

Friday, Barbara

Permit: 2/13/07

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**To:** dhlakeman@laneconstruct.com; Nasca, Mara; doug4ucf@earthlink.net; roger@bottorf.com  
**Cc:** Mitchell, Bruce  
**Subject:** Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
**Attachments:** 7775350.001.AC.F\_pdf[1].zip

Dear Sir/Madam:

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

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

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

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

Thank you,

DEP, Bureau of Air Regulation

## Friday, Barbara

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**From:** System Administrator  
**To:** Nasca, Mara  
**Sent:** Tuesday, February 13, 2007 11:04 AM  
**Subject:** Delivered:Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation

### Your message

**To:** 'dhlakeman@laneconstruct.com'; Nasca, Mara; 'doug4ucf@earthlink.net'; 'roger@bottoorf.com'  
**Cc:** Mitchell, Bruce  
**Subject:** Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
**Sent:** 2/13/2007 11:03 AM

was delivered to the following recipient(s):

Nasca, Mara on 2/13/2007 11:04 AM .

## Friday, Barbara

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**From:** Exchange Administrator  
**Sent:** Tuesday, February 13, 2007 11:04 AM  
**To:** Friday, Barbara  
**Subject:** Delivery Status Notification (Relay)

**Attachments:** ATT282599.txt; Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation



ATT282599.txt  
(284 B)



Final Air  
Construction Permit .

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

roger@bottorf.com

**Friday, Barbara**

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**From:** Exchange Administrator  
**Sent:** Tuesday, February 13, 2007 11:04 AM  
**To:** Friday, Barbara  
**Subject:** Delivery Status Notification (Relay)

**Attachments:** ATT282601.txt; Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation



ATT282601.txt  
(289 B)



Final Air  
Construction Permit .

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

doug4ucf@earthlink.net

**Friday, Barbara**

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**From:** Nasca, Mara  
**Sent:** Tuesday, February 13, 2007 12:23 PM  
**To:** Friday, Barbara  
**Cc:** Zhang-Torres; Prickett, Patricia  
**Subject:** FW: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
**Attachments:** 7775350.001.AC.F\_pdf[1].zip

thanks Barbara !

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**From:** Friday, Barbara  
**Sent:** Tuesday, February 13, 2007 11:03 AM  
**To:** 'dhlakeman@laneconstruct.com'; Nasca, Mara; 'doug4ucf@earthlink.net'; 'roger@bottorf.com'  
**Cc:** Mitchell, Bruce  
**Subject:** Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation

Dear Sir/Madam:

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Thank you,

DEP, Bureau of Air Regulation

## Friday, Barbara

---

**From:** Nasca, Mara  
**To:** Friday, Barbara  
**Sent:** Tuesday, February 13, 2007 12:22 PM  
**Subject:** Read: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation

### Your message

**To:** 'dhlakeman@laneconstruct.com'; Nasca, Mara; 'doug4ucf@earthlink.net'; 'roger@bottorf.com'  
**Cc:** Mitchell, Bruce  
**Subject:** Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
**Sent:** 2/13/2007 11:03 AM

was read on 2/13/2007 12:22 PM.

## Friday, Barbara

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**From:** Doug Bauman [doug4ucf@earthlink.net]  
**Sent:** Tuesday, February 13, 2007 12:53 PM  
**To:** Friday, Barbara  
**Subject:** Read: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation

**Attachments:** ATT283857.txt



ATT283857.txt  
(337 B)

Your message

To: dhlakeman@laneconstruct.com; Nasca, Mara; doug4ucf@earthlink.net;  
roger@bottorf.com  
Cc: Mitchell, Bruce  
Subject: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
Sent: 2/13/2007 11:03 AM

was read on 2/13/2007 12:43 PM.

**Friday, Barbara**

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**From:** Roger Caldwell [roger@bottorf.com]  
**Sent:** Tuesday, February 13, 2007 2:50 PM  
**To:** Friday, Barbara  
**Subject:** Read: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
**Attachments:** ATT284722.txt

Your message

To: dhlakeman@laneconstruct.com; Nasca, Mara; doug4ucf@earthlink.net; roger@bottorf.com  
Cc: Mitchell, Bruce  
Subject: Final Air Construction Permit No.: 7775350-001-AC - The Lane Construction Corporation  
Sent: 2/13/2007 11:03 AM

was read on 2/13/2007 2:49 PM.



## NOTICE OF FINAL AIR CONSTRUCTION PERMIT

In the Matter of an  
Application for Permit:

Mr. David Lakeman, Plant Manager  
The Lane Construction Corporation  
3350 Reynolds Road  
Eaton Park, Florida 33840

Permit Project No.: 7775350-001-AC  
Relocatable Asphalt Plant  
Polk County

Enclosed is the Final Air Construction Permit, No. 7775350-001-AC. The subject of the permit is to authorize construction to The Lane Construction Corporation to construct a 200 tons/hour relocatable asphalt batch plant, Plant No. 67, that will be based at its Kathleen Site, 13300 Howard Blvd., Kathleen, Polk County, Florida. This permit is issued pursuant to Chapter 403, Florida Statutes (F.S.). Comments were received during the Public Notice period.

Any party to this order has the right to seek judicial review of the permit (letter) 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.



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 AIR CONSTRUCTION PERMIT (including the Final Determination and the Final Permit) was sent electronically (Received Receipt requested) before the close of business on 2/13/07 to the persons listed or as otherwise noted:

Mr. David Lakeman, Plant Manager, TLCC ([dhlakeman@laneconstruct.com](mailto:dhlakeman@laneconstruct.com))

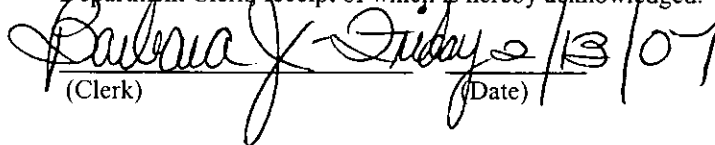
Ms. Mara Nasca, DEP – SWD ([mara.nasca@dep.state.fl.us](mailto:mara.nasca@dep.state.fl.us))

Mr. Douglas W. Bauman, MSE, P.E., BAI ([doug4ucf@earthlink.net](mailto:doug4ucf@earthlink.net))

Mr. Roger T. Caldwell, Application Contact, BAI ([roger@bottorf.com](mailto:roger@bottorf.com))

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) 2/13/07  
(Date)

## Final Determination

The Lane Construction Corporation  
Relocatable Asphalt Plant

Air Construction Permit No.: 7775350-001-AC

Polk County

An "INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT" for The Lane Construction Corporation's 200 tons/hour relocatable asphalt batch plant, Plant No. 67, to be based at their Kathleen Site, 13300 Howard Blvd., Kathleen, Polk County, was clerked on November 7, 2006. The "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT" was published in The Ledger on December 6, 2006. The Draft Air Construction Permit was available for public inspection at the Department's Southwest District office in Tampa and the permitting authority's office in Tallahassee. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE AN AIR CONSTRUCTION PERMIT" was received on January 22, 2007.

Comments were received from Ms. Cindy Zhang-Torres, who is with the Southwest District office, on November 20, 2006, which was prior to the publication of the Public Notice. The responses to the comments are addressed below.

### 1. Technical Evaluation, Intent to Issue, Public Notice and Permit:

a. **Comment:** Request is to clarify that the relocatable facility is not allowed to operate at the Kathleen site with another relocatable facility.

**Response:** Condition 13 in Section 2 of the permit was revised to clarify operation at existing minor facilities and existing Title V facilities in accordance with Rule 62-210.300(3)(c)2.j., F.A.C. (Exemption from Title V Permitting)

b. **Comment:** Why do we have a 5-day notification prior to relocating instead of a 30-day notification per Rule 62-210.370(4), F.A.C.?

**Response:** Rule 62-210.370(4), F.A.C., specifies submittal of the form at least 30 days prior to relocation unless otherwise provided by rule or a more stringent permit condition. Prior to relocating to any county that is not listed in Appendix PC, the air construction permit requires the permittee to obtain modifications to the air construction and operation permits. Modifying the air construction permit requires publishing a Public Notice, which affords affected parties the right to comment on the draft air construction permit and to file for an administrative hearing. The Department considers this a more stringent requirement. Therefore, once the air construction and operation permits are modified to include a county, the permittee may relocate to that county with a 5-day advance notice. This is similar to the recently revised notification requirements for concrete batch plants under the Air General Permit.

c. **Comment:** For the Local Program regulations, the request was to include conditions for Hillsborough County and Pinellas County.

**Response:** Since the applicant decided to advertise for authorization to construct in Polk County only, then all conditions related to other counties will be deleted, which include Specific Conditions 7.b. and 7.c. If the owner or operator applies for an air construction permit to allow for new locations, then the appropriate regulations, including any Local Program regulations, will be included in the permit at that time.

### 2. Technical Evaluation:

a. **Comment:** Is this facility subject to the NSPS, 40 CFR 60, Subpart IIII?

**Response:** No, it was manufactured before 04/01/2006.

b. **Comment:** The good housekeeping practices cited to minimize fugitive dust emissions do not match the requirement specified in the permit.

**Response:** The draft permit was revised to include "paving and periodically sweeping", "landscaping or planting of vegetation", and "use of enclosures and windbreaks, where practical".

**Final Determination (cont.)**

The Lane Construction Corporation

Relocatable Asphalt Plant

Air Construction Permit No.: 7775350-001-AC

Page 2 of 3

c. **Comment:** Correct the reference to the EPC rule cited.

**Response:** As previously mentioned, the reference to any EPCHC regulations were removed from the air construction permit since Hillsborough County was not included in the Public Notice. The Technical Evaluation will be revised accordingly for posting, but will not be re-issued.

d. **Comment:** When adding a new location, what happens to the air operation permit's clock.

**Response:** Since the purpose of the project will be to incorporate the modified air construction permit, the application for the air operation permit will remain incomplete until the air construction permit is issued. This will be noted in any request for additional information or the Intent to Issue package.

3. **Public Notice:**

a. **Comment:** The good housekeeping practices cited do not match the requirement specified in the draft permit.

**Response:** See Response A.2.b., above.

b. **Comment:** The SWD's new fax number is 813-632-7668.

**Response:** The Department acknowledges the change and Appendix CA will be edited to include the Fax numbers.

4. **Permit:**

a. **Comment:** Placard Page: Add an "Effective Date".

**Response:** An "Effective Date" has been added.

b. **Comment:** Administrative Condition 11.: Conditional exemption for asphalt plants requires that the records be retained for 5 years (Rule 62-210.300(3)(c)1.g., F.A.C.).

**Response:** The condition was revised accordingly.

c. **Comment:** Administrative Condition 12. Rule reference should be Rule 62-210.370(3), F.A.C.

**Response:** The change was made.

d. **Comment:** Specific Condition 4.: Clarify that the 200 tons per hour limit is a daily average limit, as implied in SC #16.

**Response:** A parenthetical expression of "(daily average)" was inserted into the specific condition just after the capacity is stated.

e. **Comment:** Specific Condition 8.: Add the following to the end of permitting note: "except as required for the dryer's baghouse".

**Response:** Specific Condition 7 satisfies the opacity standard for the baghouse exhaust for the dryer. However, the permitting note in Specific Condition 8 was revised to clarify that the 20% opacity standard is generally applicable.

f. **Comment:** Specific Condition 14.: Suggest changing the last sentence from "if advised by EPA, the permittee shall provide this notification at least 30 days prior to conducting any tests" to "The permittee shall provide a notification at least 30 days prior to the initial compliance test".

**Response:** The phrase "including the initial compliance test" was added to the end of the sentence.

g. **Comment:** Specific Condition 16.: Need to specify how long the records need to be retained, like in SC #17.

**Response:** This requirement is covered by Administrative Condition 11.; therefore, no change will be made.

5. Appendix CC:

a. **Comment:** Conditions 3, 4 and 5: Make a note that Conditions 3, 4, and 5 can't supersede a NSPS or NESHAP regulation.

**Response:** The facility is not subject to a NESHAP provision. Condition 3 already states "This state provision cannot be used to vary any applicable NSPS requirements from 40 CFR 60." Therefore, this statement was inserted at the end of Conditions 4 and 5.

b. **Comment:** Condition 16.: Suggest adding the following at the beginning of the condition: "unless otherwise specified by rule,".

**Response:** This is a rule quote and no change was made.

c. **Comment:** Condition 18.: Address the NSPS requirement in 40 CFR 60.8 for initial test reports by day 180 of initial startup.

**Response:** This requirement was included in Appendix NA. Therefore, no change was made.

d. **Comment:** Condition 19.: This condition requires 5-year record retention, but it references Rule 62-4.160(14), which requires 3 year. Appendix GC, Condition #14 also requires 3 years.

**Response:** The rule citing was changed in Condition 19. A "Permitting note" was placed after Condition 14.b. in Appendix GC as follows:

{Permitting note: The conditional exemption for asphalt concrete plants at Rule 62-210.300(3)(c)1.g., F.A.C., requires the retention of all records for five (5) years.}

e. **Comment:** Condition 20.: The correct rule citation is Rule 62-210.370(3), F.A.C.

**Response:** The change was made.

6. Appendix OS.

a. **Comment:** Condition 6.: Do we really need these records submitted. Suggest this condition be deleted.

**Response:** Since the documentation of this information is important, then the introductory phrase "Within 30 days following each calendar quarter," will be replaced with "Within 5 days of a request by the Compliance Authority," and the phrase "to the appropriate Compliance Authority" will be deleted; in addition, the last phrase "during the quarter." will be replaced with "previously and in accordance with Specific Condition 17.". Therefore, Condition 6 will read as:



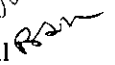
Used Oil Reporting Required. Within 5 days of a request from the Compliance Authority, the owner or operator shall submit the analytical results and the total amount of on-specification used oil received and fired previously and in accordance with Specific Condition 17. [Rule 62-4.070(3), F.A.C.; and, 40 CFR Parts 279 and 761]

It is recommended that the Final Air Construction Permit be issued with the changes noted above.

Florida Department of  
Environmental Protection

Memorandum

---

TO: Joe Kahn  
THRU: Trina Vielhauer   
THRU: Jeff Koerner   
FROM: Bruce Mitchell   
DATE: January 31, 2007  
SUBJECT: The Lane Construction Corporation  
Kathleen Site  
Final Air Construction Permit  
7775350-001-AC  
Relocatable Hot Mix Asphalt Concrete Plant

Attached is the Final Air Construction Permit.

The subject of the AC is to permit a 200 TPH relocatable hot drum-mix asphalt concrete plant to operate and relocate in counties where Public Notice has been published and where the zoning is compatible with the operation of the facility. 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.

Some comments were received from the Southwest District office prior to publication of the Public Notice. These comments have been addressed in the Final Determination. It is recommended that the Final Air Construction Permit be issued with the minor changes described in the Final Determination.

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

The Lane Construction Corporation  
3350 Reynolds Road  
Eaton Park, Florida 33840

*Authorized Representative:*

Mr. David Lakeman, Plant Manager

Permit No. 7775350-001-AC The Lane Construction Corporation Portable Drum-Mix Asphalt Plant Facility ID No. 7775350 Expires: January 26, 2009
---

## PROJECT

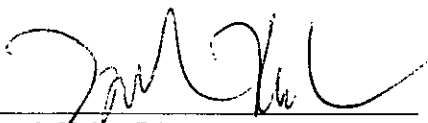
This permit authorizes the construction of a portable, 200 tons per hour drum-mix asphalt batch plant (SIC No. 2951) identified as Plant No. 67. The plant is permitted in accordance with Rule 62-210.300(3)(c)2., Florida Administrative Code (F.A.C.), Conditional Exemption from Title V Air Permitting for Asphalt Concrete Plants. As such, the plant is categorized as a synthetic, Non-Title V, minor source of air pollution. The portable plant will be based at the Kathleen Site located at 13300 Howard Boulevard in Kathleen, Polk County, Florida. However, the plant may be relocated to any site within a previously permitted county identified in Appendix PC by submitting a Facility Notification Relocation Form to the appropriate District Office and/or Local Air Program at least 5 days before relocating.

## STATEMENT OF BASIS

This 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

  
\_\_\_\_\_  
Joseph Kahn, Director  
Division of Air Resource Management

  
\_\_\_\_\_  
Effective Date

## SECTION 1. GENERAL INFORMATION

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### **FACILITY DESCRIPTION**

The portable drum-mix asphalt batch plant, which is identified as Plant No. 67, will consist of the following equipment: drum-mix dryer, pulse-jet baghouse system, asphalt cement heating system, a hot-mix asphalt storage silo; and miscellaneous screens, conveyors, hoppers, and stockpiles. The proposed asphalt plant will have a production capacity of 200 tons per hour of hot-mix asphalt. It is designed to be dismantled, trucked to a new location and reassembled.

### **REGULATORY CLASSIFICATION**

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

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

Title V: The facility will not be a Title V major source of air pollution in accordance with Chapter 213, F.A.C.

PSD: The facility will not be a PSD-major facility in accordance with Rule 62-212.400, F.A.C.

NSPS: The plant is subject to New Source Performance Standard Subpart I in 40 CFR 60.

NEHSAP: There are no units subject to any National Emissions Standards for HAPs in 40 CFR 63.

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).

### **APPENDICES**

The following Appendices contain applicable requirements and are attached as a part of this permit.

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 - Hot Mix Asphalt Facilities

Appendix OS. On-Specification Used Oil Requirements

Appendix PC. Permitted Counties

### **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

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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. A list of the Department's District Offices and approved Local Air Programs is provided in Appendix CA of this permit.
3. Citation Format: Appendix A of this permit identifies the format used to cite applicable requirements.
4. Common Conditions: The permittee is subject to the applicable requirements in the attached Common Conditions in Appendix CC of this permit. [Chapters 62-4, 62-210, 62-296, and 62-297, F.A.C.]
5. General Conditions: The permittee is subject to the attached General Conditions in Appendix GC of this permit. [Rule 62-4.160, F.A.C.]
6. 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 Florida Statutes (F.S.); Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296, and 62-297 of the Florida Administrative Code (F.A.C.); and Title 40, Part 60 of the Code of Federal Regulations (CFR), 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 Florida Administrative Code. 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.]
7. 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.]
8. 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 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.]
9. Extension of Expiration Date: For good cause, the permittee may request that this air 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.]
10. 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 operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after 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.]



## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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11. 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.]
12. 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.]
13. Facility Relocation: The permittee is authorized to relocate the portable asphalt plant to any site within a previously "permitted county" 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 a non-Title V air operation permit that implements the requirements of sub-paragraphs 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.]

14. Adding New Permitted Counties: The portable asphalt plant shall only be relocated to sites within previously permitted counties as 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 construction permit and a revision of the air 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 construction permit and a revised air operation permit recognizing the new permitted county. The permittee is authorized to relocate the portable asphalt plant upon issuance of the final modified air construction permit and revised air 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)

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

ID No.	Emissions Unit Description
001	Portable Asphalt Plant No. 67

*{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).}*

#### EQUIPMENT

1. Portable Asphalt Plant: The permittee is authorized to construct a 200 ton per hour portable drum-mix asphalt plant consisting of: a Barber Green Drum Mix Asphalt Plant (Model No. DM 55); a Clever Brooks asphalt cement heating system (Model CPT 100-20); a 50-ton hot mix asphalt storage silo; and miscellaneous screens, conveyors, hoppers, and stockpiles. To control particulate matter emissions from the drum-mix dryer, the permittee shall install a Road Equipment Services Co. LTD pulse jet baghouse system (Model No. ROA-DCP 480), or equivalent. The plant is designed to be dismantled, trucked to a new location, and reassembled. [Design; and, Application No. 7775350-001-AC]

#### PERFORMANCE RESTRICTIONS

2. Permitted Counties: The permittee may relocate this portable plant to any site within a previously permitted county 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.]
3. Hours of Operation: The hours of operation of the asphalt plant are not limited (8760 hours per year). [Rule 62-210.200(PTE), F.A.C.; and, Application No. 7775350-001-AC]
4. 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-months, which includes up to 50% recycled asphalt product (RAP). [Rules 62-210.200(PTE) and 62-210.300(3)(c)2., F.A.C.; and, Application No. 7775350-001-AC]
5. Fuel Limitations: The asphalt cement heater is authorized to fire distillate oil. The drum-mix dryer is authorized to fire natural gas, No. 5 (or lighter) fuel oil, or on-specification used oil (as specified in Appendix OS of this permit). On-specification used oil shall not be fired during periods of startup or shutdown. The sulfur content of any authorized fuel used at this plant shall not exceed 1.0% 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 months. [Rule 62-210.300(3)(c)2., F.A.C.; and, Application No. 7775350-001-AC]

#### EMISSIONS STANDARDS

6. 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 over a 3-hour period. [40 CFR 60.92(a)(1); and, Rules 62-204.800 and 62-210.300(3)(c) 2., F.A.C.]
7. Visible Emissions – Drum-Mix Dryer:
  - a. *General*: Visible emissions from the baghouse vent on the drum-mix dryer shall not be equal to or greater than 20% opacity. [40 CFR 60.92(a)(2); and, Rule 62-210.300(3)(c)2., F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### A. Drum-Mix Asphalt Plant (EU-001)

8. 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.]
9. 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:
- 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.
  - 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.
  - Landscaping or planting of vegetation.
  - 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. 7775350-001-AC, Attachment 2]

#### EMISSIONS PERFORMANCE TESTING

10. 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 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]

11. Initial Compliance Tests: The baghouse exhaust from the drum-mix dryer shall be tested to demonstrate initial compliance with the particulate matter and visible emissions standards specified in this permit. The initial tests shall be conducted within 60 days after achieving maximum production, but not later than 180 days after initial operation of the unit. As required by 40 CFR 60.8, the initial visible emissions observations shall be conducted for at least three hours. [Rule 62-297.310(7)(a)1, F.A.C.]
12. Annual Compliance Tests: During each federal fiscal year (October 1<sup>st</sup> to September 30<sup>th</sup>), 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.]
13. 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.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### A. Drum-Mix Asphalt Plant (EU-001)

14. 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. If advised by EPA, the permittee shall provide this notification at least 30 days prior to conducting any tests, including the initial compliance test. [Rule 62-297.310(7)(a)9, F.A.C.; and, 40 CFR 60.8]

#### RECORDS AND REPORTS

15. Fuel Sulfur Records: The permittee shall maintain records to demonstrate that each shipment of fuel oil and on-specification used oil has 1.0% or less sulfur by weight and that the sulfur content was determined by ASTM Method D4057-88 and ASTM Methods D129-91, ASTM D2622-94 or ASTM D4294-90, adopted and incorporated by reference in subsection 62-297.440(1), F.A.C. More recent versions of these methods may be used. [40 CFR 60.17; and, Rules 62-210.300(3)(c)2. and 62-297.440(1), F.A.C.]
16. Daily Logs: Each day of operation, operators shall record the following information into a written log: the location of the plant; the daily production rate (tons of asphalt per day); 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.]
17. 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 gallons of virgin 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.]
18. 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.]

#### USED OIL PROVISIONS

19. 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

20. 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]

## SECTION 4. APPENDICES

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### CONTENTS

- 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 - Hot Mix Asphalt Facilities
- Appendix OS. On-Specification Used Oil Requirements
- Appendix PC. Permitted Counties

## SECTION 4. APPENDIX A

### CITATION FORMATS

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

#### REFERENCES TO PREVIOUS PERMITTING ACTIONS

##### Old Permit Numbers

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

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

##### New Permit Numbers

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

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

##### PSD Permit Numbers

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

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

#### RULE CITATION FORMATS

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

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

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

##### 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**

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**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**

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**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**

Department of Environmental Resources  
Management  
Air Quality Management Division  
33 Southwest Second Avenue, Suite 900  
Miami, Florida 33130-1540  
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**

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*{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 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. 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. [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:** During the construction period, unconfined particulate matter emissions shall be minimized by dust suppressing techniques such as covering and/or application of water or chemicals to the affected areas, as necessary. [Rule 62-296.320(4)(c), F.A.C.]

**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

**SECTION 4. APPENDIX CC**  
**COMMON CONDITIONS**

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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 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.
  - e. *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.
  - f. *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

**SECTION 4. APPENDIX CC**  
**COMMON CONDITIONS**

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

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**COMMON CONDITIONS**

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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.

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

**RECORDS AND REPORTS**

19. 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)1.g., F.A.C.]
20. 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, 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.
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), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
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 Florida Statutes 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 Florida Statutes or Department rules, except where such use is prescribed by Sections 403.73 and 403.111, Florida

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Statutes. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
11. This permit is transferable only upon Department approval in accordance with 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.
12. This permit or a copy thereof shall be kept at the work site of the permitted activity.
13. This permit also constitutes:
  - a. Determination of Best Available Control Technology (Not Applicable);
  - b. Determination of Prevention of Significant Deterioration (Not Applicable); and
  - c. Compliance with New Source Performance Standards (NSPS Subparts A and I).
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)I.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**

**§ 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.

**§ 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.

**§ 60.7 Notification and record keeping.**

- (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 § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
  - (2) Reserved.
  - (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
  - (4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is

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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) of 40 CFR 60. 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*): SO<sub>2</sub> NO<sub>x</sub> TRS H<sub>2</sub>S CO Opacity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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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.

**§ 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.

**§ 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.)

**§ 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.

**§ 60.11 Compliance with standards and maintenance requirements.**

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

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

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

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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.

**§ 60.12 Circumvention.**

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

**40 CFR 60.13 Monitoring requirements.**

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

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- (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 Sec. 60.7(c) on the combined effluent. When the affected facilities are not subject to the same opacity standard applicable, except for documented periods of shutdown of the affected facility, subject to the most stringent opacity standard shall apply
- (3) When the effluents from two or more affected facilities subject to the same emissions standard, other than opacity, are combined before released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the continuous monitoring standard, separate continuous monitoring systems shall be installed on each effluent and the owner or operator shall report as required for each affected facility.
- (h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system

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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 Sec. 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

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



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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.

**§ 60.14 Modification.**

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

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- (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.

**§ 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

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- (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.

**§ 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.)*

**§ 60.19 General notification and reporting requirements.**

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

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

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**NSPS SUBPART I - HOT MIX ASPHALT FACILITIES**

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**SUBPART I. STANDARDS OF PERFORMANCE FOR HOT MIX ASPHALT FACILITIES**

**§ 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.

**§ 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 § 60.90, used to manufacture hot mix asphalt by heating and drying aggregate and mixing with asphalt cements.

**§ 60.92 Standard for particulate matter.**

- (a) On and after the date on which the performance test required to be conducted by § 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.

**§ 60.93 Test methods and procedures.**

- (a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).
- (b) The owner or operator shall determine compliance with the 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 § 60.11 shall be used to determine opacity.

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**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,

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### 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 and in accordance with Specific Condition 17. [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.

Permitted Counties	Publication Date	Permitted Counties	Publication Date	Permitted Counties	Publication Date
Alachua		Hamilton		Okeechobee	
Baker		Hardee		Orange	
Bay		Hendry		Osceola	
Bradford		Hernando		Palm Beach	
Brevard		Highlands		Pasco	
Broward		Hillsborough		Pinellas	
Calhoun		Holmes		Polk	12/06/2006
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		Volusia	
Franklin		Marion		Wakulla	
Gadsden		Martin		Walton	
Gilchrist		Monroe		Washington	
Glades		Nassau			
Gulf		Okaloosa			