 20% opacity as determined by EPA Method 9. [40 CFR 60.11, 40 CFR 60.92(a)(2) and Rule 62-210.300(3)(c)2., F.A.C.]
- 9. **Visible Emissions – Asphalt Cement Heater:** Visible emissions from the asphalt cement heater stack shall be less than 20% opacity as determined by EPA Method 9. *{Permitting Note: This standard is generally applicable to all activities at the plant and no periodic test is required.}* [Rule 62-296.320(4)(b)1., F.A.C.]
- 10. **Unconfined Emissions of Particulate Matter:** 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. Reasonable precautions shall include:
 - a. Fugitive dust generated by any crushing unit shall be controlled by installing and operating a water suppression system with spray bars located at appropriate points throughout the system.
 - b. All stockpiles and roadways shall be watered as necessary to control fugitive dust generated by vehicular traffic or prevailing winds; and, roadways may need to be paved and periodically swept.
 - c. Landscaping or planting of vegetation.
 - d. Use of enclosures and windbreaks, where practical.

[Rules 62-210.300(3)(c)2. and 62-296.320(4)(c), F.A.C., and Application No. 7770073-010-AC]

EMISSIONS PERFORMANCE TESTING

- 11. **Test Methods:** Any tests required shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
1 - 4	<i>Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content:</i> EPA Methods 1 - 4 shall be conducted as necessary to support the other stack test methods.
5 or 5A	<i>Determination of Particulate Matter Emissions from Stationary Sources:</i> The sampling time for each run shall be at least 60 minutes and the sample volume for each run shall be at least 31.8 dscf.
9	<i>Visual Determination of the Opacity of Emissions from Stationary Sources</i>

Tests shall also be conducted in accordance with the requirements specified in Appendix CC of this permit. The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

62-204.800, F.A.C. [Rules 62-204.800, 62-210.300(3)(c)2. and 62-297.100, F.A.C., and 40 CFR 60, Appendix A]

12. Relocation Compliance Tests: The baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards specified in this permit upon each relocation unless these tests have been conducted within the past year. These tests shall be conducted within 60 days after startup and achieving maximum production, but not later than 180 days after operation of the unit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-4.070(3) and 62-297.310(7)(a)1, F.A.C., and 40 CFR 60.11]
13. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), the baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards of this permit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-210.300(3)(c)2. and 62-297.310(4) & (7)(a)3, F.A.C.]
14. Tests Prior to Renewal: Within the 12-month period prior to expiration of the operation permit, the baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards of this permit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-297.310(4) & (7)(a)3, F.A.C.]
15. Test Notification: At least 15 days prior to conducting any tests, the permittee shall notify the Compliance Authority for the current site in writing of the following information: 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., 40 CFR 60.8 and 40 CFR 60, Appendix A]

RECORDS AND REPORTS

16. Distillate Oil Records: For each delivery of distillate oil, the permittee shall obtain from the vendor a certification of the amount of oil delivered and the maximum fuel sulfur content. The vendor certification shall identify the basis of the certification (ASTM Methods D129-91, D2622-94 or D4294-90 or more recent versions). In accordance with Rule 62-297.310(7), F.A.C., the Compliance Authority may require fuel sampling and analysis. [40 CFR 60.17, and Rules 61-210.300(3)(c)2., 62-297.310(7) and 62-297.440(1), F.A.C.]
17. Daily Logs: Each day of operation, operators shall record the following information into a written log: the location of the plant; the daily production rates (tons of asphalt produced and tons of material processed through any crusher unit); hours of operation of any crusher unit; any maintenance and repair performed on the production or air pollution control equipment; and, any watering conducted to reduce fugitive dust. Daily logs shall be made available to any Compliance Authority upon request. [Rule 62-4.070(3), F.A.C.]
18. Monthly Records: Within 15 days following each calendar month, the permittee shall record the following information in a written log for the previous month of operation and the previous 12 months of operation for all sites: the tons of asphalt concrete produced, the tons of materials crushed in any crusher unit, the gallons of virgin distillate fuel oil fired, the gallons of on-specification used oil fired, and the total oil fired. Such records shall be retained for five years. [Rule 62-210.300(3)(c)2., F.A.C.]
19. O&M Plan: The permittee shall keep an operation and maintenance (O&M) plan for the baghouse control system. The O&M plan shall include: the bag specifications; the typical range of pressure drop across the baghouse; and the planned frequency for regular baghouse maintenance. [Rule 62-4.070(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

USED OIL PROVISIONS

20. On-Specification Used Oil Requirements: The permittee shall comply with the on-specification used oil requirements specified in Appendix OS of this permit regarding specifications, acceptance, storage, handling, and firing. [Rule 62-4.070(3), F.A.C., and applicable provisions of 40 CFR Parts 279 and 761]

NSPS GENERAL PROVISIONS

21. NSPS Provisions: The permittee is subject to all applicable provisions of NSPS Subpart A (General Provisions) and Subpart I (Hot Mix Asphalt Facilities) in 40 CFR 60. See Appendix NA and NI of this permit. [40 CFR 60, Subparts A and I]

RAP CRUSHER UNIT

22. RAP Crusher Unit: The permittee is authorized to relocate and operate a permitted portable crusher unit, subject to all applicable provisions of 40 CFR 60, Subparts A (General Provisions) and OOO (Nonmetallic Mineral Processing Plants), with a maximum capacity of 250 TPH, and limited to a through-put rate of and 125,000 tons per consecutive 12 months. The unit shall have its own air operation permit or Air General Permit. [Rules 62-4.070(3), 62-210.200(Definitions – Potential to Emit), and 62-210.310(5)(e), F.A.C.; and, 40 CFR 60, Subparts A and OOO]

SECTION 4. APPENDICES

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- Appendix A. Citation Formats
- Appendix CA. List of Compliance Authorities
- Appendix CC. Common Conditions
- Appendix GC. General Conditions
- Appendix NA. NSPS Subpart A - General Provisions
- Appendix NI. NSPS Subpart I – Asphalt Concrete Plants
- Appendix OS. On-Specification Used Oil Requirements
- Appendix PC. Permitted Counties

SECTION 4. APPENDIX A
CITATION FORMATS

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

REFERENCES TO PREVIOUS PERMITTING ACTIONS

Old Permit Numbers

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

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

New Permit Numbers

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

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

PSD Permit Numbers

Example: Permit No. PSD-FL-317

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

RULE CITATION FORMATS

Florida Administrative Code (F.A.C.)

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

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

Florida Statutes (F.S.)

Example: [Section 403.161, F.S.]

Means: Chapter 403, Section 161 of the Florida Statutes

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – DISTRICT OFFICES

NORTHEAST DISTRICT

Air Resource Section

7825 Baymeadows Way, Suite 200 B
Jacksonville, FL 32256-7590
Phone: (904) 807-3300
Fax: (904) 448-4363

SOUTHEAST DISTRICT

Air Resource Section

400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401
Phone: (561) 681-6600
Fax: (561) 681-6790

NORTHWEST DISTRICT

Air Resource Section

160 Governmental Center, Suite 308
Pensacola, FL 32502-5794
Phone: (850) 595-8300
Fax: (850) 595-8096

SOUTHWEST DISTRICT

Air Resource Section

13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
Phone: (813) 632-7600
Fax: (813) 632-7668

SOUTH DISTRICT

Air Resource Section

2295 Victoria Avenue, Suite 364
P.O. Box 2549
Fort Myers, FL 33902-2549
Phone: (239) 332-6975
Fax: (239) 479-6293

CENTRAL DISTRICT

Air Resource Section

3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767
Phone: (407) 894-7555
Fax: (407) 897-5963

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – DISTRICT BRANCH OFFICES

NORTHWEST DISTRICT

Northwest District Branch Office (NWDT)
2815 Remington Green Circle
Suite A
Tallahassee, Florida 32308-1513
Phone: (850)488-3704
Fax: (850)922-3620

Northwest District Branch Office (NWDP)
2353 Jenks Avenue
Panama City, Florida 32405
Phone: (850)872-4375
Fax: (850)872-7790

SOUTHEAST DISTRICT

Southeast District Branch Office
1801 SE Hilmoor Drive
Suite C-204
Port St. Lucie, FL 34952
Phone: (772)398-2806

SOUTH DISTRICT

South District Branch Office (MS)
2796 Overseas Highway, Suite 221
Marathon, Florida 33050-4276
Phone: (305)289-2310
Fax: (305)289-2314

South District Satellite Office (PG)
204 E McKenzie Street
Punta Gorda, FL, 33950
Phone: (941)575-5810
Fax: (239)575-5811

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

APPROVED LOCAL AIR PROGRAMS

Eight approved local air programs conduct ambient air monitoring and take lead responsibility for air compliance and enforcement activities in their counties. Six of these programs are also delegated district level air permitting authority.

Broward County

Department of Planning and Environmental
Protections
Air Quality Division
115 S. Andrews Avenue, Suite A-240
Fort Lauderdale, Florida 33301-4800
Phone: (954) 519-1220
Fax: (954) 519-1495

Orange County

Environmental Protection Division
Air Section
800 Mercy Drive, Suite 4
Orlando Florida 32308-7896
Phone: (407) 836-1447
Fax: (407) 836-1499

Miami-Dade County

Air Quality Management Division
Department of Environmental Resources
Management
701 NW 1st Court, Suite 400
Miami, Florida 33136
Phone: (305) 372-6925
Fax: (305) 372-6954

Palm Beach County Health Department

Division of Environmental Science & Engineering
Air Pollution Control Section
901 Evernia Street
P.O. Box 29
West Palm Beach, Florida 33401-0029
Phone: (561) 840-4500
Fax: (561) 355-2442

Duval County

Regulatory and Environmental Services Department
Air and Water Quality Division
117 W. Duval Street, Suite 225
Jacksonville, Florida 32202-3700
Phone: (904) 30-4900
Fax: (904) 630-3638

Pinellas County

Department of Environmental Management
Air Quality Division
300 South Garden Avenue
Clearwater, Florida 33756-5424
Phone: (727) 464-4422
Fax: (727) 464-4420

Hillsborough County

Environmental Protection Commission
Air Management Division
3629 Queen Palm Drive
Tampa, Florida 33619
Phone: (813) 627-2600
Fax: (813) 272-5605

Sarasota County

Water Resources Department
Pollution Control Division
2817 Cattlemen Road
Sarasota, Florida 34232-6244
Phone: (941) 861-6209
Fax: (941) 378-6563

SECTION 4. APPENDIX CC

COMMON CONDITIONS

{Permitting Note: Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.}

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program (designee) in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department or its designee. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department or its designee.

Such controls include the following:

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

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

7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(203), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: No person shall cause, let, permit, suffer or allow the emission of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration,

SECTION 4. APPENDIX CC

COMMON CONDITIONS

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

Reasonable precautions include the following:

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

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

TESTING REQUIREMENTS

10. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
11. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]
12. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
13. Applicable Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.
 - a. Required Sampling Time.
 - (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
 - (2) Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate

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COMMON CONDITIONS

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. 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. *Minimum Sample Volume.* Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
- c. *Required Flow Rate Range.* For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride 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, F.A.C.
- 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.]

14. 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.]

15. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.

16. Test Notification: The owner or operator shall notify the Department or its designee, 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.]

17. Special Compliance Tests: When the Department or its designee, 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 or its designee (whoever requested the test). [Rule 62-297.310(7)(b), F.A.C.]

Test Reports: [Rule 62-297.310(8), F.A.C.]

- a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department or its designee on the results of each such test.
- b. The required test report shall be filed with the Department or its designee as soon as practical but no later than 45 days after the last sampling run of each test is completed.
- c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department or its designee to determine if the test was properly conducted and the test results properly computed.

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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.

RECORDS AND REPORTS

18. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department or its designee upon request. [Rule 62-210.300(3)(c)2.g., F.A.C.]
19. 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(3), F.A.C.]

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

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

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

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the

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F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, 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 Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (Not Applicable);
 - b. Determination of Prevention of Significant Deterioration (Not Applicable); and,
 - c. Compliance with New Source Performance Standards (NSPS Subparts A, I and OOO).
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.

{Permitting note: The conditional exemption for asphalt concrete plants at Rule 62-210.300(3)(c)2.g., F.A.C., requires the retention of all records for five (5) years.}
 - c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The person responsible for performing the sampling or measurements;
 - (3) The dates analyses were performed;
 - (4) The person responsible for performing the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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NSPS SUBPART A - GENERAL PROVISIONS

Subpart A-General Provisions for 40 CFR 60

40 CFR 60.1 Applicability.

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

§ 60.5 Determination of construction or modification.

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

40 CFR 60.6 Review of plans.

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

40 CFR 60.7 Notification and recordkeeping.

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

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subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

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

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

Company: _____

Address: _____

Process Unit(s) Description: _____

Emission Limitation: _____

Pollutant (Circle One): SO₂ NO_x TRS H₂S CO Opacity

Reporting Period Dates: From _____ to _____

Total source operating time in reporting period ¹: _____

Monitor Manufacturer: _____

Monitor Model No.: _____

Date of Latest CMS Certification or Audit: _____

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

¹ For opacity, record all times in minutes. For gases, record all times in hours.

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

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

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

Name: _____

Signature: _____

Title: _____

Date: _____

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

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

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

40 CFR 60.8 Performance tests.

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

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

40 CFR 60.9 Availability of information.

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

40 CFR 60.10 State authority.

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

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

40 CFR 60.11 Compliance with standards and maintenance requirements.

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

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

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

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

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

40 CFR 60.12 Circumvention.

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

40 CFR 60.13 Monitoring requirements.

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

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

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- (h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners or operators complying with the requirements in 40 CFR 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O₂ or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).
- (i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:
- (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.
 - (2) Alternative monitoring requirements when the affected facility is infrequently operated.
 - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
 - (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
 - (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
 - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
 - (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.
 - (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
 - (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.
- (j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:
- (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in section 8.4 of Performance Specification 2 and substitute the procedures in section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency

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requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

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

40 CFR 60.14 Modification.

- (a) Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.
- (b) Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:
- (1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.
- (2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
- (c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
- (d) [Reserved]
- (e) The following shall not, by themselves, be considered modifications under this part:

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- (1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.
- (2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.
- (3) An increase in the hours of operation.
- (4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.
- (5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.
- (6) The relocation or change in ownership of an existing facility.
- (f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in 40 CFR 60.14(a), compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.
- (i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.
(2) This exemption shall not apply to any new unit that:
 - (i) Is designated as a replacement for an existing unit;
 - (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
 - (iii) Is located at a different site than the existing unit.
- (k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

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40 CFR 60.15 Reconstruction.

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

40 CFR 60.18 General control device requirements.

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

40 CFR 60.19 General notification and reporting requirements.

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

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- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be post-marked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the post-mark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.
- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
- (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

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NSPS SUBPART I - STATIONARY

SUBPART I. STANDARDS OF PERFORMANCE FOR HOT MIX ASPHALT FACILITIES

40 CFR 60.90 Applicability and designation of affected facility.

- (a) The affected facility to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

40 CFR 60.91 Definitions.

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

- (a) *Hot mix asphalt facility* means any facility, as described in 40 CFR 60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

40 CFR 60.92 Standard for particulate matter.

- (a) On and after the date on which the performance test required to be conducted by 40 CFR 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:
 - (1) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).
 - (2) Exhibit 20 percent opacity, or greater.

40 CFR 60.93 Test methods and procedures.

- (a) In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b).
- (b) The owner or operator shall determine compliance with the particulate matter standards in § 60.92 as follows:
 - (1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
 - (2) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

SECTION 4. APPENDIX OS
ON-SPECIFICATION USED OIL REQUIREMENTS

The permittee shall comply with the following requirements for on-specification used oil.

1. Specifications for Used Oil: Only “on-specification” used oil containing a PCB concentration of less than 50 ppm shall be fired at this facility.
 - a. “On-specification” used oil is defined as used oil that meets the specifications of 40 CFR 279 (Standards for the Management of Used Oil) as listed below.

Constituent/Property	Allowable Level
Arsenic	5 ppm, maximum
Cadmium	2 ppm, maximum
Chromium	10 ppm, maximum
Lead	100 ppm, maximum
Total Halogens	1000 ppm, maximum
Flash point	100° F, minimum

Used oil which fails to comply with any of these specification levels is considered “off-specification” used oil. The firing of off-specification used oil at this facility is prohibited.

- b. Used oil containing a PCB concentration of 50 or more ppm shall not be fired at this facility. Used oil shall not be blended to meet this requirement. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall be fired only at normal unit operating temperatures. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall not be fired during periods of startup or shutdown.

[40 CFR 279.61]

2. Used Oil Certifications. For each delivery of used oil, the owner or operator shall receive from the marketer a certification that the used oil meets the specifications for “on-specification” used oil and that it contains a PCB concentration of less than 50 ppm. This certification shall also describe the basis for the certification, such as analytical results. Used oil to be fired for energy recovery is presumed to contain quantifiable levels (2 ppm) of PCB unless the marketer obtains analyses (testing) or other information that the used oil fuel does not contain quantifiable levels of PCBs. Note that a claim that used oil does not contain quantifiable levels of PCBs (<2 ppm) must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the used oil contains no detectable PCBs. [40 CFR 761.20]
3. Notification to Marketers: Before accepting from each marketer the first shipment of on-specification used oil with a PCB concentration of 2 to less than 50 ppm, the owner or operator shall provide each marketer with a one-time written and signed notice certifying that the owner or operator will fire the used oil in a qualified combustion device and must identify the class of combustion device. The notice must state that EPA or a RCRA-delegated state agency has been given a description of the used oil management activities at the facility and that an industrial boiler or furnace will be used to fire the used oil with a PCB concentration of 2 to 49 ppm. The description of the used oil management activities may be submitted to the Administrator, Hazardous Waste Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. [40 CFR 761.20(e)]
4. Sampling and Analysis:
 - a. If the owner or operator does not receive certification from the marketer as described above, the owner or operator shall sample and analyze each batch of used oil to be fired for the following parameters: arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs, and percent sulfur content by weight, ash, and BTU value (BTU per gallon).
 - b. If the owner or operator receives the required certification from the marketer, the owner or operator shall sample at least one delivery of used oil received each calendar quarter and analyze the sample for arsenic, cadmium,

SECTION 4. APPENDIX OS

ON-SPECIFICATION USED OIL REQUIREMENTS

chromium, lead, total halogens, flash point, PCBs, and percent sulfur content by weight, ash, and BTU value (BTU per gallon).

- c. Sampling and analysis shall be performed using approved methods specified in latest edition of EPA Publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.
- d. If the analytical results show that the used oil does not meet the specifications for on-specification used oil, or that it contains a PCB concentration of 50 ppm or greater, the owner or operator shall immediately cease firing the used oil. The owner or operator shall also immediately notify the appropriate Compliance Authority of the analytical results and indicate the proposed means of disposal of the used oil.

[Rule 62-4.070(3), F.A.C.; and, 40 CFR Parts 279 and 761]

5. Used Oil Recordkeeping Required. The owner or operator shall obtain, make, and keep the following records related to the use of used oil in a form suitable for inspection at the facility by the Compliance Authority:
 - a. Within 15 days following each calendar month, record the gallons of on-specification used oil received and fired during the previous calendar month and the previous 12 calendar months.
 - b. The name and address of all marketers delivering used oil to the facility.
 - c. Copies of the marketer certifications and any supporting information.
 - d. If claimed, documentation that the used oil contains less than 2 ppm of PCBs, including the name and address of the person making the claim.
 - e. Results of any sampling/analyses conducted.
 - f. A copy of the notice to EPA and a copy of the one-time written notice provided to each marketer.

[Rule 62-4.070(3), F.A.C.; 40 CFR 279.61; and, 40 CFR 761.20(e)]

6. Used Oil Reporting Required. Within 5 days of a request from the Compliance Authority, the owner or operator shall submit the analytical results and the total amount of on-specification used oil received and fired previously.

[Rule 62-4.070(3), F.A.C.; and, 40 CFR Parts 279 and 761]

SECTION 4. APPENDIX PC
PERMITTED COUNTIES

The permittee has provided proof of publication of the Department's Intent to Issue Air Permit in a newspaper of general circulation for the counties identified in the following table. The permittee is authorized to operate at any site within a permitted county by submitting a Facility Relocation Notification Form No. 62-210.900(6), F.A.C. at least 5 days prior to relocating. This air permit does not relieve the owner from complying with other local provisions such as zoning requirements. If a county lists a specific site (*), authorization is only for that specific site.

Permitted Counties	Publication Date	Permitted Counties	Publication Date	Permitted Counties	Publication Date
Alachua		Hamilton		Okeechobee *	07/02/2002
Baker		Hardee		Orange	
Bay		Hendry		Osceola	
Bradford		Hernando		Palm Beach	
Brevard *	03/12/1996 12/24/1997	Highlands		Pasco *	None
Broward		Hillsborough		Pinellas *	05/12/2007
Calhoun		Holmes		Polk *	01/07/1997
Charlotte		Indian River		Putnam	
Citrus		Jackson		St. Johns	
Clay		Jefferson		St. Lucie	
Collier		Lafayette		Santa Rosa	
Columbia		Lake		Sarasota	
Dade		Lee		Seminole	
DeSoto		Leon		Sumter	
Dixie		Levy		Suwannee	
Duval		Liberty		Taylor	
Escambia		Madison		Union	
Flagler		Manatee *	11/24/1992	Volusia	
Franklin		Marion		Wakulla	
Gadsden		Martin		Walton	
Gilchrist		Monroe		Washington	
Glades		Nassau			
Gulf		Okaloosa			

- * Brevard County: 0.25 mile West of I-95 on Highway 5A (6294 Jabez Road in Mims).
- Manatee County: Southside of State Road 64, 4.5 miles East of I-75.
- Okeechobee County: Okeechobee Industrial Park; and, 1491 24th Drive Northwest in Okeechobee.
- Pasco County: State Road 52, 3.8 miles West of I-75.
- Pinellas County: 12955 40th Street North in Clearwater.
- Polk County: 2 miles East of U.S. Highway 27 and 2.5 miles North of U.S. Highway 98 in Frostproof.

ARMS update: 5/21/07
RM



RECEIVED

MAY 21 2007

BUREAU OF AIR REGULATION

APAC Southeast, Inc.

Central Florida Division
4636 Scarborough Drive, Lutz, FL 33559
Tel: 813 973-2888, Main Fax: 813 973-2994
Estimating: 813 973-3547, Operations: 813 973-3402
Area Manager: 813 973-3893
Accounting Fax: 813 991-5510
Safety H.R. Division President Fax: 813 907-0578
www.apac.com

CERTIFIED MAIL 7006 0810 0002 1935 9076

LETTER OF TRANSMITTAL

To: FL Dept. of Environmental Protection
Air Resources Management
MS #5505
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Date: 5/17/07

Attn: Bruce Mitchell

Re: Project No.Facility ID 7770073-10-AC

We are sending We are sending Attached Under separate cover

Copies	Description
1	Original copie of Proof of Publication Legal Advertisement

Signed

ST. PETERSBURG TIMES

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF PINELLAS

} S.S.

Before the undersigned authority personally appeared **B. HARR** who on oath says that he/she is Legal Clerk of the *St. Petersburg Times* a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: NOTICE OF INTENT TO ISSUE AIR PERMIT 7770073-010-AC** was published in said newspaper in the issues of **CLS N Pinellas CLS S Pinellas**, 5/12/07

Affiant further says the said **ST. PETERSBURG TIMES** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

B. Harr

Signature of Affiant

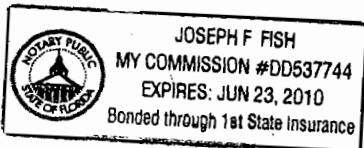
Sworn to and subscribed before me
this 14th day of May A.D.2007

Joseph F. Fish

Signature of Notary Public

Personally known or produced identification _____

Type of identification produced _____



RECEIVED

MAY 21 2007

BUREAU OF AIR REGULATION

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Bureau of Air Regulation
Project No. 7770073-010-AC
APAC Southeast, Inc., Central Florida Division
Pinellas County, Florida

Applicant: The applicant for this project is the APAC Southeast, Inc., Central Florida Division. The applicant's authorized representative and mailing address is: Mr. John H. Sidmore, Division President, APAC Southeast, Inc., Central Florida Division, 4636 Scarborough Drive, Lutz, Florida 33559.

Facility Location: APAC Southeast, Inc., Central Florida Division has been operating an existing drum-mix asphalt plant in Okeechobee County located at 1491 24th Drive NW, Okeechobee, Florida.

Project: The applicant seeks authorization to relocate an existing rotary drum-mix asphalt plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County, Florida. The existing facility will dry and mix aggregates of rock, sand, and reclaimed asphalt pavement with liquid asphalt cement in a rotary drum to make an asphalt product, which will be stored in silos for load-out into trucks. The rotary drum is used to fire distillate fuel oil and on-specification used oil to dry the aggregate materials. The fuel oils have a maximum sulfur content limitation of 0.5 percent by weight. From the combustion of the fuel oils and processing the aggregate materials, the plant operations will emit particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic compounds. The total emissions are such that the plant is designated as a minor source of emissions (less than 100 tons/year).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-298, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.) on or before the end of this 14-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department of Environmental Protection, Bureau of Air Regulation, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28.106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any; which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28.106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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: Mediation is not available in this proceeding.
(1002368664)

Memorandum

Florida Department of Environmental Protection

TO: Trina Vielhauer

THRU: Jeff Koerner *JK*

FROM: Bruce Mitchell *BM*

DATE: May 2, 2007

SUBJECT: APAC-Southeast, Inc. – Central Florida Division
Relocate from Okeechobee County to Pinellas County
Draft AC Permit
7770073-010-AC
Portable Hot Mix Asphalt Concrete Plant

Attached is the Draft air pollution construction permit, Project No. 7770073-010-AC.

The subject of the permit is to authorize the construction of a 300 TPH portable hot drum-mix asphalt concrete plant and its relocation from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County; and, the permit authorizes the periodic use of a permitted portable crusher unit with a maximum capacity of 250 TPH. The applicant requested the terms and conditions pursuant to Rule 62-210.300(3)(c)2., Conditional Exemption from Title V Permitting – Asphalt Concrete Plants.

Attachments

TLV/jfk/bm



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 7, 2007

Mr. John H. Skidmore
Division President
APAC-Southeast, Inc.
Central
4636 Scarborough Drive
Lutz, Florida 33559

Re: Authorization to Relocate an Existing Portable Asphalt Plant from Okeechobee County to Pinellas County
Draft Permit No. 7770073-010-AC

Dear Mr. Skidmore:

On February 23, 2007, APAC-Southeast, Inc. – Central Florida Division applied for an air pollution construction permit for an existing 300 tons/hour portable drum-mix asphalt plant to relocate from Okeechobee County to Pinellas County. The new site location is 12955 40th Street North, Clearwater, Pinellas County, Florida. Enclosed are the following documents: Technical Evaluation and Preliminary Determination, Draft Permit, Written Notice of Intent to Issue Air Permit, and Public Notice of Intent to Issue Air Permit.

The Technical Evaluation and Preliminary Determination summarizes the Bureau of Air Regulation's technical review of the application and provides the rationale for making the preliminary determination to issue a draft permit. The proposed Draft Permit includes the specific conditions that regulate the emissions units covered by the proposed project. The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the Draft Permit; the process for filing a petition for an administrative hearing; and the availability of mediation. The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project.

If you have any questions, please contact the Project Engineer, Bruce Mitchell, at 850/413-9198.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

TLV/jfk/bm

Enclosures

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

In the Matter of an
Application for Permit by:

APAC-Southeast, Inc. – Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

Project No. 7770073-010-AC
Portable Drum-Mix Asphalt Plant
Authorization to Relocate from Okeechobee
County to Pinellas County
Pinellas County, Florida

Facility Location: APAC-Southeast, Inc. – Central Florida Division has been operating an existing drum-mix asphalt plant in Okeechobee County located at 1491 24th Drive NW, Okeechobee, Florida.

Project: The applicant seeks authorization to relocate an existing drum-mix asphalt plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County, Florida. Details of the project are provided in the application and the enclosed “Technical Evaluation and Preliminary Determination”.

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection’s Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation’s physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301 and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation’s phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority’s project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Public Notice: Pursuant to Section 403.815, F.S. and Rules 62-110.106 and 62-210.350, F.A.C., you (the applicant) are required to publish at your own expense the enclosed Public Notice of Intent to Issue Air Permit (Public Notice). The Public Notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The newspaper used must meet the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the Permitting Authority at the address or phone number listed above. Pursuant to Rule 62-110.106(5) and (9), F.A.C., the applicant shall provide proof of publication to the Permitting Authority at the above address within 7 days of publication. 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.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address. As

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by the applicant or any of the parties listed below must be filed within fourteen (14) days of receipt of this Written Notice of Intent to Issue Air Permit. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen (14) days of publication of the attached Public Notice or within 14 days of receipt of this Written Notice of Intent to Issue Air Permit, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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: Mediation is not available in this proceeding.

Executed in Tallahassee, Florida.



Trina Vielhauer, Chief
Bureau of Air Regulation

WRITTEN NOTICE OF INTENT TO ISSUE AIR PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Air Permit package (including the Public Notice, the Technical Evaluation and Preliminary Determination, and the Draft Permit) was sent electronically (received receipt requested) before the close of business on 5/8/07 to the persons listed below.

- Mr. John H. Skidmore, APAC-Southeast, Inc. – Central Florida Division (jhskidmore@apac.com)
- Mr. Luther Ellis, APAC-Southeast, Inc. – Central Florida Division (ldellis@apac.com)
- Mr. Roger T. Caldwell, Bottorf Associates, Inc. (roger@bottorf.com)
- Mr. Douglas W. Bauman, Bottorf Associates, Inc. (doug4ucf@earthlink.net)
- Mr. Gary Robbins, Pinellas County (grobbins@co.pinellas.fl.us)

Clerk Stamp

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



(Clerk)

5/8/07
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Florida Department of Environmental Protection
Bureau of Air Regulation
Project No. 7770073-010-AC
APAC-Southeast, Inc. – Central Florida Division
Pinellas County, Florida

Applicant: The applicant for this project is the APAC-Southeast, Inc. – Central Florida Division. The applicant's authorized representative and mailing address is: Mr. John H. Skidmore, Division President, APAC-Southeast, Inc. – Central Florida Division, 4636 Scarborough Drive, Lutz, Florida 33559.

Facility Location: APAC-Southeast, Inc. – Central Florida Division has been operating an existing drum-mix asphalt plant in Okeechobee County located at 1491 24th Drive NW, Okeechobee, Florida.

Project: The applicant seeks authorization to relocate an existing rotary drum-mix asphalt plant from Okeechobee County to 12955 40th Street North, Clearwater, Pinellas County, Florida. The existing facility will dry and mix aggregates of rock, sand, and reclaimed asphalt pavement with liquid asphalt cement in a rotary drum to make an asphalt product, which will be stored in silos for load-out into trucks. The rotary drum is allowed to fire distillate fuel oil and on-specification used oil to dry the aggregate materials. The fuel oils have a maximum sulfur content limitation of 0.5 percent, by weight. From the combustion of the fuel oils and processing the aggregate materials, the plant operations will emit particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxides and volatile organic compounds. The total emissions are such that the plant is designated as a minor source of emissions (less than 100 tons/year).

Permitting Authority: Applications for air construction permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and an air permit is required to perform the proposed work. The Florida Department of Environmental Protection's Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Bureau of Air Regulation's physical address is 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, and the mailing address is 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Bureau of Air Regulation's phone number is 850/488-0114.

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Technical Evaluation and Preliminary Determination, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address and phone number listed above.

Notice of Intent to Issue Air Permit: The Permitting Authority gives notice of its intent to issue an air permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all applicable provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297, F.A.C. The Permitting Authority will issue a Final Permit in accordance with the conditions of the proposed Draft Permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S., or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

Comments: The Permitting Authority will accept written comments concerning the Draft Permit for a period of 14 days from the date of publication of the Public Notice. Written comments must be post-marked by the close of business (5:00 p.m.), on or before the end of this 14-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the Draft Permit, the Permitting Authority will issue a Revised Draft Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

(Public Notice to be Published in the Newspaper)

PUBLIC NOTICE OF INTENT TO ISSUE AIR PERMIT

Petitions: A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed with (received by) the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/245-2241; Fax: 850/245-2303). Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of this Public Notice or receipt of a written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the Permitting Authority for notice of agency action may file a petition within 14 days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or decision; (d) A statement of all disputed issues of material fact; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written Notice of Intent to Issue Air Permit. 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: Mediation is not available in this proceeding.

**TECHNICAL EVALUATION
&
PRELIMINARY DETERMINATION**

Air Construction Permit Project

Project No. 7770073-010-AC
Drum-Mix Asphalt Concrete Plant
Relocatable Operation

County

Portable Drum-Mix Asphalt Plant
(Relocation from Okeechobee County to Pinellas County)

Applicant

APAC-Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

ARMS Facility ID No. 7770073

Permitting Authority

Florida Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Air Permitting North
2600 Blair Stone Road, MS #5505
Tallahassee, Florida 32399-2400
850-488-0114

May 7, 2007

1. APPLICATION INFORMATION

a. Existing Facility Description – Okeechobee Plant

The existing Okeechobee plant, located at 1491 24th Drive Northwest in Okeechobee, Okeechobee County, is a Gencor Model “300 Ultraplant” portable drum-mix asphalt plant (SIC No. 2951) consisting of the following equipment: a Gencor rotary drum-mix dryer with an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse; an asphalt cement storage tank and heating system; a drag conveyor, which transports the finished product from the drum mixer to the storage silo; a 50-ton capacity hot mix asphalt storage silo; miscellaneous screens, conveyors, hoppers and stockpiles; two fuel oil storage tanks; and, a portable 250 TPH RAP crusher unit, which includes a crusher/grinder, conveyors, a screener, and an associated diesel engine and a 100-KW diesel electrical generator. The capacity of the drum-mix asphalt plant is 300 TPH of asphalt product. The fuel oil and/or on-specification used oil fired has a sulfur content limit of 0.5%, by weight, or better; and, they are kept in separate tanks. The asphalt plant’s operations are designed to be dismantled, trucked to a new location and reassembled.

b. Existing Facility Description – Clearwater Plant

The existing Clearwater plant, located at 12955 40th Street North in Clearwater, Pinellas County, is a Standard Havens portable drum-mix asphalt plant (SIC No. 2951) consisting of the following equipment: a Standard Havens rotary drum-mix dryer with an associated Alpha Mark III-30 baghouse system; an asphalt cement storage tank and heating system; a drag conveyor, which transports the finished product from the drum mixer to the storage silos; three 200-ton capacity hot-mix asphalt storage silos; fuel oil storage tanks; miscellaneous screens, conveyors, hoppers and stockpiles; and, a portable 70 TPH RAP crusher unit and a portable 250 TPH RAP crusher unit, each of which includes a crusher/grinder, conveyors, a screener, an associated diesel engine and a diesel electrical generator. The fuel oil and/or on-specification used oil fired has a sulfur content limit of 0.5%, by weight, or better; and, they are kept in separate tanks. The asphalt plant’s operations are designed to be dismantled, trucked to a new location and reassembled.

Proposed Facility Description – Clearwater Plant

The proposed facility will be located at the 12955 40th Street North site in Clearwater, Pinellas County. All of the equipment at the existing Clearwater site will be removed except for the drag conveyor and the three asphalt storage silos. From the Okeechobee site, the permittee will relocate the portable 300 TPH drum-mixer and associated baghouse system, the asphalt cement storage tank and heating system, two fuel oil storage tanks, and miscellaneous screens, conveyors and hoppers. In addition, the permittee will be allowed to bring a permitted portable 250 TPH RAP crusher unit onto the site to crush and size reclaimed asphalt and concrete pavement for use in making asphalt product. The portable crusher unit will consist of a crusher/grinder, conveyors, a screener, an associated diesel engine and a diesel electrical generator to power the crusher operations.

The asphalt plant’s operations are designed to be dismantled, trucked to a new location and reassembled. The applicant proposes to relocate and operate the existing portable hot-mix asphalt plant at properly zoned and permitted sites throughout Florida (see Appendix PC).

Facility Category

Title III: The existing facility is not a major source of hazardous air pollutants (HAP).

Title IV: The existing facility has no units subject to the acid rain provisions of the Clean Air Act.

Title V: The existing facility is not a Title V major source of air pollution in accordance with Chapter 213, Florida Administrative Code (F.A.C.).

PSD: The existing facility is not a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.

NSPS: There are emission units subject to the New Source Performance Standards in 40 CFR 60.

NESHAP: There are no emission units subject to any National Emission Standards for HAP in 40 CFR 63.

Reviewing and Processing Schedule

- Application received (Bureau of Air Regulation) February 23, 2007.
- E-mail with attachment from Roger Caldwell received April 16, 2007.

2. PROJECT DESCRIPTION

The permittee currently operates the following two asphalt plants:

- A 300 TPH hot-mix asphalt plant located at 1491 24th Drive Northwest in Okeechobee, Okeechobee County.
- A 200 TPH hot-mix asphalt plant located at 12955 40th Street North in Clearwater, Pinellas County.

This project authorizes the following:

- Removal of all equipment at the Clearwater site except for the drag conveyor and three hot-mix asphalt storage silos.
- Relocation of the 300 TPH Gencor portable drum mixer and associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, the asphalt cement storage tank and heating system, two fuel oil storage tanks, and miscellaneous screens, conveyors and hoppers from the Okeechobee site to the Clearwater site.
- Installation of a portable 250 TPH crusher unit at the Clearwater site.
- Relocation of the newly permitted Clearwater plant to 12955 40th Street North.

3. RULE APPLICABILITY

State and Local Regulations

This project is subject to the applicable environmental laws specified in Section 403 of the Florida Statutes (F.S.). The F.S. authorize the Department of Environmental Protection (Department) to establish rules and regulations regarding air quality as part of the F.A.C. This project is subject to the applicable rules and regulations defined in the following Chapters of the F.A.C.: 62-4 (Permitting Requirements); 62-204 (Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference); 62-210 (Permits Required, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms); 62-212 (Preconstruction Review); 62-296 (Emission Limiting Standards); and 62-297 (Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures).

The existing asphalt plant is subject to Rule 62-210.300(3)(c)2., F.A.C., for Conditional Exemption from Title V Air Permitting for Asphalt Concrete Plants. The facility has been previously permitted in accordance with this rule, which includes restrictions to ensure that the asphalt plant will not be a Title V major source of air pollution.

Federal Regulations

The existing asphalt plant is subject to the following NSPS in 40 CFR 60: Subpart A (General Provisions); and, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities. Subpart I establishes a PM standard of 0.04 grains per dscf of exhaust and an opacity standard of $\leq 20\%$. The crusher system is subject to the following NSPS in 40 CFR 60: Subpart A (General Provisions); and, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants. Subpart OOO establishes an opacity standard of $\leq 15\%$ from any crusher and $\leq 10\%$ from any transfer point on belt conveyors or any other affected facility.

General PSD Applicability

The Department regulates major air pollution facilities in accordance with Florida's Prevention of Significant Deterioration (PSD) program, as defined in Rules 62-212.400(PSD) and 62-210.200(Definitions), F.A.C. A PSD review is required in areas currently in attainment with the state and federal Ambient Air Quality Standards (AAQS) or areas designated as "unclassifiable" for a given pollutant. A facility is considered "major" with respect to PSD if it emits or has the potential to emit: 250 tons per year (TPY) or more of any regulated air pollutant, or 100 TPY or more of any regulated air pollutant and the facility belongs to one of the 28 PSD Major Facility Categories, or 5 TPY of lead.

PSD Applicability for the Project

This request was made to relocate the existing minor facility operations from Okeechobee County to Pinellas County. The only difference with the equipment will be the use of three asphalt product storage silos, instead of one. The additional asphalt product storage silos will not change the facility's status. The existing facility is a minor facility in regard to the pollutants emitted. Based on AP-42 Emissions Factors, the facility's potential pollutant emissions, except for the dryer's SO₂ emissions (stoichiometrically calculated), are: particulate matter (PM): 11.4 TPY; PM with an aerodynamic diameter of ten microns (PM₁₀): 8.0 TPY; sulfur dioxide (SO₂): 50.9 TPY; nitrogen oxides (NO_x): 27.8 TPY; carbon monoxide (CO): 35.6 TPY; and volatile organic compounds (VOC): 9.1 TPY. The SO₂ emissions have been further minimized by using a distillate fuel oil and/or on-specification used oil with a maximum fuel oil sulfur content of 0.5%, by weight, instead of the rule's allowance of 1.0%, by weight. Also, included in the potential pollutant emissions is the use of a portable crusher unit operating at 2,000 hours/year, a capacity of 250 TPH, and a limit of 125,000 tons per consecutive 12 months. Unconfined PM/PM₁₀ emissions are minimized by complying with the requirements of Rule 62-296.320(4), F.A.C., Unconfined Emissions of PM.

The existing facility is in compliance with the terms and conditions of the applicable NSPS regulations of 40 CFR 60, Subparts I and OOO; and, it is in compliance with the SIP's Conditional Exemption from Title V Air Permitting for Asphalt Concrete Plants at Rule 62-210.300(3)(c)2., F.A.C. The potential emissions of all pollutants are well below the PSD applicability thresholds. Therefore, PSD preconstruction new source review does not apply.

4. PROJECT REVIEW

Process Description

The existing drum-mix asphalt plant is rated at 300 TPH. Conventional surface mix aggregate or reclaimed asphalt (and concrete) pavement (RAP) is dried in the drum-mix dryer, mixed with asphalt cement, and stored in a heated silo for distribution by truck. The burner for the drum-mix dryer will fire approximately 570 gallons per hour (85.5 MMBtu per hour) of either new distillate fuel oil or "on-specification" used fuel oil. Exhaust from the drum-mix dryer is controlled by a baghouse to remove particulate matter emissions and reduce visible emissions. Asphalt cement is stored in a tank and heated as necessary to enable delivery to, and mixing with, the dried aggregate. The asphalt cement heater will fire new distillate oil. The total usage of distillate oil and on-specification used oil is facility-wide limited to 1,200,000 gallons per consecutive 12-month period with a sulfur content of less than or equal to 0.5 percent, by weight.

The RAP crusher unit will crush large pieces of RAP, screen and sort the refined aggregate for size, send the rejects back through the crusher and screener, and convey the finished product to a storage pile or bin for future usage or to the process. If there is no direct power to operate the crusher unit, then a diesel powered motor and a diesel electrical generator will be used to power the crusher unit and associated equipment. Particulate matter and visible emissions will be minimized by the use of dust suppressants and/or water sprays or covered conveyors.

There will be unconfined particulate emissions of dust and fine aggregate from the stockpiles, material handling equipment (i.e., front-end loader), roadways, and truck traffic within the site. These activities will be controlled

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

by good housekeeping practices such as paving, landscaping, and the use of water or dust suppressants as necessary. Some unconfined particulate emissions may be associated with conveyor transfer points and the vibrating screen operation. These emissions will be minimized by water sprays or covered conveyors as necessary to minimize fugitive dust.

Conditions of Exemption from Title V Air Permitting for Asphalt Concrete Plants

The applicant requests permitting in accordance with Rule 62-210.300(c)(3)2., F.A.C., Conditional Exemption from Title V Air Permitting, to ensure that the plant remains a synthetic non-Title V minor source of air pollution. The applicant also requests continuous operation (24 hours per day) to meet contract deadlines. This rule establishes the following requirements.

- Asphalt concrete production shall not exceed 500,000 tons in any consecutive 12-month period.
- Total fuel oil consumption shall not exceed 1.2 million gallons in any consecutive 12-month period.
- Fuel oil shall not exceed 1.0% sulfur content, by weight.
- Particulate matter (PM as PM/PM₁₀) emissions shall not exceed 0.04 grains per dry standard cubic foot averaged over a three-hour period pursuant to 40 CFR 60, Subpart I.
- Fugitive dust shall be controlled in accordance with the requirements of Rule 62-296.320(4)(c), F.A.C.
- Visible emissions shall not be equal to or greater than 20% opacity.

The above restrictions apply to the plant regardless of the sites at which it may operate during a year. One exception to the rule and as previously permitted, the applicant requests that the maximum distillate fuel oil sulfur content to be 0.5%, by weight, and includes on-specification used oil.

On-Specification Used Oil Requirements

Used oil meeting the “Standards for the Management of Used Oil” in 40 CFR 279 (see Appendix OS) is considered “on-specification used oil” and may be fired at the plant in accordance with the applicable provisions of 40 CFR 279 and 761 including: fuel specifications, operational restrictions, sampling and analysis, monitoring and recordkeeping. The draft permit includes the applicable standardized conditions.

Future Relocations

The draft permit allows the portable asphalt plant to be relocated to any previously permitted site and/or county that is properly zoned. This requires submittal of the “Facility Relocation Notification” at least 5 days before relocating. To add a new county to the approved list (Appendix PC), the draft permit requires the following.

- Permittee submits a request to modify the existing air construction permit and revise the existing air operation permit accordingly.
- With a complete application, the Bureau of Air Regulation issues a draft air construction permit with a Public Notice that specifically states that the asphalt plant is portable and may be relocated to the specific site and/or county with proper zoning. The applicant and any parties copied on the draft permit package have 14 days upon receipt to request an administrative hearing on the draft air construction permit.
- The applicant publishes the Public Notice in a newspaper of general circulation within the county and provides the proof of publication to the Bureau of Air Regulation. Within 14 days of publication of the Public Notice, the Bureau of Air Regulation accepts comments and requests for administrative hearings on the draft air construction permit.
- If there are petitions for administrative hearings or requests for extensions of time in which to file for petitions for administrative hearings, then the project is in litigation and no action may be taken until the litigation is resolved. The asphalt plant may not be relocated to the new county until the litigation is resolved and final permits are issued.

TECHNICAL EVALUATION AND PRELIMINARY DETERMINATION

- If there are no petitions for administrative hearings or requests for extensions of time in which to file for petitions for administrative hearings, the Bureau of Air Regulation issues a final permit modification for the existing air construction permit to identify the site in the new county (Appendix PC) and issues a final air operation permit revised accordingly. If the original request included the "Facility Relocation Notification" form, the asphalt plant may be moved to the desired location once the final permits are issued.

CONCLUSION

The Department makes a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations as conditioned by the draft permit. This determination is based on a technical review of the complete application, reasonable assurances provided by the applicant, and the conditions specified in the draft permit. No air quality modeling analysis is required because the project does not result in a significant increase in emissions. Bruce Mitchell is the project engineer and Jeff Koerner approved the draft permit. Additional details of this analysis may be obtained by contacting the project engineer at the Department's Bureau of Air Regulation at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

Draft

**APAC-Southeast, Inc., Central Florida Division
Relocatable Asphalt Plant**

**Facility ID No. 7770073
Pinellas County**

Air Construction Permit Project No. 7770073-010-AC

Permitting Authority:

State of Florida
Department of Environmental Protection
Division of Air Resource Management
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: 850/488-0114
Fax: 850/922-6979
Fax: 850/921-9533

Compliance Authority:

Pinellas County Department of Environmental Management
Air Quality Division
300 South Garden Avenue
Clearwater, Florida 33756
Telephone: (727)464-4422
Fax: (727)464-4420

Draft

PERMITTEE

APAC-Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559

Authorized Representative:

Mr. John H. Skidmore, Division President

Permit No. 7770073-010-AC
Portable Drum-Mix Asphalt Plant
Facility ID No. 7770073
SIC No. 2951
Project: Relocation from Okeechobee County
to Pinellas County
Permit Expires: May 31, 2008

FACILITY AND LOCATION

APAC-Southeast, Inc.-Central Florida Division proposes to construct and operate a portable 300 tons per hour (TPH) drum-mix concrete asphalt batch plant and a portable 250 TPH reclaimed asphalt and concrete pavement (RAP) crusher unit. The site location is 12955 40th Street North, Clearwater, Pinellas County, Florida.

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, F.A.C. The above named permittee is authorized to construct the facility in accordance with the conditions of this permit and as described in the application, approved drawings, plans, and other documents on file with the Department of Environmental Protection (Department).

CONTENTS

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Emissions Units Specific Conditions
- Section 4. Appendices

(Draft)

Joseph Kahn, Director
Division of Air Resource Management

Effective Date

FACILITY DESCRIPTION

The Gencor Model “300 Ultraplant” portable drum-mix asphalt plant consists of the following equipment: a Gencor rotary drum-mix dryer with an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, an asphalt cement storage tank and heating system, two fuel oil storage tanks, a drag conveyor that transports the finished asphalt product from the drum mixer to the storage silos, three 200-ton capacity asphalt product storage silos, and miscellaneous screens, conveyors, hoppers and stockpiles. The asphalt plant will have a production capacity of 300 TPH of hot drum-mix asphalt. The plant is designed to be dismantled, trucked to a new location and reassembled. The asphalt plant will also include a portable 250 TPH RAP crusher unit consisting of a crusher/grinder, conveyors, a screener, and potentially an associated diesel engine and a diesel electrical generator to power the crusher operations. Each portable RAP crusher unit may be owned by a different company and brought on site periodically to crush RAP for use in the manufacturing of new hot drum-mix asphalt product.

PROJECT DESCRIPTION

The permittee currently operates the following two asphalt plants:

- A 300 TPH hot-mix asphalt plant located at 1491 24th Drive Northwest in Okeechobee, Okeechobee County.
- A 200 TPH hot-mix asphalt plant located at 12955 40th Street North in Clearwater, Pinellas County.

This project authorizes the following:

- Removal of all equipment at the Clearwater site except for the drag conveyor and three hot-mix asphalt silos.
- Relocation of the 300 TPH Gencor portable drum mixer and associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse, the asphalt cement storage tank and heating system, two fuel oil storage tanks, and miscellaneous screens, conveyors and hoppers from the Okeechobee site to the Clearwater site.
- Installation of a portable 250 TPH crusher at the Clearwater site.
- Relocation of the newly permitted Clearwater plant to 12955 40th Street North.

RELEVANT DOCUMENTS

The following relevant documents are not a part of this permit, but helped form the basis for this permitting action: the permit application and additional information received to make it complete; the draft permit package including the Department’s Technical Evaluation and Preliminary Determination; publication and comments; and, the Department’s Final Determination.

SECTION 2. ADMINISTRATIVE REQUIREMENTS (Draft)

1. Permitting Authority: All documents related to applications for permits to construct, modify and operate emissions units regulated by this permit shall be submitted to the Bureau of Air Regulation of the Florida Department of Environmental Protection (DEP) at 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400. Copies of all such documents shall be submitted to the appropriate Compliance Authority.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the appropriate Compliance Authority for the plant location. For this new location, the Compliance Authority is the Pinellas County Department of Environmental Management. A list of the Department's District Offices and approved Local Air Programs is provided in Appendix CA of this permit.
3. Appendices: The following Appendices are attached as a part of this permit:
 - a. Appendix A. Citation Formats
 - b. Appendix CA. List of Compliance Authorities
 - c. Appendix CC. Common Conditions
 - d. Appendix GC. General Conditions
 - e. Appendix NA. NSPS Subpart A - General Provisions
 - f. Appendix NI. NSPS Subpart I - Hot Mix Asphalt Facilities
 - g. Appendix OS. On-Specification Used Oil Requirements
 - h. Appendix PC. Permitted Counties
4. 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 of the F.S.; Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297 of the F.A.C.; and, 40 CFR 60, adopted by reference in Rule 62-204.800, F.A.C. The terms used in this permit have specific meanings as defined in the applicable chapters of the F.A.C. 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 permittee 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.]
5. 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.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air pollution 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.]
7. Extension of Expiration Date: For good cause, the permittee may request that this air pollution construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation at least 60 days before the expiration of this permit. [Rules 62-4.070(4), 62-4.210 and 62-210.300(1), F.A.C.]
8. Air Operation Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. An air operation permit is required for commercial operation of the permitted emissions unit. The permittee shall apply for an air pollution operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after

SECTION 2. ADMINISTRATIVE REQUIREMENTS (Draft)

commencing operation. To apply for an air operation permit, the applicant shall submit the appropriate application form in quadruplicate, the corresponding processing fee, compliance test results, and such additional information as the Department may by law require. [Rules 62-4.030, 62-4.050, 62-4.220, 62-210.300(2), and 62-210.900, F.A.C.]

9. 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. [Rule 62-210.300(3)(c)2., F.A.C.]
10. 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. [Rules 62-210.300(3)(c)2. and 62-210.370(3), F.A.C.]
11. Facility Relocation: The permittee is authorized to relocate the portable asphalt plant to any site within a previously "permitted county or site" as identified in Appendix PC of this permit. At least five (5) days prior to the relocation, the permittee shall submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6), F.A.C.) to the current Compliance Authority and the new Compliance Authority identifying the proposed move. This air permit does not relieve the owner from complying with other local provisions such as zoning requirements.

The owner or operator of any facility claiming this exemption (from Title V permitting) must have authorization to operate by obtaining a non-Title V air operation permit that implements the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through j., F.A.C. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source; nor shall it create a Title V source in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting. However, the relocatable asphalt plant may be temporarily stored (no operation) at an existing permitted facility. [Rules 62-210.300(3)(c)2. and 62-210.370(4), F.A.C.]

12. Adding New Permitted Counties: The portable asphalt plant shall only be relocated to sites within previously permitted counties and/or sites identified in Appendix PC of this permit. To add a county to the list of permitted counties, the permittee shall provide the Bureau of Air Regulation with a letter of request with the following information: identification of the asphalt plant and the air construction and operation permits; a statement that there have been no changes to the plant; the latest compliance test report; a list of previously permitted counties; the new county to be added and the specific site where the plant will be located in the future (if known); and the Facility Relocation Notification Form No. 62-210.900(6), F.A.C. (if relocating). A copy of this information shall be submitted to the appropriate Compliance Authority for the proposed new site. The Bureau of Air Regulation will process the request as a modification of the air pollution construction permit and a revision of the air pollution operation permit. The permittee must publish a new Public Notice provided by the Bureau of Air Regulation in a newspaper of general circulation for the new county. The Public Notice provides administrative rights for affected parties to petition for an administrative hearing or provide comments on the draft permit. If there are no substantial comments and no petitions for administrative hearings, the Department will issue a final air pollution construction permit and a revised air pollution operation permit recognizing the new permitted county. The permittee is authorized to relocate the portable asphalt plant upon issuance of the final modified air pollution construction permit and revised air pollution operation permit. [Rules 62-210.300 and 62-210.350, F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

A. This section of the permit addresses the following emissions units and related activities.

ID No.	Emissions Unit Description
001	A Gencor Model "300 Ultraplant" portable drum-mix portable drum-mix asphalt plant with a capacity of 300 TPH using an associated Gencor Model 620-Pri primary collector followed by a Gencor; Bituma Model 620-P baghouse, that has 792 bags with a total cloth area of 10,367 square feet and an air to cloth ratio of 5.3:1., or equivalent.
005	A portable RAP crusher unit with a maximum capacity of 250 TPH, which includes a crusher/grinder, conveyors, a RAP screener, and potentially a diesel engine and a diesel electric generator to power the crusher operations. (Please note: This emissions unit has been previously permitted at this new location in Pinellas County (1030004-011-AF).

{Permitting Note: The facility is subject to the following regulations for asphalt plants: NSPS, Subpart I (Hot Mix Asphalt Facilities) in 40 CFR 60, as adopted by Rule 62-204.800, F.A.C.; and, Rule 62-210.300(3)(c)2., F.A.C. (Conditional Exemption from Title V Air Permitting for Asphalt Concrete Plants). The portable RAP crusher is subject to the following regulations: Rule 62-210.310.(5)(e), F.A.C., Air General Permits for Miscellaneous Facilities – Nonmetallic Mineral Processing Plants (Crushing Operations), which includes the terms and conditions of 40 CFR 60, Subpart 000, Nonmetallic Mineral Processing Plants.}

EQUIPMENT

1. Existing Equipment: Except for the drag conveyor and the three hot-mix asphalt silos, the permittee shall remove the existing equipment. The facility shall consist of only one operational hot-mix asphalt plant. [Application No. 7770073-010-AC and Rule 6204.070(3), F.A.C.]
2. Portable Asphalt Plant: The permittee is authorized to construct a Gencor Model "300 Ultraplant" portable drum-mix portable drum-mix asphalt plant with a production capacity of 300 TPH of asphalt product consisting of: a Gencor rotary drum dryer with an associated Gencor Model 620-Pri primary collector followed by a Gencor-Bituma Model 620-P baghouse; an asphalt cement storage tank and heating system; a drag conveyor, which transports the finished asphalt product from the drum mixer to the storage silos; three 200-ton capacity hot mix asphalt product storage silos; miscellaneous screens, conveyors, hoppers and stockpiles; and, a portable 250 TPH RAP crusher unit that may or may not have a diesel engine and a diesel generator to power the crusher operations. The sulfur content of the fuel oil and on-specification used oil fired in the rotary drum-mix dryer shall not exceed 0.5 percent, by weight. To control particulate matter emissions from the drum-mix dryer, the permittee shall use a baghouse, and from other operations the permittee shall apply a dust suppressant, such as a water spray. The associated liquid asphalt heater is fired with a distillate fuel oil with a maximum sulfur content of 0.5 percent, by weight. Although the heater is deemed an insignificant source pursuant to Rule 62-4.040, F.A.C., fuel oil usage and fuel oil sulfur content is tracked as part of the facility in order to demonstrate compliance with Rules 62-210.300(3)(c)2.b. and 62-210.300(3)(c)2.c., F.A.C. The distillate fuel oil and on-specification used oil will be stored in separate tanks. The plant is designed to be dismantled, trucked to a new location, and reassembled. [Design and Application No. 7770073-010-AC]

PERFORMANCE RESTRICTIONS

3. Permitted Counties: The permittee may relocate this portable plant to any site within a previously permitted county or site as identified in Appendix PC. The conditions of this permit apply to the plant as a whole regardless of the sites at which it may operate during any year. [Rule 62-210.300(3)(c)2., F.A.C.]
4. Hours of Operation: The hours of operation of the asphalt plant are not limited (8760 hours per year). [Rule 62-210.200(Definitions-PTE), F.A.C., and Application No. 7770073-010-AC]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

5. **Permitted Capacity:** The maximum asphalt production rate is 200 tons per hour (daily average) and shall not exceed 500,000 tons in any consecutive 12-month period, which includes up to 50% recycled asphalt product (RAP). [Rules 62-210.200(Definitions-PTE) and 62-210.300(3)(c)2., F.A.C., and Application No. 7770073-010-AC]
6. **Fuel Limitations:** The asphalt cement heater is authorized to fire distillate oil. The drum-mix dryer is authorized to fire distillate or on-specification used oil as specified in Appendix OS of this permit. The sulfur content of any authorized fuel used at this plant shall not exceed 0.5%, by weight. The facility shall not fire more than 1,200,000 gallons of fuel oil (including on-specification used oil) during any consecutive 12-month period. [Rule 62-210.300(3)(c)2., F.A.C., and Application No. 7770073-010-AC]

EMISSIONS STANDARDS

7. **Particulate Matter:** Particulate matter emissions from the baghouse vent on the drum-mix dryer shall not exceed 0.04 grains per dscf as determined by EPA Method 5 or 5A based on a 3-run test average. [40 CFR 60.92(a)(1), and Rules 62-204.800 and 62-210.300(3)(c) 2., F.A.C.]
8. **Visible Emissions – Drum-Mix Dryer:** Visible emissions from the baghouse vent on the drum-mix dryer shall not be equal to or greater than 20% opacity as determined by EPA Method 9. [40 CFR 60.11, 40 CFR 60.92(a)(2) and Rule 62-210.300(3)(c)2., F.A.C.]
9. **Visible Emissions – Asphalt Cement Heater:** Visible emissions from the asphalt cement heater stack shall be less than 20% opacity as determined by EPA Method 9. *{Permitting Note: This standard is generally applicable to all activities at the plant and no periodic test is required.}* [Rule 62-296.320(4)(b)1., F.A.C.]
10. **Unconfined Emissions of Particulate Matter:** 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. Reasonable precautions shall include:
 - a. Fugitive dust generated by any crushing unit shall be controlled by installing and operating a water suppression system with spray bars located at appropriate points throughout the system.
 - b. All stockpiles and roadways shall be watered as necessary to control fugitive dust generated by vehicular traffic or prevailing winds; and, roadways may need to be paved and periodically swept.
 - c. Landscaping or planting of vegetation.
 - d. Use of enclosures and windbreaks, where practical.

[Rules 62-210.300(3)(c)2. and 62-296.320(4)(c), F.A.C., and Application No. 7770073-010-AC]

EMISSIONS PERFORMANCE TESTING

11. **Test Methods:** Any tests required shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
1 - 4	<i>Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content:</i> EPA Methods 1 - 4 shall be conducted as necessary to support the other stack test methods.
5 or 5A	<i>Determination of Particulate Matter Emissions from Stationary Sources:</i> The sampling time for each run shall be at least 60 minutes and the sample volume for each run shall be at least 31.8 dscf.
9	<i>Visual Determination of the Opacity of Emissions from Stationary Sources</i>

Tests shall also be conducted in accordance with the requirements specified in Appendix CC of this permit. The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

62-204.800, F.A.C. [Rules 62-204.800, 62-210.300(3)(c)2. and 62-297.100, F.A.C., and 40 CFR 60, Appendix A]

12. Relocation Compliance Tests: The baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards specified in this permit upon each relocation unless these tests have been conducted within the past year. These tests shall be conducted within 60 days after startup and achieving maximum production, but not later than 180 days after operation of the unit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-4.070(3) and 62-297.310(7)(a)1, F.A.C., and 40 CFR 60.11]
13. Annual Compliance Tests: During each federal fiscal year (October 1st to September 30th), the baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards of this permit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-210.300(3)(c)2. and 62-297.310(4) & (7)(a)3, F.A.C.]
14. Tests Prior to Renewal: Within the 12-month period prior to expiration of the operation permit, the baghouse exhaust from the drum-mix dryer shall be tested to demonstrate compliance with the particulate matter and visible emissions standards of this permit. Visible emissions observations shall be conducted for at least 30 minutes. [Rules 62-297.310(4) & (7)(a)3, F.A.C.]
15. Test Notification: At least 15 days prior to conducting any tests, the permittee shall notify the Compliance Authority for the current site in writing of the following information: 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., 40 CFR 60.8 and 40 CFR 60, Appendix A]

RECORDS AND REPORTS

16. Distillate Oil Records: For each delivery of distillate oil, the permittee shall obtain from the vendor a certification of the amount of oil delivered and the maximum fuel sulfur content. The vendor certification shall identify the basis of the certification (ASTM Methods D129-91, D2622-94 or D4294-90 or more recent versions). In accordance with Rule 62-297.310(7), F.A.C., the Compliance Authority may require fuel sampling and analysis. [40 CFR 60.17, and Rules 61-210.300(3)(c)2., 62-297.310(7) and 62-297.440(1), F.A.C.]
17. Daily Logs: Each day of operation, operators shall record the following information into a written log: the location of the plant; the daily production rates (tons of asphalt produced and tons of material processed through any crusher unit); hours of operation of any crusher unit; any maintenance and repair performed on the production or air pollution control equipment; and, any watering conducted to reduce fugitive dust. Daily logs shall be made available to any Compliance Authority upon request. [Rule 62-4.070(3), F.A.C.]
18. Monthly Records: Within 15 days following each calendar month, the permittee shall record the following information in a written log for the previous month of operation and the previous 12 months of operation for all sites: the tons of asphalt concrete produced, the tons of materials crushed in any crusher unit, the gallons of virgin distillate fuel oil fired, the gallons of on-specification used oil fired, and the total oil fired. Such records shall be retained for five years. [Rule 62-210.300(3)(c)2., F.A.C.]
19. O&M Plan: The permittee shall keep an operation and maintenance (O&M) plan for the baghouse control system. The O&M plan shall include: the bag specifications; the typical range of pressure drop across the baghouse; and the planned frequency for regular baghouse maintenance. [Rule 62-4.070(3), F.A.C.]

SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

A. Drum-Mix Asphalt Plant (EU-001) and RAP Crusher Unit (EU-005)

USED OIL PROVISIONS

20. On-Specification Used Oil Requirements: The permittee shall comply with the on-specification used oil requirements specified in Appendix OS of this permit regarding specifications, acceptance, storage, handling, and firing. [Rule 62-4.070(3), F.A.C., and applicable provisions of 40 CFR Parts 279 and 761]

NSPS GENERAL PROVISIONS

21. NSPS Provisions: The permittee is subject to all applicable provisions of NSPS Subpart A (General Provisions) and Subpart I (Hot Mix Asphalt Facilities) in 40 CFR 60. See Appendix NA and NI of this permit. [40 CFR 60, Subparts A and I]

RAP CRUSHER UNIT

22. RAP Crusher Unit: The permittee is authorized to relocate and operate a permitted portable crusher unit, subject to all applicable provisions of 40 CFR 60, Subparts A (General Provisions) and OOO (Nonmetallic Mineral Processing Plants), with a maximum capacity of 250 TPH, and limited to a through-put rate of and 125,000 tons per consecutive 12 months. The unit shall have its own air operation permit or Air General Permit. [Rules 62-4.070(3), 62-210.200(Definitions – Potential to Emit), and 62-210.310(5)(e), F.A.C.; and, 40 CFR 60, Subparts A and OOO]

SECTION 4. APPENDICES

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- Appendix A. Citation Formats
- Appendix CA. List of Compliance Authorities
- Appendix CC. Common Conditions
- Appendix GC. General Conditions
- Appendix NA. NSPS Subpart A - General Provisions
- Appendix NI. NSPS Subpart I – Asphalt Concrete Plants
- Appendix OS. On-Specification Used Oil Requirements
- Appendix PC. Permitted Counties

SECTION 4. APPENDIX A

CITATION FORMATS

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

REFERENCES TO PREVIOUS PERMITTING ACTIONS

Old Permit Numbers

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

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

New Permit Numbers

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

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

PSD Permit Numbers

Example: Permit No. PSD-FL-317

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

RULE CITATION FORMATS

Florida Administrative Code (F.A.C.)

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

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

Florida Statutes (F.S.)

Example: [Section 403.161, F.S.]

Means: Chapter 403, Section 161 of the Florida Statutes

Code of Federal Regulations (CFR)

Example: [40 CFR 60.7]

Means: Title 40, Part 60, Section 7

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – DISTRICT OFFICES

NORTHEAST DISTRICT

Air Resource Section

7825 Baymeadows Way, Suite 200 B
Jacksonville, FL 32256-7590
Phone: (904) 807-3300
Fax: (904) 448-4363

NORTHWEST DISTRICT

Air Resource Section

160 Governmental Center, Suite 308
Pensacola, FL 32502-5794
Phone: (850) 595-8300
Fax: (850) 595-8096

SOUTH DISTRICT

Air Resource Section

2295 Victoria Avenue, Suite 364
P.O. Box 2549
Fort Myers, FL 33902-2549
Phone: (239) 332-6975
Fax: (239) 479-6293

SOUTHEAST DISTRICT

Air Resource Section

400 North Congress Avenue, Suite 200
West Palm Beach, FL 33401
Phone: (561) 681-6600
Fax: (561) 681-6790

SOUTHWEST DISTRICT

Air Resource Section

13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926
Phone: (813) 632-7600
Fax: (813) 632-7668

CENTRAL DISTRICT

Air Resource Section

3319 Maguire Boulevard, Suite 232
Orlando, FL 32803-3767
Phone: (407) 894-7555
Fax: (407) 897-5963

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – DISTRICT BRANCH OFFICES

NORTHWEST DISTRICT

Northwest District Branch Office (NWDT)
2815 Remington Green Circle
Suite A
Tallahassee, Florida 32308-1513
Phone: (850)488-3704
Fax: (850)922-3620

Northwest District Branch Office (NWDP)
2353 Jenks Avenue
Panama City, Florida 32405
Phone: (850)872-4375
Fax: (850)872-7790

SOUTHEAST DISTRICT

Southeast District Branch Office
1801 SE Hilmor Drive
Suite C-204
Port St. Lucie, FL 34952
Phone: (772)398-2806

SOUTH DISTRICT

South District Branch Office (MS)
2796 Overseas Highway, Suite 221
Marathon, Florida 33050-4276
Phone: (305)289-2310
Fax: (305)289-2314

South District Satellite Office (PG)
204 E McKenzie Street
Punta Gorda, FL, 33950
Phone: (941)575-5810
Fax: (239)575-5811

SECTION 4. APPENDIX CA
LIST OF COMPLIANCE AUTHORITIES

APPROVED LOCAL AIR PROGRAMS

Eight approved local air programs conduct ambient air monitoring and take lead responsibility for air compliance and enforcement activities in their counties. Six of these programs are also delegated district level air permitting authority.

Broward County

Department of Planning and Environmental
Protections
Air Quality Division
115 S. Andrews Avenue, Suite A-240
Fort Lauderdale, Florida 33301-4800
Phone: (954) 519-1220
Fax: (954) 519-1495

Orange County

Environmental Protection Division
Air Section
800 Mercy Drive, Suite 4
Orlando Florida 32308-7896
Phone: (407) 836-1447
Fax: (407) 836-1499

Miami-Dade County

Air Quality Management Division
Department of Environmental Resources
Management
701 NW 1st Court, Suite 400
Miami, Florida 33136
Phone: (305) 372-6925
Fax: (305) 372-6954

Palm Beach County Health Department

Division of Environmental Science & Engineering
Air Pollution Control Section
901 Evernia Street
P.O. Box 29
West Palm Beach, Florida 33401-0029
Phone: (561) 840-4500
Fax: (561) 355-2442

Duval County

Regulatory and Environmental Services Department
Air and Water Quality Division
117 W. Duval Street, Suite 225
Jacksonville, Florida 32202-3700
Phone: (904) 30-4900
Fax: (904) 630-3638

Pinellas County

Department of Environmental Management
Air Quality Division
300 South Garden Avenue
Clearwater, Florida 33756-5424
Phone: (727) 464-4422
Fax: (727) 464-4420

Hillsborough County

Environmental Protection Commission
Air Management Division
3629 Queen Palm Drive
Tampa, Florida 33619
Phone: (813) 627-2600
Fax: (813) 272-5605

Sarasota County

Water Resources Department
Pollution Control Division
2817 Cattlemen Road
Sarasota, Florida 34232-6244
Phone: (941) 861-6209
Fax: (941) 378-6563

SECTION 4. APPENDIX CC
COMMON CONDITIONS

{Permitting Note: Unless otherwise specified in the permit, the following conditions apply to all emissions units and activities at the facility.}

EMISSIONS AND CONTROLS

1. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by fire, wind or other cause, the permittee shall notify each Compliance Authority as soon as possible, but at least within one working day, excluding weekends and holidays. The notification shall include: pertinent information as to the cause of the problem; steps being taken to correct the problem and prevent future recurrence; and, where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with the conditions of this permit or the regulations. [Rule 62-4.130, F.A.C.]
2. Circumvention: The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.]
3. Excess Emissions Allowed: Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(1), F.A.C.]
4. Excess Emissions Prohibited: Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(4), F.A.C.]
5. Excess Emissions - Notification: In case of excess emissions resulting from malfunctions, the permittee shall notify the Department or the appropriate Local Program (designee) in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department or its designee. This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60. [Rule 62-210.700(6), F.A.C.]
6. VOC or OS Emissions: No person shall store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department or its designee.

Such controls include the following:

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

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

7. Objectionable Odor Prohibited: No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rules 62-296.320(2) and 62-210.200(203), F.A.C.]
8. General Visible Emissions: No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20 percent opacity. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]
9. Unconfined Particulate Emissions: No person shall cause, let, permit, suffer or allow the emission of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration,

SECTION 4. APPENDIX CC
COMMON CONDITIONS

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

Reasonable precautions include the following:

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

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

TESTING REQUIREMENTS

10. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
11. Operating Rate During Testing: Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]
12. Calculation of Emission Rate: For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
13. Applicable Test Procedures: Tests shall be conducted in accordance with all applicable requirements of Chapter 62-297, F.A.C.
 - a. *Required Sampling Time*.
 - (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
 - (2) *Opacity Compliance Tests*. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate

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COMMON CONDITIONS

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. 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. *Minimum Sample Volume.* Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
- c. *Required Flow Rate Range.* For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride 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, F.A.C.
- 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.]

14. 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.]

15. Sampling Facilities: The permittee shall install permanent stack sampling ports and provide sampling facilities that meet the requirements of Rule 62-297.310(6), F.A.C.

16. Test Notification: The owner or operator shall notify the Department or its designee, 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.]

17. Special Compliance Tests: When the Department or its designee, 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 or its designee (whoever requested the test). [Rule 62-297.310(7)(b), F.A.C.]

Test Reports: [Rule 62-297.310(8), F.A.C.]

- a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department or its designee on the results of each such test.
- b. The required test report shall be filed with the Department or its designee as soon as practical but no later than 45 days after the last sampling run of each test is completed.
- c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department or its designee to determine if the test was properly conducted and the test results properly computed.

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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.

RECORDS AND REPORTS

18. Records Retention: All measurements, records, and other data required by this permit shall be documented in a permanent, legible format and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. Records shall be made available to the Department or its designee upon request. [Rule 62-210.300(3)(c)2.g., F.A.C.]
19. 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(3), F.A.C.]

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

1. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
 - a. Have access to and copy and records that must be kept under the conditions of the permit;
 - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - c. Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

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

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

The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the

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F.S. or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, 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 Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
 - a. Determination of Best Available Control Technology (Not Applicable);
 - b. Determination of Prevention of Significant Deterioration (Not Applicable); and,
 - c. Compliance with New Source Performance Standards (NSPS Subparts A, I and OOO).
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.

{Permitting note: The conditional exemption for asphalt concrete plants at Rule 62-210.300(3)(c)2.g., F.A.C., requires the retention of all records for five (5) years.}
 - c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The person responsible for performing the sampling or measurements;
 - (3) The dates analyses were performed;
 - (4) The person responsible for performing the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
15. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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Subpart A-General Provisions for 40 CFR 60

40 CFR 60.1 Applicability.

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

§ 60.5 Determination of construction or modification.

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

40 CFR 60.6 Review of plans.

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

40 CFR 60.7 Notification and recordkeeping.

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

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subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

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

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

Company: _____

Address: _____

Process Unit(s) Description: _____

Emission Limitation: _____

Pollutant (Circle One): SO₂ NO_x TRS H₂S CO Opacity

Reporting Period Dates: From _____ to _____

Total source operating time in reporting period ¹: _____

Monitor Manufacturer: _____

Monitor Model No.: _____

Date of Latest CMS Certification or Audit: _____

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

¹ For opacity, record all times in minutes. For gases, record all times in hours.

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

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

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

Name: _____

Signature: _____

Title: _____

Date: _____

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

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

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

40 CFR 60.8 Performance tests.

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

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

40 CFR 60.9 Availability of information.

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

40 CFR 60.10 State authority.

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

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

40 CFR 60.11 Compliance with standards and maintenance requirements.

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

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

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

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

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

40 CFR 60.12 Circumvention.

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

40 CFR 60.13 Monitoring requirements.

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

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

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- (h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners or operators complying with the requirements in 40 CFR 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O₂ or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).
- (i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:
- (1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances in the effluent gases.
 - (2) Alternative monitoring requirements when the affected facility is infrequently operated.
 - (3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.
 - (4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.
 - (5) Alternative methods of converting pollutant concentration measurements to units of the standards.
 - (6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.
 - (7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.
 - (8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Administrator may require that such demonstration be performed for each affected facility.
 - (9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities is released to the atmosphere through more than one point.
- (j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:
- (1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in section 8.4 of Performance Specification 2 and substitute the procedures in section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency

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requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

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

40 CFR 60.14 Modification.

- (a) Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.
- (b) Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Administrator shall use the following to determine emission rate:
- (1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrates that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.
- (2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.
- (c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.
- (d) [Reserved]
- (e) The following shall not, by themselves, be considered modifications under this part:

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- (1) Maintenance, repair, and replacement which the Administrator determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.
- (2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.
- (3) An increase in the hours of operation.
- (4) Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.
- (5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Administrator determines to be less environmentally beneficial.
- (6) The relocation or change in ownership of an existing facility.
- (f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.
- (g) Within 180 days of the completion of any physical or operational change subject to the control measures specified in 40 CFR 60.14(a), compliance with all applicable standards must be achieved.
- (h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.
- (i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.
- (j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.
(2) This exemption shall not apply to any new unit that:
 - (i) Is designated as a replacement for an existing unit;
 - (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
 - (iii) Is located at a different site than the existing unit.
- (k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.
- (l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

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40 CFR 60.15 Reconstruction.

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

40 CFR 60.18 General control device requirements.

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

40 CFR 60.19 General notification and reporting requirements.

- (a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

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- (b) For the purposes of this part, if an explicit postmark deadline is not specified in an applicable requirement for the submittal of a notification, application, report, or other written communication to the Administrator, the owner or operator shall postmark the submittal on or before the number of days specified in the applicable requirement. For example, if a notification must be submitted 15 days before a particular event is scheduled to take place, the notification shall be post-marked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the post-mark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.
- (c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.
- (f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.
- (ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.
- (2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.
- (3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.
- (4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

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NSPS SUBPART I - STATIONARY

SUBPART I. STANDARDS OF PERFORMANCE FOR HOT MIX ASPHALT FACILITIES

40 CFR 60.90 Applicability and designation of affected facility.

- (a) The affected facility to which the provisions of this subpart apply is each hot mix asphalt facility. For the purpose of this subpart, a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after June 11, 1973, is subject to the requirements of this subpart.

40 CFR 60.91 Definitions.

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

- (a) *Hot mix asphalt facility* means any facility, as described in 40 CFR 60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

40 CFR 60.92 Standard for particulate matter.

- (a) On and after the date on which the performance test required to be conducted by 40 CFR 60.8 is completed, no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:
 - (1) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).
 - (2) Exhibit 20 percent opacity, or greater.

40 CFR 60.93 Test methods and procedures.

- (a) In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b).
- (b) The owner or operator shall determine compliance with the particulate matter standards in § 60.92 as follows:
 - (1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
 - (2) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

SECTION 4. APPENDIX OS
ON-SPECIFICATION USED OIL REQUIREMENTS

The permittee shall comply with the following requirements for on-specification used oil.

1. **Specifications for Used Oil:** Only “on-specification” used oil containing a PCB concentration of less than 50 ppm shall be fired at this facility.
 - a. “On-specification” used oil is defined as used oil that meets the specifications of 40 CFR 279 (Standards for the Management of Used Oil) as listed below.

Constituent/Property	Allowable Level
Arsenic	5 ppm, maximum
Cadmium	2 ppm, maximum
Chromium	10 ppm, maximum
Lead	100 ppm, maximum
Total Halogens	1000 ppm, maximum
Flash point	100° F, minimum

Used oil which fails to comply with any of these specification levels is considered “off-specification” used oil. The firing of off-specification used oil at this facility is prohibited.

- b. Used oil containing a PCB concentration of 50 or more ppm shall not be fired at this facility. Used oil shall not be blended to meet this requirement. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall be fired only at normal unit operating temperatures. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall not be fired during periods of startup or shutdown.

[40 CFR 279.61]

2. **Used Oil Certifications.** For each delivery of used oil, the owner or operator shall receive from the marketer a certification that the used oil meets the specifications for “on-specification” used oil and that it contains a PCB concentration of less than 50 ppm. This certification shall also describe the basis for the certification, such as analytical results. Used oil to be fired for energy recovery is presumed to contain quantifiable levels (2 ppm) of PCB unless the marketer obtains analyses (testing) or other information that the used oil fuel does not contain quantifiable levels of PCBs. Note that a claim that used oil does not contain quantifiable levels of PCBs (<2 ppm) must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the used oil contains no detectable PCBs. [40 CFR 761.20]
3. **Notification to Marketers:** Before accepting from each marketer the first shipment of on-specification used oil with a PCB concentration of 2 to less than 50 ppm, the owner or operator shall provide each marketer with a one-time written and signed notice certifying that the owner or operator will fire the used oil in a qualified combustion device and must identify the class of combustion device. The notice must state that EPA or a RCRA-delegated state agency has been given a description of the used oil management activities at the facility and that an industrial boiler or furnace will be used to fire the used oil with a PCB concentration of 2 to 49 ppm. The description of the used oil management activities may be submitted to the Administrator, Hazardous Waste Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. [40 CFR 761.20(e)]
4. **Sampling and Analysis:**
 - a. If the owner or operator does not receive certification from the marketer as described above, the owner or operator shall sample and analyze each batch of used oil to be fired for the following parameters: arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs, and percent sulfur content by weight, ash, and BTU value (BTU per gallon).
 - b. If the owner or operator receives the required certification from the marketer, the owner or operator shall sample at least one delivery of used oil received each calendar quarter and analyze the sample for arsenic, cadmium,

SECTION 4. APPENDIX OS
ON-SPECIFICATION USED OIL REQUIREMENTS

chromium, lead, total halogens, flash point, PCBs, and percent sulfur content by weight, ash, and BTU value (BTU per gallon).

- c. Sampling and analysis shall be performed using approved methods specified in latest edition of EPA Publication SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.
- d. If the analytical results show that the used oil does not meet the specifications for on-specification used oil, or that it contains a PCB concentration of 50 ppm or greater, the owner or operator shall immediately cease firing the used oil. The owner or operator shall also immediately notify the appropriate Compliance Authority of the analytical results and indicate the proposed means of disposal of the used oil.

[Rule 62-4.070(3), F.A.C.; and, 40 CFR Parts 279 and 761]

5. Used Oil Recordkeeping Required. The owner or operator shall obtain, make, and keep the following records related to the use of used oil in a form suitable for inspection at the facility by the Compliance Authority:
 - a. Within 15 days following each calendar month, record the gallons of on-specification used oil received and fired during the previous calendar month and the previous 12 calendar months.
 - b. The name and address of all marketers delivering used oil to the facility.
 - c. Copies of the marketer certifications and any supporting information.
 - d. If claimed, documentation that the used oil contains less than 2 ppm of PCBs, including the name and address of the person making the claim.
 - e. Results of any sampling/analyses conducted.
 - f. A copy of the notice to EPA and a copy of the one-time written notice provided to each marketer.

[Rule 62-4.070(3), F.A.C.; 40 CFR 279.61; and, 40 CFR 761.20(e)]

6. Used Oil Reporting Required. Within 5 days of a request from the Compliance Authority, the owner or operator shall submit the analytical results and the total amount of on-specification used oil received and fired previously.

[Rule 62-4.070(3), F.A.C.; and, 40 CFR Parts 279 and 761]

**SECTION 4. APPENDIX PC
PERMITTED COUNTIES**

The permittee has provided proof of publication of the Department's Intent to Issue Air Permit in a newspaper of general circulation for the counties identified in the following table. The permittee is authorized to operate at any site within a permitted county by submitting a Facility Relocation Notification Form No. 62-210.900(6), F.A.C. at least 5 days prior to relocating. This air permit does not relieve the owner from complying with other local provisions such as zoning requirements. If a county lists a specific site (*), authorization is only for that specific site.

Permitted Counties	Publication Date	Permitted Counties	Publication Date	Permitted Counties	Publication Date
Alachua		Hamilton		Okeechobee *	07/02/2002
Baker		Hardee		Orange	
Bay		Hendry		Osceola	
Bradford		Hernando		Palm Beach	
Brevard *	03/12/1996 12/24/1997	Highlands		Pasco *	None
Broward		Hillsborough		Pinellas *	Draft
Calhoun		Holmes		Polk *	01/07/1997
Charlotte		Indian River		Putnam	
Citrus		Jackson		St. Johns	
Clay		Jefferson		St. Lucie	
Collier		Lafayette		Santa Rosa	
Columbia		Lake		Sarasota	
Dade		Lee		Seminole	
DeSoto		Leon		Sumter	
Dixie		Levy		Suwannee	
Duval		Liberty		Taylor	
Escambia		Madison		Union	
Flagler		Manatee *	11/24/1992	Volusia	
Franklin		Marion		Wakulla	
Gadsden		Martin		Walton	
Gilchrist		Monroe		Washington	
Glades		Nassau			
Gulf		Okaloosa			

- * Brevard County: 0.25 mile West of I-95 on Highway 5A (6294 Jabez Road in Mims).
- Manatee County: Southside of State Road 64, 4.5 miles East of I-75.
- Okeechobee County: Okeechobee Industrial Park; and, 1491 24th Drive Northwest in Okeechobee.
- Pasco County: State Road 52, 3.8 miles West of I-75.
- Pinellas County: 12955 40th Street North in Clearwater.
- Polk County: 2 miles East of U.S. Highway 27 and 2.5 miles North of U.S. Highway 98 in Frostproof.

Adams, Patty

From: Harvey, Mary
Sent: Tuesday, May 08, 2007 3:32 PM
To: 'Mr. John H. Skidmore, APAC-Southeast, Inc. – Central Florida Division'; 'Mr. Luther Ellis, APAC-Southeast, Inc. – Central Florida Division'; 'Mr. Roger T. Caldwell, Bottorf Associates, Inc.'; 'Mr. Douglas W. Bauman, Bottorf Associates, Inc.'; 'Mr. Gary Robbins, Pinellas County'
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:
Attachments: 7770073.010.AC.D_pdf.zip

Dear Sir/Madam:

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

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

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

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

Thank you,

DEP, Bureau of Air Regulation

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, May 09, 2007 9:01 AM
To: Adams, Patty
Subject: FW: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

From: Idellis@apac.com [mailto:Idellis@apac.com]
Sent: Tuesday, May 08, 2007 4:57 PM
To: Harvey, Mary
Subject: Re: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

SAFETY FIRST ALWAYS

Luther D. Ellis
V.P. / Production Manager
APAC Southeast Inc.
Central Florida Division
Office 813-973-2888
Fax 813-973-2994
Cell 813-299-3127
Nextel 158*57453*200

This electronic mail may contain information that is privileged, proprietary and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information contained in this transmission by anyone other than the intended recipient is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication.

5/31/2007

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, May 09, 2007 9:02 AM
To: Adams, Patty
Subject: FW: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

-----Original Message-----

From: ldellis@apac.com [mailto:ldellis@apac.com]
Sent: Tuesday, May 08, 2007 4:56 PM
To: Harvey, Mary
Subject: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

Return Receipt

Your APAC - Southeast Inc. Facility ID #7770073-010-AC -
document: DRAFTDear Sir/Madam:

was Luther D Ellis/Central FL/APAC/Ashland
received
by:

at: 05/08/2007 04:55:52 PM

This electronic mail may contain information that is privileged, proprietary and confidential and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information contained in this transmission by anyone other than the intended recipient is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication.

Adams, Patty

From: Harvey, Mary
Sent: Wednesday, May 09, 2007 9:26 AM
To: Adams, Patty
Subject: FW: Read: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

Attachments: ATT117912.txt



ATT117912.txt
(337 B)

-----Original Message-----

From: Doug Bauman [mailto:doug4ucf@earthlink.net]
Sent: Wednesday, May 09, 2007 7:20 AM
To: Harvey, Mary
Subject: Read: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:

Your message

To: Mr. John H. Skidmore, APAC-Southeast, Inc. - Central Florida Division; Mr. Luther Ellis, APAC-Southeast, Inc. - Central Flor...
Cc: Mitchell, Bruce; Adams, Patty; Gibson, Victoria
Subject: APAC - Southeast Inc. Facility ID #7770073-010-AC - DRAFTDear Sir/Madam:
Sent: 5/8/2007 3:31 PM

was read on 5/9/2007 7:12 AM.



RECEIVED

FEB 23 2007

BUREAU OF AIR REGULATION

APAC Southeast, Inc.

Central Florida Division
4636 Scarborough Drive, Lutz, FL 33559
Tel: 813 973-2888, Main Fax: 813 973-2994
Estimating: 813 973-3547, Operations: 813 973-3402
Area Manager: 813 973-3893
Accounting Fax: 813 991-5510
Safety H.R. Division President Fax: 813 907-0578
www.apac.com

CERTIFIED MAIL 7006 0810 0002 1935 9052

LETTER OF TRANSMITTAL

To: Department of Environmental Protection
Division of Air Resources Management, MS5500
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Date: 2/19/07

Attn: Mr. Bruce Mitchell, Air Permitting Engineer
Division of Air Resources Management

Re: Facility Relocation Notice

We are sending Under separate cover Attached We are sending

Copies	Description
4	FACILITY RELOCATION NOTICE
1	\$250.00 Check

Signed

Safety First *Always*



Department of Environmental Protection

RECEIVED

Division of Air Resource Management

FEB 23 2007

FACILITY RELOCATION NOTIFICATION

BUREAU OF AIR REGULATION

Submit to DEP district office or local air program office that has permitting authority for the area in which the facility is to be relocated.

(DEP/Local Note: Update existing facility location data in ARMS. Do not create new facility record.)

Current Facility Information

1. Facility ID: 7770073	2. Permit /Project Number: 7770073-007-AC 7770073-008-AO
3. Facility Owner or Operator: APAC-SOUTHEAST, INC., CENTRAL FLORIDA DIVISION	
4. Facility Name: CLEARWATER FACILITY	
5. Current or Most Recent Facility Street Address or Location Description: 1491 24TH DRIVE NW	
6. City: OKEECHOBEE	7. County: OKEECHOBEE
8. Shutdown Date at This Location: MAY 2005	

Proposed New Facility Location

1. Facility Street Address or Location Description (do not enter a post office box number): 12955 40th STREET NORTH	
2. City: CLEARWATER	3. County: PINELLAS
4. List other air permitted operations at this location (if any):	
Facility ID <u>1030004</u>	Permit/Project Number <u>1030004-011-AF</u>
_____	_____
_____	_____
5. Startup Date at New Location: JULY 1, 2007	
6. Facility Comment:	

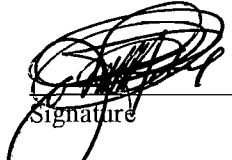
Owner/Authorized Representative or Responsible Official

Name and Title of Owner/Authorized Representative or Responsible Official: JOHN H. SKIDMORE, DIVISION PRESIDENT		
Organization/Firm: APAC-SOUTHEAST, INC., CENTRAL FLORIDA DIVISION		
Street Address or P. O. Box: 4636 SCARBOROUGH DRIVE		
City: TAMPA	State: FLORIDA	Zip: 33559
Telephone: (813) 973-2888	Fax: (813) 973-2994	

Facility Contact

Name and Title of Facility Contact: LUTHER ELLIS, VICE PRESIDENT OF ASPHALT PRODUCTION		
Organization/Firm: APAC-SOUTHEAST, INC., CENTRAL FLORIDA DIVISION		
Street Address or P. O. Box: 6701 E. HANNA AVE.		
City: TAMPA	State: FLORIDA	Zip: 33610
Telephone: (813) 623-3622	Fax: (813) 620-1918	

Certification

Statement by Owner/Authorized Representative or Responsible Official:	
<i>I hereby certify that the information given in this report is correct to the best of my knowledge.</i>	
 Signature	<i>02-14-2007</i> Date

Supplemental Requirements

1. Provide a scale map (e.g., the relevant portion of a USGS topographic map) showing the proposed new location of the facility and points of air pollutant emissions in relation to roads and other features of the surrounding area.
2. If relocating to a different DEP district or local air permitting office area of jurisdiction, provide a copy of the most recent compliance test report.

Purpose of Application

Air Operation Permit Application

This Application for Air Permit is submitted to obtain: (Check one)

- Initial non-Title V air operation permit for one or more existing, but previously unpermitted, emissions units.
- Initial non-Title V air operation permit for one or more newly constructed or modified emissions units.

Current construction permit number: _____

- Non-Title V air operation permit revision to address one or more newly constructed or modified emissions units.

Current construction permit number: 7770073-007-AC

Operation permit number to be revised: 7770073-008-AO

- Initial non-Title V air operation permit under Rule 62-210.300(2)(b), F.A.C., for an existing facility seeking classification as a synthetic non-Title V source.

Current operation/construction permit number(s):

- Non-Title V air operation permit revision for a synthetic non-Title V source. Give reason for revision; e.g., to address one or more newly constructed or modified emissions units.

Operation permit number to be revised: _____

Reason for revision: _____

Air Construction Permit Application

This Application for Air Permit is submitted to obtain: (Check one)

- Air construction permit to construct or modify one or more emissions units.
- Air construction permit to make federally enforceable an assumed restriction on the potential emissions of one or more existing, permitted emissions units.
- Air construction permit for one or more existing, but unpermitted, emissions units.

Owner/Authorized Representative

1. Name and Title of Owner/Authorized Representative: JOHN H. SKIDMORE DIVISION PRESIDENT
2. Owner/Authorized Representative Mailing Address: Organization/Firm: APAC-SOUTHEAST, INC., CENTRAL FLORIDA DIVISION Street Address: 4636 SCARBOROUGH DRIVE City: LUTZ State: FL. Zip Code: 33559
3. Owner/Authorized Representative Telephone Numbers: Telephone: (813) 973-2888 Fax: (813)973-2994
4. Owner/Authorized Representative Statement: <i>I, the undersigned, am the owner or authorized representative* of the facility addressed in this application. I hereby certify, based on information and belief formed after reasonable inquiry, that the statements made in this application are true, accurate and complete and that, to the best of my knowledge, any estimates of emissions reported in this application are based upon reasonable techniques for calculating emissions. The air pollutant emissions units and air pollution control equipment described in this application will be operated and maintained so as to comply with all applicable standards for control of air pollutant emissions found in the statutes of the State of Florida and rules of the Department of Environmental Protection and revisions thereof. I understand that a permit, if granted by the Department, cannot be transferred without authorization from the Department, and I will promptly notify the Department upon sale or legal transfer of any permitted emissions unit.</i> _____ Signature Date

* Attach letter of authorization if not currently on file.

Professional Engineer Certification

1. Professional Engineer Name: DOUGLAS W. BAUMAN, P.E. Registration Number: 50807
2. Professional Engineer Mailing Address: Organization/Firm: BOTTORF ASSOCIATES, INC. Street Address: 6729 EDGEWATER COMMERCE PKWY. City: ORLANDO State: FL. Zip Code: 32810-4278
3. Professional Engineer Telephone Numbers: Telephone: (407)298-0846 Fax: (407)299-7053

4. Professional Engineer Statement:

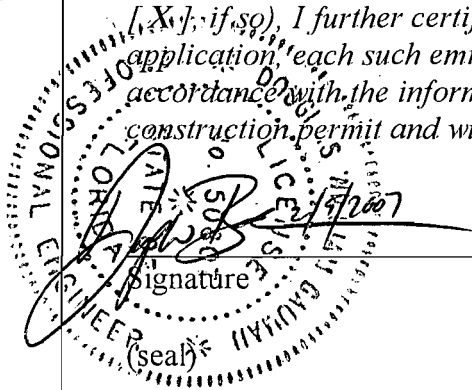
I, the undersigned, hereby certify, except as particularly noted herein, that:*

(1) To the best of my knowledge, there is reasonable assurance that the air pollutant emissions unit(s) and the air pollution control equipment described in this Application for Air Permit, when properly operated and maintained, will comply with all applicable standards for control of air pollutant emissions found in the Florida Statutes and rules of the Department of Environmental Protection; and

(2) To the best of my knowledge, any emission estimates reported or relied on in this application are true, accurate, and complete and are either based upon reasonable techniques available for calculating emissions or, for emission estimates of hazardous air pollutants not regulated for an emissions unit addressed in this application, based solely upon the materials, information and calculations submitted with this application.

If the purpose of this application is to obtain an air construction permit for one or more proposed new or modified emissions units (check here [X], if so), I further certify that the engineering features of each such emissions unit described in this application have been designed or examined by me or individuals under my direct supervision and found to be in conformity with sound engineering principles applicable to the control of emissions of the air pollutants characterized in this application.

If the purpose of this application is to obtain an initial air operation permit or operation permit revision for one or more newly constructed or modified emissions units (check here [X], if so), I further certify that, with the exception of any changes detailed as part of this application, each such emissions unit has been constructed or modified in substantial accordance with the information given in the corresponding application for air construction permit and with all provisions contained in such permit.



February 9, 2007
Date

* Attach any exception to certification statement.

APAC-SOUTHEAST, INC., CENTRAL FL. DIV., CLEARWATER, FL., FEB 2007

Construction/Modification Information

Description of Proposed Project or Alterations: **THIS PROJECT IS FOR A CONSTRUCTION / OPERATION PERMIT MODIFICATION FOR A 300 TON/HOUR PORTABLE DRUM MIX ASPHALT PLANT.**

THE APPLICANT INTENDS ON MOVING THE EXISTING PORTABLE ASPHALT PLANT FROM OKEECHOBEE TO 12955 40TH STREET NORTH, CLEARWATER, PINELLAS COUNTY, FLORIDA 33762

THE EXISTING DRUM MIX ASPHALT PLANT (PERMIT 1030004-011-AF) LOCATED AT 12955 40TH STREET NORTH, CLEARWATER, PINELLAS COUNTY, FLORIDA 33762 WILL BE DISMANTLED AND MOVED OFF-SITE.

THE THREE (3) 200 TON CAPACITY HOT MIX STORAGE SILO'S AND THE DRAG CONVEYOR USED WITH THE PERMIT 1030004-011-AF ASPHALT PLANT WILL BE USED WITH THE PORTABLE PLANT (PERMIT 7770073-008-AO)

2. Projected or Actual Date of Commencement of Construction: **MAY 2007**

3. Projected Date of Completion of Construction: **N/A**

Application Comment

WE REQUEST THAT PERMIT 1030004-011-AF THAT ALSO ALLOWS FOR A THIRD PARTY RAP CRUSHER TO OPERATE AT THIS SITE, REMAIN IN AFFECT FOR THE RAP CRUSHER OPERATION.

WE REQUEST THAT CONDITION 4.5 ON PAGE 9 OF 10 OF PERMIT 7770073-008-AO BE AMENDED TO NOT REQUIRE THE OWNER OR OPERATOR TO TAKE AND HAVE ANALYZED QUARTERLY FUEL OIL SAMPLES.

FUEL OIL ANALYSIS PROVIDED BY THE FUEL OIL VENDER SHOULD BE ADEQUATE TO DEMONSTRATE COMPLIANCE WITH THE ON-SPEC USED OIL SPECIFICATIONS.

Facility Regulatory Classifications

Check all that apply:

1. <input type="checkbox"/> Small Business Stationary Source?	<input type="checkbox"/> Unknown
2. <input checked="" type="checkbox"/> Synthetic Non-Title V Source?	
3. <input checked="" type="checkbox"/> Synthetic Minor Source of Pollutants Other than HAPs?	
4. <input type="checkbox"/> Synthetic Minor Source of HAPs?	
5. <input checked="" type="checkbox"/> One or More Emissions Units Subject to NSPS?	
6. <input type="checkbox"/> One or More Emission Units Subject to NESHAP Recordkeeping or Reporting?	
7. Facility Regulatory Classifications Comment (limit to 200 characters):	

Rule Applicability Analysis

<p>FEDERAL ASPHALT PLANT IS SUBJECT 40 CFR 60, SUBPART I THIRD PARTY RAP CRUSHER IS SUBJECT 40 CFR 60, SUBPART OOO</p> <p>STATE</p> <p>62-4 FAC 62-210 FAC 62-296 FAC 62-297 FAC</p>
--

B. FACILITY POLLUTANTS

List of Pollutants Emitted

1. Pollutant Emitted	2. Pollutant Classif.	3. Requested Emissions Cap		4. Basis for Emissions Cap	5. Pollutant Comment
		lb/hour	tons/year		
PM	SM				
PM10	SM				
SO2	SM				
NOX	SM				
CO	SM				
VOC	SM				

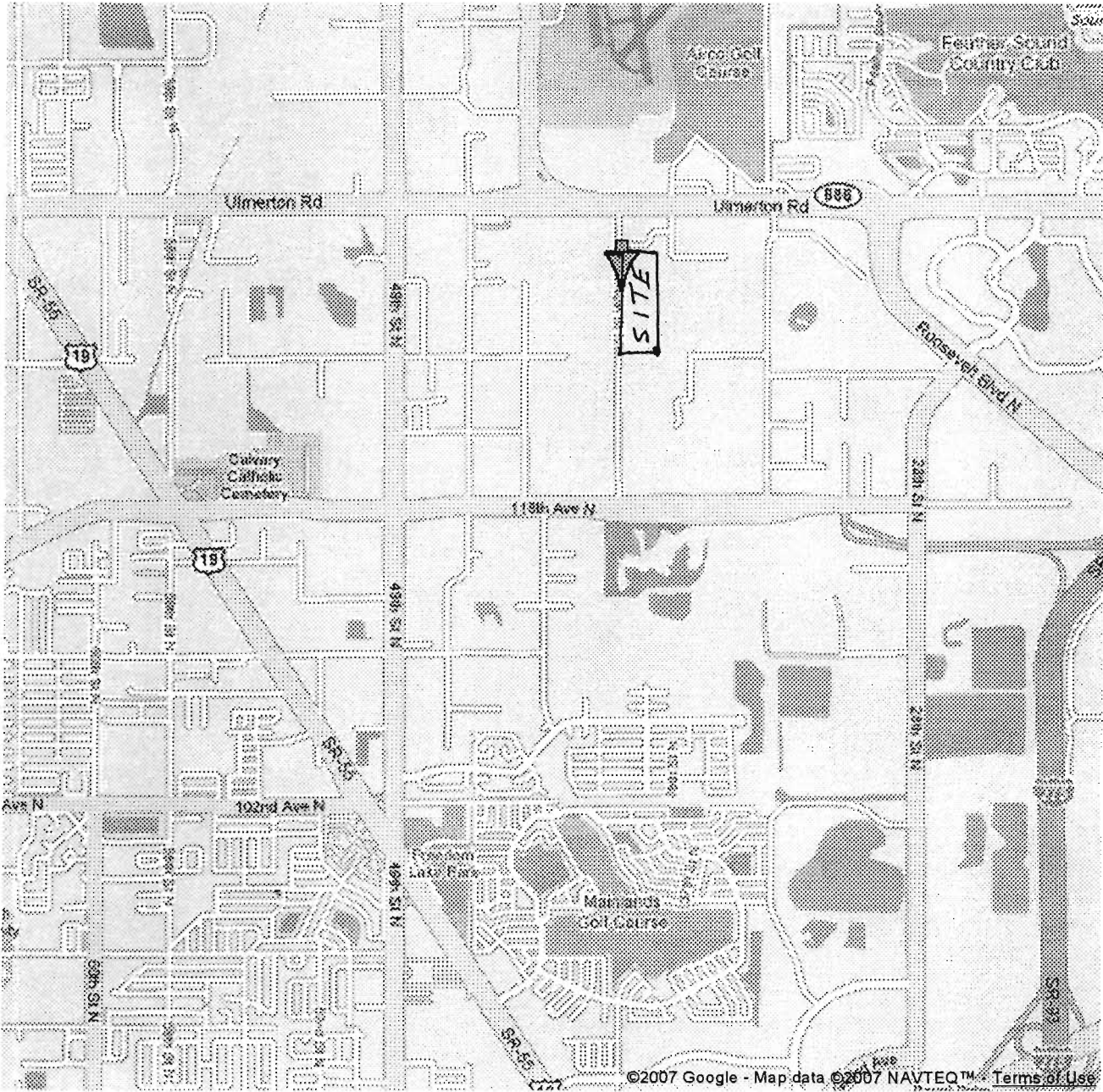
Precautions to Prevent Emissions of Unconfined Emissions

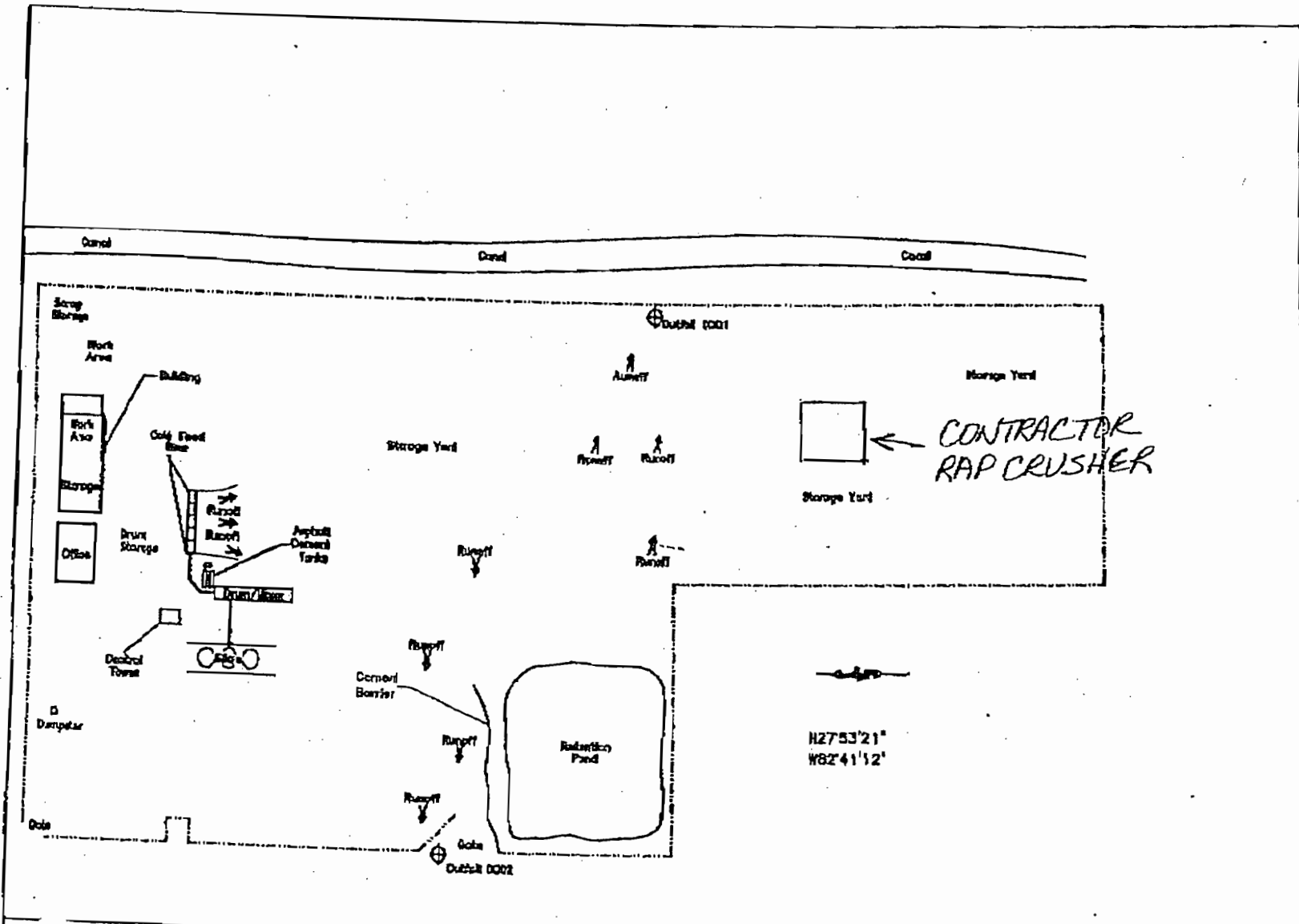
1. Paving and maintenance of roads, parking area, and yards or the application of water to unpaved roads, parking areas, and yards to control emissions.
2. The use of sprinklers on stock piles if necessary.
3. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent the reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
4. Landscaping or planting of vegetation.



Address **12955 40th St N**
Clearwater, FL 33762

Notes APAC-SOUTHEAST, INC., CENTRAL
FLORIDA DIVISION
LOCATION MAP





APAC SOUTHEAST INC. Plant 450
 12955 40th Street North
 Clearwater, FL 33762

Accurate as of: November 23, 1998
 Prepared by
 CBS Environmental, Inc.

Received 07-01-2004 08:22PM From-7275726898
 +8136201918 P. 003/003 F-512 29-1

To-TAMPA BRANCH Page 001

07-02-2004 07:58am From-TAMPA BRANCH

**Air Compliance Test Report
for
Particulate and Visible Emissions
APAC-Southeast, Inc., Central Florida Division
Okeechobee, Florida
Portable Drum Mix Asphalt Plant
FDEP Permit No. 7770073-008-AO
Tested: July 28, 2004**

**Prepared For:
APAC - Southeast, Inc.
Central Florida Division
4636 Scarborough Drive
Lutz, Florida 33559**

**Prepared By:
Bottorf & Associates, Inc.
6729 Edgewater Commerce Parkway
Orlando, Florida 32810-4278
Phone: (407) 298-0846**

Introduction

On July 28th, 2004, Particulate and Visible Emission Tests were conducted on the Baghouse Outlet of the Portable Drum Mix Asphalt Plant which is operated by APAC - Southeast, Inc., Central Florida Division. The test was performed using EPA Test Method No. 1, 2, 3, 4, 5, and 9. The Allowable Particulate and Visible emissions were determined by the New Source Performance Standard for Hot Mix Asphalt Facilities contained in 40 CFR 60.92 (Subpart I). Plant operational data was recorded and certified by the plant operator.

The test results show that this source is in compliance for Particulate and Visible Emissions. A summary of the results are as follows:

	<u>Run No. 1</u>	<u>Run No. 2</u>	<u>Run No. 3</u>	<u>Average</u>
Output Process Rate (tons/hour)	$O_1 = 275$	$O_2 = 270$	$O_3 = 270$	$O_{avg} = 271.7$
Percent Recycle in Mix (%)	$R_{r1} = 28$	$R_{r2} = 28$	$R_{r3} = 28$	$Rr_{avg} = 28$
Used Fuel Oil Consumption (gallons/hour)	$F_{r1} = 665.5$	$F_{r2} = 542.7$	$F_{r3} = 575.1$	$Fr_{avg} = 594.4$
Baghouse Pressure Drop (inches water)	$P_{d1} = 4$	$P_{d2} = 4$	$P_{d3} = 3$	$Pd_{avg} = 3.67$
Particulate Emissions Concentration (gr/dscf)	$c_{g1} = 0.0056$	$c_{g2} = 0.0048$	$c_{g3} = 0.0054$	$cs_{avg} = 0.0053$
Allowable Emission Concentration (gr/dscf)	$c_{r1} = 0.04$	$c_{r2} = 0.04$	$c_{r3} = 0.04$	$A_{avg} = 0.04$
Particulate Emission Rate (pounds/hour)	$P_{mr1} = 0.91$	$P_{mr2} = 0.78$	$P_{mr3} = 0.85$	$Pmr_{avg} = 0.84$
Isokinetic Sampling Rate (%)	$I_1 = 96.27$	$I_2 = 99.76$	$I_3 = 102.7$	$I_{avg} = 99.58$
Average Visible Emissions (% opacity)			$VE_3 = 0$	$VE_{avg} = 0$
Average Allowable Visible Emissions (% opacity)			$VA_3 = 20$	$VA_3 = 20$

The test, analysis of samples, and all other procedures were performed in a professional manner and, are in accordance with the official procedures outlined in 40 C.F.R. Chapter I, Part 60, Appendix A and Chapter 62-297, F.A.C., of the State of Florida Department of Environmental Protection Rules.

General Information

Facility Name: APAC - Southeast, Inc., Central Florida Division

Facility Location: 1491 24th Drive, Okeechobee, Florida 34972

Type of Facility: Portable Oil Fired Drum Mix Asphalt Plant

Type of Pollution Control Device: Baghouse

Permit Number: 7770073-008-AO

Date of Test: July 28th, 2004

Persons Conducting Test: Roger T. Caldwell, Test Equipment Operator
Paul C. Lippert, Sampling Tech. Runs 1 & 2
Robert Grubbs, Sampling Tech. Run 3
Kent D. Bottorf, Sample Analysis
Paul C. Lippert, Visible Emissions Observer
Roger T. Caldwell, Report Preparation

Plant Personnel Involved: Robert Grubbs, Plant Operational Data

Agency Observer Involved: Stan Ganthier, FDEP, W.P.B. Office

Test Methods Used: EPA Method No. 1, 2, 3, 4, 5, and 9

Test Modifications: Flexible sample line between filter and first impinger.

		EXP+		Pieces: 1/1
FM: DEP AIR RESOURCE MGMT P. Adams DIRECTOR OFFICE STE 23 111 SMAGNOLIADR TALLAHASSEE, FL 32301 UNITED STATES Phone: 850-921-9505		ORIGIN: TLH Sender's ref: 31550201000 A7 AP255 POSTCODE: 33756		To: PINELLAS CO. DEPT. OF ENV. MGMT. MR. GARY ROBBINS 300 S. GARDEN AVENUE AIR QUALITY DIVISION CLEARWATER, FL 33756 UNITED STATES
Description: APAC relocation notice		Weight: Letter Date: 2007-03-16		Time: 10:30
DHL standard terms and conditions apply.		(2L)US33756		PIEZ 7C FSC
MAYBILL: 20627158355 (Non-Negotiable)				



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SENDER'S RECEIPT

Waybill #: 20627158355

To(Company):
 Pinellas Co. Dept. of Env. Mgmt.
 Air Quality Division
 300 S. Garden Avenue

Clearwater, FL 33756
 UNITED STATES

Attention To: Mr. Gary Robbins
 Phone#: 727/464-4422

Sent By: P. Adams
 Phone#: 850-921-9505

Rate Estimate: 6.44
 Protection: Not Required
 Description: APAC relocation notice

Weight (lbs.): Letter
 Dimensions: 0 x 0 x 0

Ship Ref: 37550201000 A7 AP255
 Service Level: Next Day 10:30 (Next business day by 10:30 A.M.)


Special Svc:

Date Printed: 3/16/2007
 Bill Shipment To: Sender
 Bill To Acct: 778941286

DHL Signature (optional) _____ Route _____ Date _____ Time _____

For Tracking, please go to www.dhl-usa.com or call 1-800-225-5345

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