

Florida Department of
Environmental Protection

Memorandum

TO: Howard L. Rhodes

THRU: Clair Fancy
Jonathan Holtom *J.H.*

FROM: Ross Pollock *R.P.* *I signed*

DATE: March 17, 1999

SUBJECT: John Carlo, Inc.
Construction Permit for a Relocatable Concrete Batch Plant
Final Permit No. 7770210-001-AC

Attached is the Final air construction permit for a relocatable concrete batch plant to be used at sites throughout Florida.

The application for this minor source is being processed by BAR because it is a relocatable unit that operates in different Districts. This facility was previously permitted as a stationary facility in Orange County. The facility was then moved out of the state by John Carlo, Inc. The permittee now wants to operate the facility in the state as a relocatable facility. The concrete batch plant uses a baghouse system to control particulate matter emissions.

I recommend your approval and signature of the Final Permit.

Enclosures

/RJP

FINAL DETERMINATION

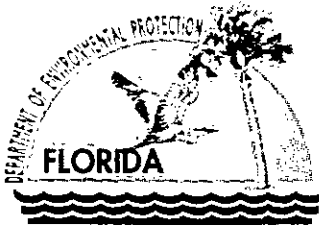
John Carlo, Inc.
Relocatable Concrete Batch Plant

Permit No. 7770210-001-AC

An Intent to Issue an air construction permit for a relocatable concrete batch plant belonging to John Carlo, Inc. was distributed on January 28, 1999. The Public Notice of Intent to Issue Air Construction Permit was published in the Tampa Tribune on February 8, 1999, and the Florida Times-Union on February 6, 1999. These newspapers have circulation in the following counties: Baker, Bradford, Citrus, Clay, Columbia, Desoto, Duval, Hardee, Hernando, Highlands, Hillsborough, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Sumter, Union. The facility will not be authorized to operate in other counties until the public notice requirements are met in the other counties and the permit is amended to authorize operation in the counties.

No comments were submitted by the general public in response to the public notice for this facility. However, comments were submitted by Gary Robbins of the Pinellas County Department of Environmental Management in response to notification of the draft permit for this relocatable concrete batch plant. The County requested that the Department clarify the description of the facility, and modify certain specific conditions to clarify which regulating agency the facility is required to report to. In response, the Department has made the requested clarifications. Pinellas County also requested that an operation and maintenance plan requirement from the Pinellas County Code be added to the permit. The Department added the condition to the code as a requirement for operation of the facility in Pinellas County. These recommendations have been incorporated into the Final Permit for John Carlo, Inc.

The final action of the Department will be to issue the permit for the counties covered by the public notices as proposed except for the changes noted above.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

In the Matter of an
Application for Permit

Mr. David Ammon, Project Manager
John Carlo, Inc.
Post Office Box 1297
East Yulee, Florida 32041-1297

DEP File No. 7770210-001-AC

NOTICE OF FINAL PERMIT

Enclosed is the Final Permit Number 7770210-001-AC for a relocatable concrete batch plant that will be operated at sites throughout Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

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

Executed in Tallahassee, Florida.

C.H. Fancy, P.E., Chief
Bureau of Air Regulation

JOHN CARLO, INC.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMITS (including the FINAL permits) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3/19/99 to the person(s) listed:

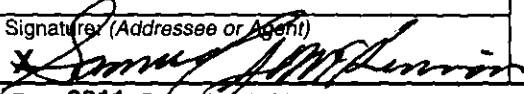
- Mr. David Ammon, Project Manager, John Carlo, Inc.*
- Mr. Russell B. Keith, E.I., Environmental Engineer, Central Florida Testing Laboratories, Inc.
- Jerry Campbell, Hillsborough County Environmental Protection Commission
- Peter Hessling, Pinellas County Department of Environmental Management
- Kent Kimes, Sarasota County Natural Resources Department
- Gerald Kissell, DEP, Southwest District
- Chris Kirts, DEP, Northeast District
- James Manning, Regulatory and Environmental Services Department
- Phil Barbaccia, DEP, South District

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.

Barbara J. Pentwell 3/19/99
(Clerk) (Date)

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Mr. David Ammon Project Manager John Carlo, Inc. Post Office Box 1297 East Yulee, FL 32041-1297		4a. Article Number P 174 053 151	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 3/24/99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) 			
PS Form 3811, December 1994		Domestic Return Receipt	

Thank you for using Return Receipt Service.

P 174 053 151

US Postal Service
Receipt for Certified Mail
 No Insurance Coverage Provided.
 Do not use for International Mail (See reverse)

**Mr. David Ammon
 Project Manager
 John Carlo, Inc.
 Post Office Box 1297
 East Yulee, FL 32041-1297**

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	03-19-99 <i>59k</i>

PS Form 3807, April 1995



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

PERMITTEE:

John Carlo, Inc.
Relocatable Concrete Batching Plant
P.O. Box 1297
Yulee, Florida 32041-1297

Facility ID No.: 7770210 Permit No.: 7770210-001-AC SIC No.: 3273 Expiration Date: September 30, 1999

AUTHORIZED REPRESENTATIVE:

Mr. David Ammon, Project Manager

PROJECT:

This permit allows the applicant to construct a relocatable concrete batching plant.

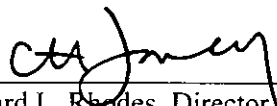
STATEMENT OF BASIS:

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297. 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).

APPENDIX:

The attached appendix is a part of this permit:

Appendix GC, General Permit Conditions


for _____
Howard L. Rhodes, Director
Division of Air Resources
Management

SECTION I. FACILITY INFORMATION

FACILITY DESCRIPTION:

This facility consists of a relocatable REX Central Mix concrete batching plant with a cement silo capacity of 600 barrels and a batcher with a maximum rate of 200 cubic yards of concrete per hour. Emissions from the silo, batcher, hopper and associated equipment are controlled by a C & W Manufacturing Company baghouse system, Model Number CW-RA-140.

REGULATORY CLASSIFICATION:

This facility is subject to regulation under Rule 62-296.414, F.A.C., Concrete Batching Plants.

RELEVANT DOCUMENTS:

- Application received (Bureau of Air Regulation) November 2, 1998
- Draft Permit issued January 28, 1999
- Public Notice of Intent published February 6, 1999 in the Florida Times-Union
- Public Notice of Intent published February 8, 1999 in the Tampa Tribune
- Draft Permit comments received from Gary Robbins, Pinellas County February 8, 1999

PERMITTED COUNTIES:

The applicant has published the proper public notices and is authorized to operate in the following counties: Baker, Bradford, Citrus, Clay, Columbia, Desoto, Duval, Hardee, Hernando, Highlands, Hillsborough, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Sumter, Union.

OPERATING LOCATION:

The facility will begin initial operation at 4700 Hoover Drive at Tampa International Airport, Tampa, Hillsborough County, 33634.

SECTION II. FACILITY WIDE CONDITIONS

The following specific conditions apply to all emissions units at this facility.

ADMINISTRATIVE:

1. Regulating Agencies. All documents relating to the initial application for a permit to operate and all initial compliance tests shall be submitted to the Department's Bureau of Air Regulation in Tallahassee. Subsequent applications for permit renewals, reports, tests, minor modifications, and notifications shall be submitted to the district office or local program that has permitting/compliance jurisdiction over the current or proposed operating location.
2. General Conditions. The owner and operator are subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes.
[Rule 62-4.160, F.A.C.]
3. Terminology. The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
4. Forms and Application Procedures. The Permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C.
[Rule 62-210.900, F.A.C.]
5. Extension of Expiration Date. This air construction permit shall expire on September 30, 1999. The Permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit.
[Rules 62-210.300(1), 62-4.070(4) and 62-4.210, F.A.C.]
6. Relocation Notification. At least 7 days prior to relocating the plant to an approved county where public notice was published within the last 5 years, the Permittee shall notify the air program administrator for the Department's district office and, if applicable, appropriate local program. The notification shall be submitted using DEP Form 62-210.900(3), F.A.C., along with the appropriate processing fee. All potential operation sites shall be shown on a USGS topographic map. A county license, a discretionary public notice, or additional restrictions for the operation at a specific site may be imposed by the district office or local program. If the public notice for a county is more than 5 years old, or if the proposed county was never covered by a public notice, this form shall be submitted at least 30 days in advance of the move and a public notice shall be published prior to operating in the proposed county. Each time that the permittee submits a Notice to Relocate, the operation permit shall be revised to reflect the new location.
[Rule 62-210.370(1), F.A.C.]
7. Operation Permit Required. This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. An operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for and receive an operation permit prior to expiration of this permit. To apply for an operation permit, the applicant shall submit the appropriate application fee and, in quadruplicate, the appropriate application form, a certification that construction was completed with a notation of any deviations from the conditions in the construction permit, compliance test results, and such additional information as the Department may by law require.
[Rules 62-4.030, 62-4.050, 62-4.220 and 62-210.300(2), F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

8. Applicable Regulations. Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-296, 62-297. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations.
[Rules 62-204.800 and 62-210.300, F.A.C.]

EMISSION LIMITING STANDARDS:

9. Visible Emissions. Emissions from silos, weigh hoppers (batchers), and other enclosed storage and conveying equipment shall be controlled to the extent necessary to limit visible emissions to 5 percent opacity.
[Rule 62-296.414(1), F.A.C.]
10. Unconfined Emissions of Particulate Matter.
- (a) No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
- (b) Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
- (c) The owner or operator shall take reasonable precautions to control unconfined emissions from hoppers, storage and conveying equipment, conveyor drop points, truck loading and unloading, roads, parking areas, stock piles, and yards as required by Rule 62-296.320(4)(c), F.A.C. Reasonable precautions committed to by the permittee include the following:
- Application of water to unpaved roads, yards, open stock piles and similar activities.
 - Use of a baghouse system to contain, capture and/or vent particulate matter.

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

11. General Pollutant Emission Limiting Standards.

- (a) 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.
- (b) No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Note: An objectionable odor is defined in Rule 62-210.200(198), F.A.C., as 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.]

[Rule 62-296.320(1)(a)&(2), F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

OPERATIONAL REQUIREMENTS:

12. Modifications. No emissions unit or facility subject to this rule shall be constructed or modified without obtaining an air construction permit from the Department. Such permit must be obtained prior to the beginning of construction or modification.
[Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
13. Plant Operation - Problems. If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department's district office and, if applicable, appropriate local program. The notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rule
[Rule 62-4.130, F.A.C.]
14. Circumvention. No person shall circumvent any air pollution control device or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]
15. Hours of Operation. This facility is allowed to operate up to 8,760 hours during any calendar year.
[Rule 62-210.200, F.A.C., Definitions-potential to emit (PTE) and applicant request.]
16. Excess Emissions.
 - (a) Excess emissions resulting from start-up, shutdown or malfunction of any emissions units 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.
 - (b) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction shall be prohibited.
[Rules 62-210.700(1) & (4), F.A.C.]

COMPLIANCE MONITORING AND TESTING REQUIREMENTS:

17. Frequency of Compliance Tests. Prior to obtaining an air operation permit, and annually thereafter, each dust collector exhaust point shall be tested for compliance with the visible emission limiting standard of Rule 62-296.414(1), F.A.C., in accordance with the conditions listed below.
[Rules 62-296.414(1), 62-297.310(7)(a)1. & 4.a. F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

18. Operating Rate During Testing. Unless otherwise stated in the applicable emission limiting standard rule, 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 minimum permitted capacity (i.e., at less than 90 percent of the maximum operation rate allowed by the permit); in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted provided however, operations do not exceed 100 percent of the maximum operation rate allowed by the permit. 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.]

19. Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.

(b) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

(c) Visible emissions tests of silo dust collector exhaust points shall be conducted while loading the silo at a rate that is representative of the normal silo loading rate. The minimum loading rate shall be 25 tons per hour unless such rate is unachievable in practice. If emissions from the weigh hopper (batcher) operation are also controlled by the silo dust collector, the batching operation shall be in operation during the visible emissions test. The batching rate during the emissions test shall be representative of the normal batching rate and duration. Each test report shall state the actual silo loading rate during emissions testing and, if applicable, whether or not batching occurred during emissions testing.

[Rule 62-296.414(3), F.A.C.]

20. 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.]

SECTION II. FACILITY WIDE CONDITIONS

21. Test Notification. The owner or operator shall notify the Department's district office and, if applicable, appropriate local program, at least 15 days prior to the date on which each formal compliance test is to begin. Notification shall include 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.]
22. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Department.
[Rule 62-297.310(7)(b), F.A.C.]

REPORTING AND RECORD KEEPING REQUIREMENTS:

23. Duration of Record Keeping. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule
[Rules 62-4.160(14)(a)&(b),F.A.C.]
24. Test Reports. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department's district office, and if applicable, the appropriate local program on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the applicable information listed in Rule 62-297.310(8)(c),F.A.C.
[Rule 62-297.310(8),F.A.C.]
25. Excess Emissions Report. If excess emissions occur, the owner or operator shall notify the Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Pursuant to the Standards of Performance for New Stationary Sources, excess emissions shall also be reported in accordance with 40 CFR 60.7, Subpart A.
[Rule 62-4.130, F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

26. Excess Emissions Report - Malfunctions. In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate local program 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.
[Rule 62-210.700(6), F.A.C.]

REQUIREMENT FOR OPERATION IN PINELLAS COUNTY

27. Operation and Maintenance Plan Required While Operating in Pinellas County. An operation and maintenance (O&M) plan, for the C & W Manufacturing Company central baghouse system, model number CW-RA-140 must be submitted to Pinellas County at the time of application for an operating permit. When operating in Pinellas County, the operating logs shall be maintained for a minimum of two years and made available upon request. At a minimum the O&M plan shall include:
- A. The operating parameters of the control device.
 - B. A timetable for the routine maintenance of the pollution control device.
 - C. A timetable of routine weekly, bi-weekly, or monthly observations of the pollution control device.
 - D. A list of the type and quantity of the required spare parts which are stored on the premises for the control device.
 - E. A record log which shows, at a minimum, when maintenance was performed, what maintenance was performed, and by whom.
- [Pinellas County Code, Section 58-128]

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

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

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

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

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

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

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ()
 - (b) Determination of Prevention of Significant Deterioration (); and
 - (c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.



FINAL DETERMINATION

John Carlo, Inc.
Relocatable Concrete Batch Plant

Permit No. 7770210-001-AC

An Intent to Issue an air construction permit for a relocatable concrete batch plant belonging to John Carlo, Inc. was distributed on January 28, 1999. The Public Notice of Intent to Issue Air Construction Permit was published in the Tampa Tribune on February 8, 1999, and the Florida Times-Union on February 6, 1999. These newspapers have circulation in the following counties: Baker, Bradford, Citrus, Clay, Columbia, Desoto, Duval, Hardee, Hernando, Highlands, Hillsborough, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Sumter, Union. The facility will not be authorized to operate in other counties until the public notice requirements are met in the other counties and the permit is amended to authorize operation in the counties.

No comments were submitted by the general public in response to the public notice for this facility. However, comments were submitted by Gary Robbins of the Pinellas County Department of Environmental Management in response to notification of the draft permit for this relocatable concrete batch plant. The County requested that the Department clarify the description of the facility, and modify certain specific conditions to clarify which regulating agency the facility is required to report to. In response, the Department has made the requested clarifications. Pinellas County also requested that an operation and maintenance plan requirement from the Pinellas County Code be added to the permit. The Department added the condition to the code as a requirement for operation of the facility in Pinellas County. These recommendations have been incorporated into the Final Permit for John Carlo, Inc.

The final action of the Department will be to issue the permit for the counties covered by the public notices as proposed except for the changes noted above.



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

In the Matter of an
Application for Permit

Mr. David Ammon, Project Manager
John Carlo, Inc.
Post Office Box 1297
East Yulee, Florida 32041-1297

DEP File No. 7770210-001-AC

NOTICE OF FINAL PERMIT

Enclosed is the Final Permit Number 7770210-001-AC for a relocatable concrete batch plant that will be operated at sites throughout Florida. This permit is issued pursuant to Chapter 403, Florida Statutes.

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

Executed in Tallahassee, Florida.

C.H. Fancy, P.E., Chief
Bureau of Air Regulation

JOHN CARLO, INC.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMITS (including the FINAL permits) was sent by certified mail (*) and copies were mailed by U.S. Mail before the close of business on 3/19/99 to the person(s) listed:

Mr. David Ammon, Project Manager, John Carlo, Inc.*
Mr. Russell B. Keith, E.I., Environmental Engineer, Central Florida Testing Laboratories, Inc.
Jerry Campbell, Hillsborough County Environmental Protection Commission
Peter Hessling, Pinellas County Department of Environmental Management
Kent Kimes, Sarasota County Natural Resources Department
Gerald Kissell, DEP, Southwest District
Chris Kirts, DEP, Northeast District
James Manning, Regulatory and Environmental Services Department
Phil Barbaccia, DEP, South District

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.

Barbara J. Powell 3/19/99
(Clerk) (Date)



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

PERMITTEE:

John Carlo, Inc.
Relocatable Concrete Batching Plant
P.O. Box 1297
Yulee, Florida 32041-1297

Facility ID No.: 7770210
Permit No.: 7770210-001-AC
SIC No.: 3273
Expiration Date: September 30, 1999

AUTHORIZED REPRESENTATIVE:

Mr. David Ammon, Project Manager

PROJECT:

This permit allows the applicant to construct a relocatable concrete batching plant.

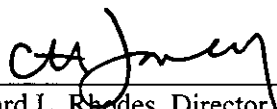
STATEMENT OF BASIS:

This construction permit is issued under the provisions of Chapter 403 of the Florida Statutes (F.S.), and the Florida Administrative Code (F.A.C.) Chapters 62-4, 62-204, 62-210, 62-212, 62-296, and 62-297. 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).

APPENDIX:

The attached appendix is a part of this permit:

Appendix GC, General Permit Conditions


Howard L. Rhodes, Director
Division of Air Resources
Management

SECTION I. FACILITY INFORMATION

FACILITY DESCRIPTION:

This facility consists of a relocatable REX Central Mix concrete batching plant with a cement silo capacity of 600 barrels and a batcher with a maximum rate of 200 cubic yards of concrete per hour. Emissions from the silo, batcher, hopper and associated equipment are controlled by a C & W Manufacturing Company baghouse system, Model Number CW-RA-140.

REGULATORY CLASSIFICATION:

This facility is subject to regulation under Rule 62-296.414, F.A.C., Concrete Batching Plants.

RELEVANT DOCUMENTS:

- Application received (Bureau of Air Regulation) November 2, 1998
- Draft Permit issued January 28, 1999
- Public Notice of Intent published February 6, 1999 in the Florida Times-Union
- Public Notice of Intent published February 8, 1999 in the Tampa Tribune
- Draft Permit comments received from Gary Robbins, Pinellas County February 8, 1999

PERMITTED COUNTIES:

The applicant has published the proper public notices and is authorized to operate in the following counties: Baker, Bradford, Citrus, Clay, Columbia, Desoto, Duval, Hardee, Hernando, Highlands, Hillsborough, Manatee, Nassau, Pasco, Pinellas, Polk, Putnam, Sarasota, St. Johns, Sumter, Union.

OPERATING LOCATION:

The facility will begin initial operation at 4700 Hoover Drive at Tampa International Airport, Tampa, Hillsborough County, 33634.

SECTION II. FACILITY WIDE CONDITIONS

The following specific conditions apply to all emissions units at this facility.

ADMINISTRATIVE:

1. Regulating Agencies. All documents relating to the initial application for a permit to operate and all initial compliance tests shall be submitted to the Department's Bureau of Air Regulation in Tallahassee. Subsequent applications for permit renewals, reports, tests, minor modifications, and notifications shall be submitted to the district office or local program that has permitting/compliance jurisdiction over the current or proposed operating location.
2. General Conditions. The owner and operator are subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403 of the Florida Statutes.
[Rule 62-4.160, F.A.C.]
3. Terminology. The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
4. Forms and Application Procedures. The Permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C.
[Rule 62-210.900, F.A.C.]
5. Extension of Expiration Date. This air construction permit shall expire on September 30, 1999. The Permittee may, for good cause, request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit.
[Rules 62-210.300(1), 62-4.070(4) and 62-4.210, F.A.C.]
6. Relocation Notification. At least 7 days prior to relocating the plant to an approved county where public notice was published within the last 5 years, the Permittee shall notify the air program administrator for the Department's district office and, if applicable, appropriate local program. The notification shall be submitted using DEP Form 62-210.900(3), F.A.C., along with the appropriate processing fee. All potential operation sites shall be shown on a USGS topographic map. A county license, a discretionary public notice, or additional restrictions for the operation at a specific site may be imposed by the district office or local program. If the public notice for a county is more than 5 years old, or if the proposed county was never covered by a public notice, this form shall be submitted at least 30 days in advance of the move and a public notice shall be published prior to operating in the proposed county. Each time that the permittee submits a Notice to Relocate, the operation permit shall be revised to reflect the new location.
[Rule 62-210.370(1), F.A.C.]
7. Operation Permit Required. This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. An operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for and receive an operation permit prior to expiration of this permit. To apply for an operation permit, the applicant shall submit the appropriate application fee and, in quadruplicate, the appropriate application form, a certification that construction was completed with a notation of any deviations from the conditions in the construction permit, compliance test results, and such additional information as the Department may by law require.
[Rules 62-4.030, 62-4.050, 62-4.220 and 62-210.300(2), F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

8. Applicable Regulations. Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S. and Florida Administrative Code Chapters 62-4, 62-110, 62-204, 62-296, 62-297. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations.
[Rules 62-204.800 and 62-210.300, F.A.C.]

EMISSION LIMITING STANDARDS:

9. Visible Emissions. Emissions from silos, weigh hoppers (batchers), and other enclosed storage and conveying equipment shall be controlled to the extent necessary to limit visible emissions to 5 percent opacity.
[Rule 62-296.414(1), F.A.C.]

10. Unconfined Emissions of Particulate Matter.

- (a) No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction, alteration, demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions.
- (b) Any permit issued to a facility with emissions of unconfined particulate matter shall specify the reasonable precautions to be taken by that facility to control the emissions of unconfined particulate matter.
- (c) The owner or operator shall take reasonable precautions to control unconfined emissions from hoppers, storage and conveying equipment, conveyor drop points, truck loading and unloading, roads, parking areas, stock piles, and yards as required by Rule 62-296.320(4)(c), F.A.C. Reasonable precautions committed to by the permittee include the following:
- Application of water to unpaved roads, yards, open stock piles and similar activities.
 - Use of a baghouse system to contain, capture and/or vent particulate matter.

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

11. General Pollutant Emission Limiting Standards.

- (a) 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.
- (b) No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Note: An objectionable odor is defined in Rule 62-210.200(198), F.A.C., as 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.]

[Rule 62-296.320(1)(a)&(2), F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

OPERATIONAL REQUIREMENTS:

12. Modifications. No emissions unit or facility subject to this rule shall be constructed or modified without obtaining an air construction permit from the Department. Such permit must be obtained prior to the beginning of construction or modification.
[Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
13. Plant Operation - Problems. If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department's district office and, if applicable, appropriate local program. The notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rule
[Rule 62-4.130, F.A.C.]
14. Circumvention. No person shall circumvent any air pollution control device or allow the emission of air pollutants without the applicable air pollution control device operating properly.
[Rule 62-210.650, F.A.C.]
15. Hours of Operation. This facility is allowed to operate up to 8,760 hours during any calendar year.
[Rule 62-210.200, F.A.C., Definitions-potential to emit (PTE) and applicant request.]
16. Excess Emissions.
 - (a) Excess emissions resulting from start-up, shutdown or malfunction of any emissions units 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.
 - (b) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction shall be prohibited.
[Rules 62-210.700(1) & (4), F.A.C.]

COMPLIANCE MONITORING AND TESTING REQUIREMENTS:

17. Frequency of Compliance Tests. Prior to obtaining an air operation permit, and annually thereafter, each dust collector exhaust point shall be tested for compliance with the visible emission limiting standard of Rule 62-296.414(1), F.A.C., in accordance with the conditions listed below.
[Rules 62-296.414(1), 62-297.310(7)(a)1. & 4.a. F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

18. Operating Rate During Testing. Unless otherwise stated in the applicable emission limiting standard rule, 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 minimum permitted capacity (i.e., at less than 90 percent of the maximum operation rate allowed by the permit); in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted provided however, operations do not exceed 100 percent of the maximum operation rate allowed by the permit. 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.]

19. Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.

(b) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

(c) Visible emissions tests of silo dust collector exhaust points shall be conducted while loading the silo at a rate that is representative of the normal silo loading rate. The minimum loading rate shall be 25 tons per hour unless such rate is unachievable in practice. If emissions from the weigh hopper (batcher) operation are also controlled by the silo dust collector, the batching operation shall be in operation during the visible emissions test. The batching rate during the emissions test shall be representative of the normal batching rate and duration. Each test report shall state the actual silo loading rate during emissions testing and, if applicable, whether or not batching occurred during emissions testing.

[Rule 62-296.414(3), F.A.C.]

20. 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.]

SECTION II. FACILITY WIDE CONDITIONS

21. Test Notification. The owner or operator shall notify the Department's district office and, if applicable, appropriate local program, at least 15 days prior to the date on which each formal compliance test is to begin. Notification shall include 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.]
22. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Department.
[Rule 62-297.310(7)(b), F.A.C.]

REPORTING AND RECORD KEEPING REQUIREMENTS:

23. Duration of Record Keeping. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule
[Rules 62-4.160(14)(a)&(b), F.A.C.]
24. Test Reports. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department's district office, and if applicable, the appropriate local program on the results of each such test. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the applicable information listed in Rule 62-297.310(8)(c), F.A.C.
[Rule 62-297.310(8), F.A.C.]
25. Excess Emissions Report. If excess emissions occur, the owner or operator shall notify the Department within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Pursuant to the Standards of Performance for New Stationary Sources, excess emissions shall also be reported in accordance with 40 CFR 60.7, Subpart A.
[Rule 62-4.130, F.A.C.]

SECTION II. FACILITY WIDE CONDITIONS

26. Excess Emissions Report - Malfunctions. In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate local program 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.
[Rule 62-210.700(6), F.A.C.]

REQUIREMENT FOR OPERATION IN PINELLAS COUNTY

27. Operation and Maintenance Plan Required While Operating in Pinellas County. An operation and maintenance (O&M) plan, for the C & W Manufacturing Company central baghouse system, model number CW-RA-140 must be submitted to Pinellas County at the time of application for an operating permit. When operating in Pinellas County, the operating logs shall be maintained for a minimum of two years and made available upon request. At a minimum the O&M plan shall include:
- A. The operating parameters of the control device.
 - B. A timetable for the routine maintenance of the pollution control device.
 - C. A timetable of routine weekly, bi-weekly, or monthly observations of the pollution control device.
 - D. A list of the type and quantity of the required spare parts which are stored on the premises for the control device.
 - E. A record log which shows, at a minimum, when maintenance was performed, what maintenance was performed, and by whom.
- [Pinellas County Code, Section 58-128]

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

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

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

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

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

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

- G.9 In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- G.10 The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- G.11 This permit is transferable only upon Department approval in accordance with Florida Administrative Code Rules 62-4.120 and 62-730.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- G.12 This permit or a copy thereof shall be kept at the work site of the permitted activity.
- G.13 This permit also constitutes:
- (a) Determination of Best Available Control Technology ()
 - (b) Determination of Prevention of Significant Deterioration (); and
 - (c) Compliance with New Source Performance Standards (X).
- G.14 The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application or this permit. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;
 - 5. The analytical techniques or methods used; and
 - 6. The results of such analyses.
- G.15 When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.