

Florida Department of  
Environmental Protection

Memorandum

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TO: Trina Vielhauer, Bureau of Air Regulation  
THROUGH: Jon Holtom, Title V Section JH  
FROM: Tom Cascio LOM  
DATE: July 6, 2009  
SUBJECT: Draft/Proposed Permit No. 0310337-016-AV  
Cedar Bay Generating Company, L.P., Cedar Bay Generating Plant  
Title V Air Operation Permit Renewal

Attached for your review are the following items:

- Written Notice of Intent to Issue Air Permit;
- Public Notice of Intent to Issue Air Permit;
- Statement of Basis;
- Draft/Proposed Permit; and,
- P.E. Certification.

The draft/proposed Title V air operation permit renews the Title V air operation permit for the Cedar Bay Generating Plant in Duval County, Florida. The Statement of Basis provides a summary of the project and the rationale for issuance. The P.E. certification briefly summarizes the proposed project.

The application was received on January 28, 2009. An RAI letter was issued on March 23, 2009. There is no ongoing/open enforcement case for this facility, as advised by the City of Jacksonville.

I recommend your approval of the attached draft/proposed Title V air operation permit.

Attachments

**P.E. CERTIFICATION STATEMENT**

**PERMITTEE**

Cedar Bay Generating Company, L.P.  
Post Office Box 26324  
9640 Eastport Road  
Jacksonville, Florida 32226


Permit No. 0310337-016-AV  
Facility ID No. 0310337  
Cedar Bay Generating Plant  
Title V Air Operation Permit Renewal  
Duval County, Florida

**PROJECT DESCRIPTION**

This project is for the renewal of Title V air operation permit No. 0110036-006-AV for the above referenced facility. The permit has been reformatted to reflect the current permit style. Minor changes and/or corrections were made to a few specific conditions. Opt-in Acid Rain and CAIR Parts were added to the permit.

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

This review was conducted by Tom Cascio under my responsible supervision.

  
Jonathan K. Holtom, P.E.      7/2/09      Date  
Registration Number: 0052664

Florida Department of Environmental Protection  
Division of Air Resource Management • Bureau of Air Regulation • Title V Section  
2600 Blair Stone Road, MS #5505 • Tallahassee, Florida 32399-2400



# 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

July 7, 2009

*Electronic Mail – Received Receipt Requested.*

Mr. Tracy Patterson, General Manager  
Cedar Bay Generating Company, L.P.  
Post Office Box 26324  
9640 Eastport Road  
Jacksonville, Florida 32226

Re: DEP File No. 0310337-016-AV  
Title V Air Operation Permit Renewal

Dear Mr. Patterson:

Enclosed is the draft/proposed permit package to renew the Title V air operation permit for the Cedar Bay Generating Plant. This facility is located in Duval County, at 9640 Eastport Road, Jacksonville, Florida. The permit package includes the following documents:

- The Statement of Basis, which summarizes the facility, the equipment, the primary rule applicability, and the changes since the last Title V revision.
- The draft/proposed Title V air operation permit renewal, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- The Written Notice of Intent to Issue Air Permit provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the draft/proposed permit; the process for filing a petition for an administrative hearing; and the availability of mediation.
- The Public Notice of Intent to Issue Air Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Title V Air Permit must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit renewal pursuant to Rule 62-110.106(11), Florida Administrative Code (F.A.C.).

If you have any questions, please contact the Project Engineer, Tom Cascio, by telephone at 850-921-9526 or by email at [Tom.Cascio@dep.state.fl.us](mailto:Tom.Cascio@dep.state.fl.us).

Sincerely,

Trina L. Vielhauer, Chief  
Bureau of Air Regulation

Enclosures  
TLV/jkh/tbc

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

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*In the Matter of an  
Application for Title V Air Operation Permit by:*

Cedar Bay Generating Company, L.P.  
Post Office Box 26324  
9640 Eastport Road  
Jacksonville, Florida 32226

*Responsible Official:*

Mr. Tracy Patterson, General Manager

Permit No. 0310337-016-AV  
Facility ID No. 0310337  
Cedar Bay Generating Plant  
Title V Air Operation Permit Renewal  
Duval County, Florida

**Facility Location:** Cedar Bay Generating Company, L.P., operates the Cedar Bay Generating Plant, which is located at 9640 Eastport Road, Jacksonville, in Duval County, Florida.

**Project:** The purpose of this project is to renew Title V air operation permit No. 0310337-007-AV. Details of the project are provided in the application and the enclosed Statement of Basis.

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214 of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Permit:** The Permitting Authority gives notice of its intent to issue a renewal Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that operation of the proposed equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final permit in accordance with the conditions of the draft/proposed permit unless a response received in accordance with the following procedures results in a different decision or a significant change of terms or conditions.

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



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

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110.106(11), F.A.C.

**Comments:** The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft/proposed permit, the Permitting Authority shall issue a revised draft/proposed permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of when and how each petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Permitting Authority's final action may be different from the position taken by it in this Written

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

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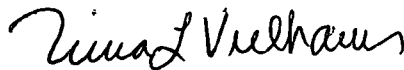
Notice of Intent to Issue Air Permit. Persons whose substantial interests will be affected by any such final decision of the Permitting Authority on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

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

**EPA Review:** EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C.. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm> .

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief  
Bureau of Air Regulation

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

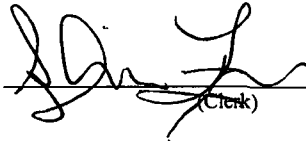
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that either this Written Notice of Intent to Issue Title V Air Operation Permit Renewal (including the Public Notice, the Statement of Basis, and the Draft/Proposed Permit), or a link to these documents available electronically on a publicly accessible server, was sent by electronic mail with received receipt requested before the close of business on 7/7/09 to the persons listed below.

- Mr. Tracy Patterson, General Manager, Cedar Bay Generating Co, L.P.: [tracypatterson@cogentrix.com](mailto:tracypatterson@cogentrix.com)
- Mr. Kennard Kosky, P.E., Golder Associates Inc.: [kkosky@golder.com](mailto:kkosky@golder.com)
- Mr. Richard L. Robinson, City of Jacksonville: [robinson@coj.net](mailto:robinson@coj.net)
- Mr. Chris Kirts, Northeast District Office: [christopher.kirts@dep.state.fl.us](mailto:christopher.kirts@dep.state.fl.us)
- Mr. Mike Halpin, DEP – SCO: [mike.halpin@dep.state.fl.us](mailto:mike.halpin@dep.state.fl.us)
- Ms. Katy Forney, EPA Region 4: [forney.kathleen@epa.gov](mailto:forney.kathleen@epa.gov)
- Ms. Ana Oquendo, US EPA Region 4: [oquendo.ana@epa.gov](mailto:oquendo.ana@epa.gov)
- Ms. Barbara Friday, DEP BAR: [barbara.friday@dep.state.fl.us](mailto:barbara.friday@dep.state.fl.us) (for posting with U.S. EPA, Region 4)
- Ms. Victoria Gibson, DEP BAR: [victoria.gibson@dep.state.fl.us](mailto:victoria.gibson@dep.state.fl.us) (for reading file)

Clerk Stamp

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

  
\_\_\_\_\_  
(Clerk)

7/7/09  
(Date)

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

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Florida Department of Environmental Protection  
Division of Air Resource Management, Bureau of Air Regulation  
Draft/Proposed Permit No. 0310337-016-AV  
Cedar Bay Generating Company, L.P., Cedar Bay Generating Plant  
Duval County, Florida

**Applicant:** The applicant for this project is Cedar Bay Generating Company, L.P.. The applicant's responsible official and mailing address are: Mr. Tracy Patterson, General Manager, Cedar Bay Generating Company, L.P., Cedar Bay Generating Plant, Post Office Box 26324, Jacksonville, Florida 32226.

**Facility Location:** The applicant operates the existing Cedar Bay Generating Plant, which is located in Duval County, at 9640 Eastport Road, Jacksonville, Florida.

**Project:** The applicant applied on January 28, 2009, to the Department for a Title V air operation permit renewal. This is a renewal of Title V air operation permit No. 0310337-007-AV.

This facility consists of three circulating fluidized bed steam generators (boilers) designated as Boilers A (001), B (002) and C (003), a coal handling area, a limestone handling area, and an ash handling area. Crushed coal is the primary fuel for Boilers A, B and C with approval for limited co-firing of petroleum coke and tire-derived fuel. The fuel for Boilers B and C can also be supplemented with short fiber recycle rejects received from Stone Container Corporation (SCC). No. 2 fuel oil is used as supplemental fuel in all three boilers normally only for start-ups. Also included in this permit are miscellaneous insignificant emissions units and/or activities.

**Permitting Authority:** Applications for Title V air operation permits are subject to review in accordance with the provisions of Chapter 403, Florida Statutes (F.S.) and Chapters 62-4, 62-210, 62-213 and 62-214, of the Florida Administrative Code (F.A.C.). The proposed project is not exempt from air permitting requirements and a Title V air operation permit is required to operate the facility. The Bureau of Air Regulation is the Permitting Authority responsible for making a permit determination for this project. The Permitting Authority's physical address is: 111 South Magnolia Drive, Suite #4, Tallahassee, Florida. The Permitting Authority's mailing address is: 2600 Blair Stone Road, MS #5505, Tallahassee, Florida 32399-2400. The Permitting Authority's telephone number is 850/488-0114.

**Project File:** A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the draft/proposed permit, the statement of basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the draft/proposed permit by visiting the following website: <http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above. Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

**Notice of Intent to Issue Air Permit:** The Permitting Authority gives notice of its intent to issue a Title V air operation permit to the applicant for the project described above. The applicant has provided reasonable assurance that continued operation of existing equipment will not adversely impact air quality and that the project will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-296 and 62-297, F.A.C. The Permitting Authority will issue a final Title V permit in accordance with the conditions of the draft/proposed permit unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, F.S. or unless public comment received in accordance with this notice results in a different decision or a significant change of terms or conditions.

**Comments:** The Permitting Authority will accept written comments concerning the draft/proposed Title V air operation permit for a period of 30 days from the date of publication of the Public Notice. Written comments must be received by the close of business (5:00 p.m.), on or before the end of this 30-day period by the Permitting Authority at the above address. As part of his or her comments, any person may also request that the

**(Public Notice to be Published in the Newspaper)**

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

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Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location in the Florida Administrative Weekly (FAW). If a public meeting is requested within the 30-day comment period and conducted by the Permitting Authority, any oral and written comments received during the public meeting will also be considered by the Permitting Authority. If timely received written comments or comments received at a public meeting result in a significant change to the draft/proposed permit, the Permitting Authority shall issue a revised draft/proposed permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection. For additional information, contact the Permitting Authority at the above address or phone number.

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

A petition that disputes the material facts on which the Permitting Authority's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address and telephone number of the petitioner; the name address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial rights will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency action or proposed decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action including an explanation of how the alleged facts relate to the specific rules or statutes; and, (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts upon which the Permitting Authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

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

**EPA Review:** EPA has agreed to treat the draft/proposed Title V air operation permit as a proposed Title V air operation permit and to perform its 45-day review provided by the law and regulations concurrently with the public comment period. Although EPA's 45-day review period will be performed concurrently with the public comment period, the deadline for submitting a citizen petition to object to the EPA Administrator will be

**(Public Notice to be Published in the Newspaper)**

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

determined as if EPA's 45-day review period is performed after the public comment period has ended. The final Title V air operation permit will be issued after the conclusion of the 45-day EPA review period so long as no adverse comments are received that results in a different decision or significant change of terms or conditions. The status regarding EPA's 45-day review of this project and the deadline for submitting a citizen petition can be found at the following website address: <http://www.epa.gov/region4/air/permits/Florida.htm>.

**Objections:** Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any petition shall be based only on objections to the Permit that were raised with reasonable specificity during the 30-day public comment period provided in the Public Notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any permit properly issued pursuant to the provisions of Chapter 62-213, F.A.C. Petitions filed with the Administrator of EPA must meet the requirements of 42 U.S.C. Section 7661d(b)(2) and must be filed with the Administrator of the EPA at: U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460. For more information regarding EPA review and objections, visit EPA's Region 4 web site at <http://www.epa.gov/region4/air/permits/Florida.htm>.

## STATEMENT OF BASIS

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### Title V Air Operation Permit Renewal Permit No. 0310337-016-AV

#### **APPLICANT**

The applicant for this project is Cedar Bay Generating Company, L.P. The applicant's responsible official and mailing address are: Mr. Tracy Patterson, General Manager, Cedar Bay Generating Plant, Post Office Box 26324, Jacksonville, Florida 32226

#### **FACILITY DESCRIPTION**

The applicant operates the Cedar Bay Generating Plant, which is located in Duval County at 9640 Eastport Road, Jacksonville, Florida.

This facility consists of three circulating fluidized bed steam generators (boilers) designated as Boilers A (001), B (002) and C (003), a coal handling area, a limestone handling area, and an ash handling area. Crushed coal is the primary fuel for Boilers A, B and C with approval for limited co-firing of petroleum coke and tire-derived fuel. The fuel for Boilers B and C can also be supplemented with short fiber recycle rejects received from Stone Container Corporation (SCC). No. 2 fuel oil is used as supplemental fuel in all three boilers normally only for start-ups. Also included in this permit are miscellaneous insignificant emissions units and/or activities.

#### **PROJECT DESCRIPTION**

The purpose of this permitting project is to renew the existing Title V permit for the above referenced facility.

#### **PROCESSING SCHEDULE AND RELATED DOCUMENTS**

Application for a Title V Air Operation Permit Renewal was received January 28, 2009.

#### **PRIMARY REGULATORY REQUIREMENTS**

Title III: The facility is identified as a major source of hazardous air pollutants (HAP).

Title IV: The facility operates opt-in units subject to the acid rain provisions of the Clean Air Act.

Title V: The facility is a Title V major source of air pollution in accordance with Chapter 62-213, Florida Administrative Code (F.A.C.).

PSD: The facility is a Prevention of Significant Deterioration (PSD)-major source of air pollution in accordance with Rule 62-212.400, F.A.C.

NSPS: The facility operates units subject to the New Source Performance Standards (NSPS) of 40 Code of Federal Regulations (CFR) 60.

CAM: Units 001, 002 and 003 are subject to compliance assurance monitoring (CAM).

CAIR: The facility is subject to the Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, F.A.C.

#### **PROJECT REVIEW**

Some changes were made to the facility's current Title V air operation permit. These included: reformatting, replacement of TV-6 with new Appendix TV and streamlining of emissions unit sections by moving common conditions to the new appendices. In addition, clarifications and corrections to a few specific conditions were made at the request of the applicant. These are noted in the draft/proposed permit by strikethrough (deletions) and double underline (additions) notation. Specific conditions modified were A.2., A.3., A.28., A.31., A.50., A.52., A.57., B.3. and C.3. Also new with the issuance of this permit is an Acid Rain part in response to the permittee's request to opt in to the Acid Rain program, retro-actively effective on January 1, 2009. As an Acid rain permitted source, this renewed Title V permit will have a future effective date of January 1, 2010.

## STATEMENT OF BASIS

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### CONCLUSION

This project renews Title V air operation permit No. 0310337-007-AV, which was issued on September 14, 2004. This Title V air operation permit renewal is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210 and 62-213, F.A.C. The above named permittee is hereby authorized to operate the facility in accordance with the terms and conditions of this permit.



Cedar Bay Generating Company, L.P.  
Cedar Bay Generating Plant  
Facility ID No. 0310337  
Duval County

**Title V Air Operation Permit Renewal**

**Draft/Proposed Permit No. 0310337-016-AV**  
(Renewal of Title V Air Operation Permit No. 0310337-007-AV)



**Permitting Authority**

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

Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Telephone: 850/488-0114  
Fax: 850/921-9533

**Compliance Authority**

City of Jacksonville  
Environmental Resource Management Department  
Environmental Quality Division

117 W. Duval Street, Suite 225  
Jacksonville, Florida 32202-3718

Telephone: 904/630-4900  
Fax: 904/630-3638

## Title V Air Operation Permit Renewal

Permit No. 0310337-016-AV

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***(Draft/Proposed)***

**PERMITTEE:**

Cedar Bay Generating Company, L.P.  
Post Office Box 26324  
9640 Eastport Road  
Jacksonville, Florida 32226

Permit No. 0310337-016-AV  
Cedar Bay Generating Plant  
Facility ID No. 0310337  
Title V Air Operation Permit Renewal

This permit is to renew the Title V air operation permit for the Cedar Bay Generating Plant located in Duval County at 9640 Eastport Road, Jacksonville,. The UTM Coordinates are: Zone 17, 441.08 km East and 3365.06 km North; Latitude: 30° 25' 21" North and Longitude: 81° 36' 23" West.

This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.); Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213 and 62-214; the City of Jacksonville Ordinance Code, Title X, Chapter 376; and the Jacksonville Environmental Protection Board Rule 2, Parts I thru VII and Parts IX thru XII. The above named permittee is hereby authorized to perform the work or operate the facility in accordance with the terms and conditions of this permit.

Effective Date: January 1, 2010  
Renewal Application Due Date: May 20, 2014  
Expiration Date: December 31, 2014

***(Draft/Proposed)***

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Joseph Kahn, Director  
Division of Air Resource Management

JK/tlv/jkh/tbc

**SECTION I. FACILITY INFORMATION.**

**Subsection A. Facility Description.**

This facility consists of three circulating fluidized bed steam generators (boilers) designated as Boilers A, B and C, a coal handling area, a limestone handling area, and an ash handling area. Crushed coal is the primary fuel for Boilers A, B and C with approval for limited co-firing of petroleum coke and tire-derived fuel. The fuel for Boilers B and C can also be supplemented with short fiber recycle rejects received from Stone Container Corporation (SCC). No. 2 fuel oil is used as supplemental fuel in all three boilers, normally only for start-ups. Also included in this permit are miscellaneous insignificant emissions units and/or activities.

**Subsection B. Summary of Emissions Units.**

<b>EU No.</b>	<b>Brief Description</b>
<i>Regulated Emissions Units</i>	
001	Circulating Fluidized Bed Boiler A – 1063 million British thermal units (MMBtu)/hour
002	Circulating Fluidized Bed Boiler B - 1063 MMBtu/hour
003	Circulating Fluidized Bed Boiler C - 1063 MMBtu/hour
004	Absorber Dryer System Train - 1 (Dryer and Handling System)
005	Absorber Dryer System Train - 2 (Dryer and Handling System)
006	Coal Crusher Building
007	Coal Silo Conveyor
009, 025	Absorber Dryer System (ADS) Storage Bins (1 & 2)
010	Bed Ash Hopper
011	Bed Ash Separator/Collector
012, 026	Fly Ash Separators/Collectors (1 & 2)
030	Dry Ash Rail Car
031	Pulverized Limestone Feeders (6)
032	Bed Ash Silo Vent (for transfers to silo and emissions control for truck loadout)
033	Fly Ash Silo Vent (for transfers to silo and emissions control for truck loadout)
034	Absorber Dryer System Train - 3 (Dryer and Handling System)

**Subsection C. Applicable Regulations.**

Based on the Title V Air Operation Renewal application received January 28, 2009, this facility is a major source of hazardous air pollutants (HAP). This facility is classified as a PSD major facility. A summary of applicable regulations is shown in the following table.

<b>Regulation</b>	<b>EU No(s).</b>
40 CFR 60, Subpart A, NSPS General Provisions	001, 002, 003, 006, 007, 020, 031
40 CFR, Subpart Da, Standards of Performance for Electric Utility Generating Units for Which Construction is Commenced After September 18, 1978	001, 002, 003

**SECTION I. FACILITY INFORMATION.**

<b>Regulation (Cont.)</b>	<b>EU No(s).</b>
NSPS - 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation Plants	006, 007, 020
NSPS - 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants	031
40 CFR 75 Acid Rain Monitoring Provisions	001, 002, 003
Clean Air Interstate Rule (CAIR) set forth in Rule 62-296.470, F.A.C.	
<i>State Rule Citations</i>	
Rule 62-4, Florida Administrative Code (F.A.C.) (Permitting Requirements)	001, 002, 003, 004, 005, 006, 007, 009, 010, 011, 012, 025, 026, 031, 032, 033, 034
Rule 62-204, F.A.C. (Ambient Air Quality Requirements, PSD Increments, and Federal Regulations Adopted by Reference)	
Rule 62-210, F.A.C. (Permits Required, Public Notice, Reports, Stack Height Policy, Circumvention, Excess Emissions, and Forms)	
Rule 62-212, F.A.C. (Preconstruction Review, PSD Review and Best Available Control Technology (BACT))	
Rule 62-213, F.A.C. (Title V Air Operation Permits for Major Sources of Air Pollution)	
Rule 62-214, F.A.C. (Requirements For Sources Subject To The Federal Acid Rain Program)	001, 002, 003
Rule 62-296, F.A.C. (Emission Limiting Standards)	001, 002, 003, 004, 005, 006, 007, 009, 010, 011, 012, 025, 026, 031, 032, 033, 034
Rule 62-297, F.A.C. (Test Methods and Procedures, Continuous Monitoring Specifications, and Alternate Sampling Procedures)	

## SECTION II. FACILITY-WIDE CONDITIONS.

**The following conditions apply facility-wide to all emission units and activities:**

**FW1. Appendices.** The permittee shall comply with all documents identified in Section VI, Appendices, listed in the Table of Contents. Each document is an enforceable part of this permit unless otherwise indicated. [Rule 62-213.440, F.A.C.]

### **Emissions and Controls**

**FW2. 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. [Rule 62-296.320(2) and 62-210.200(Definitions), F.A.C.]

**FW3. General Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions.** The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. Nothing is deemed necessary and ordered at this time. [Rule 62-296.320(1), F.A.C.]

**FW4. 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% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1, F.A.C.]

**FW5. Unconfined Particulate Matter (PM).** Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

- Unconfined PM related to coal transfer points is controlled by water spray in key locations as necessary.
- Unconfined PM related to coal, limestone (aragonite) and ash mobile equipment operations is controlled by wetting the coal pile and road surfaces.

[Rule 62-296.320(4)(c)2., F.A.C.; and provided by the applicant in Title V air operation permit renewal application received January 28, 2009.]

### **Annual Reports and Fees**

See Appendix RR, Facility-wide Reporting Requirements for additional details.

**FW6. 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 April 1<sup>st</sup> of each calendar year. [Rule 62-210.370(3), F.A.C.]

**FW7. Annual Emissions Fee Form and Fee.** The annual Title V emissions fees must be submitted (postmarked) by March 1<sup>st</sup> of each year. The completed form and calculated fee shall be submitted to: Major Air Pollution Source Annual Emissions Fee, P.O. Box 3070, Tallahassee, Florida 32315-3070. The forms are available for download by accessing the Title V Annual Emissions Fee On-line Information Center at the following Internet web site: <http://www.dep.state.fl.us/Air/permitting/tvfee.htm>. [Rule 62-213.205, F.A.C.]

**FW8. Annual Statement of Compliance.** The permittee shall submit an annual statement of compliance to the compliance authority at the address shown on the cover of this permit within 60 days after the end of each calendar year during which the Title V permit was effective. [Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

*{Permitting Note: As specified in Specific Condition RR7 of Appendix RR, the applicant shall use DEP Form No. 62-213.900(7) to comply with this requirement.}*

## SECTION II. FACILITY-WIDE CONDITIONS.

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**FW9. Prevention of Accidental Releases (Section 112(r) of CAA).**

- a. As required by Section 112(r)(7)(B)(iii) of the CAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.
- b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAA.
- c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S., and Rule 9G-21, F.A.C.
- d. Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to: Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Telephone: (850) 413-9921, Fax: (850) 488-1739.
- e. Any Risk Management Plans, original submittals, revisions, or updates to submittals, should be sent to: RMP Reporting Center, Post Office Box 1515, Lanham-Seabrook, MD 20703-1515, Telephone: (301) 429-5018.

Any required reports to be sent to the National Response Center, should be sent to: National Response Center, EPA Office of Solid Waste and Emergency Response, USEPA (5305 W), 401 M Street SW, Washington, D.C. 20460, Telephone: (800) 424-8802.

Send the required annual registration fee using approved forms made payable to: Cashier, Department of Community Affairs, State Emergency Response Commission, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2149.

[Part IV, Chapter 252, F.S.; and, Rule 9G-21, F.A.C.]

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Units 001, 002 and 003**

The specific conditions in this section apply to the following emissions units:

EU No.	Brief Description
001	Circulating Fluidized Bed Boiler A
002	Circulating Fluidized Bed Boiler B
003	Circulating Fluidized Bed Boiler C

Emissions unit numbers 001, 002 and 003 are Pyroflow<sup>®</sup> Circulating Fluidized Bed (CFB) dry bottom boilers designated as "CFB Boiler A", "CFB Boiler B" and "CFB Boiler C", respectively. CFB Boilers A, B and C, are each rated at a maximum heat input of 1,063 million Btu per hour (MMBtu/hour) when firing crushed coal, petroleum coke, and tire-derived fuel (TDF). Also, CFB Boilers B and C are each allowed to burn short fiber recycle rejects from the Stone Container Corporation (SCC) (was previously named Seminole Kraft Corporation (SKC)) recycling process. No. 2 fuel oil is used as an auxiliary fuel in all three boilers, normally only for start-ups.

*{Permitting notes: These emissions units are regulated under NSPS - 40 CFR 60, Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978, adopted and incorporated by reference in Rule 62-204.800(8), F.A.C.; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD): Permit Nos. PSD-FL-137 (including revisions thereof); and, Compliance Assurance Monitoring (CAM), adopted and incorporated by reference in Rule 62-204.800, F.A.C. All three boilers began commercial operation January 25, 1994. Particulate matter (PM) emissions from each boiler are controlled by separate baghouses. Nitrogen oxides (NO<sub>x</sub>) emissions from all units are controlled by selective non-catalytic reduction (SNCR). Sulfur dioxide (SO<sub>2</sub>) emissions are controlled by limestone injection on the fluidized bed of each boiler. The three boilers share a common stack. Stack height = 403 feet, exit diameter = 13.26 feet, exit temperature = approx. 265 °F, actual volumetric flow rate = approx. 1,004,000 acfm.}*

**Applicable Standards and Regulations**

A.1. **NSPS Requirements.** These emissions units are subject to the performance and monitoring requirements of the New Source Performance Standards for Subpart Da in 40 CFR 60. For completeness, the applicable requirements of Subpart Da are included in the Appendices of this permit. [Rule 62-204.800, F.A.C.]

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

A.2. **Permitted Capacity.** The maximum operation heat input rates are as follows:

Unit No.	MMBtu/hr Heat Input	Fuel Type
001	110% of 1,063 (1,169) 35% (by weight) <sup>1</sup> <u>5% (by weight)<sup>1</sup></u> 380	Coal Petcoke <u>TDF</u> No. 2 Fuel Oil
002	110% of 1,063 (1,169) 35% (by weight) <sup>1</sup> <u>5% (by weight)<sup>1</sup></u> 380	Coal Petcoke <u>TDF</u> No. 2 Fuel Oil
003	110% of 1,063 (1,169) 35% (by weight) <sup>1</sup> <u>5% (by weight)<sup>1</sup></u> 380	Coal Petcoke <u>TDF</u> No. 2 Fuel Oil



**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Units 001, 002 and 003**

<b>Unit Nos.</b>	<b>MMBtu/yr Heat Input</b>	<b>Fuel Type</b>
001, 002 & 003	25.98 x 10 <sup>6</sup> (total - all 3 boilers)	all

<sup>1</sup>Percent of fuel input by weight on a daily basis.

Additionally, the facility shall not exceed a combined total of 3,189 MMBtu/hr for all three units. The facility heat input limit shall be based upon the number of operating boilers at the facility. Specifically, the combined maximum heat input shall not exceed: 1,063 MMBtu/hr, if only one boiler is operating; 2,126 MMBtu/hr, if only two boilers are operating; and, 3,189 MMBtu/hr, if all three boilers are operating.

[PSD-FL-137(A & D)]

**A.3. Methods of Operation.**

a. *Operating Scenarios - Steam Production.* CFB boilers A, B, and C are permitted to operate for the purpose of producing steam. The steam may be utilized as follows:

- (1) To drive a steam turbine generator for the purpose of producing electricity.
- (2) For production of electricity while diverting a portion of the steam to SCC.
- ~~(3) To satisfy SCC's steam needs without producing electricity through a process called Full Flow Reheat Bypass (FFRB).~~

b. *Fuels.*

- (1) Coal. The maximum coal charging rate of each CFB shall neither exceed 104,000 lbs/hr, 39,000 tons per month (30 consecutive days), nor 390,000 tons per year (TPY). This reflects a combined total of 312,000 lbs/hr, 117,000 tons per month, and 1,170,000 TPY for all three CFB units. Tire-derived fuel (TDF) may be utilized as a co-firing fuel, and shall not exceed 5% fuel input by weight on a daily basis. Petroleum coke (petcoke) may be utilized as a co-firing fuel, and shall not exceed 35% fuel input by weight on a daily basis.

*{Permitting Note: The limitations on the coal charging rate include coal, TDF and petcoke.}*

- (2) No. 2 Fuel Oil. Auxiliary fuel burners shall be fueled with only No. 2 fuel oil and shall normally only be used for start-ups. The maximum oil usage shall not exceed 8000 gals/hr and 1,900,000 gals/year.
- (3) Other. Other fuels or wastes shall not be burned in the CFB boilers without prior specific written approval of the Secretary of the Department of Environmental Protection.

c. *Short Fiber Rejects.* The maximum charging rate to CFB Boilers B & C of short fiber recycle rejects from the SCC recycling process shall not exceed 420,000 lb/day and 69,600 tons/yr. This reflects a combined total of 840,000 lb/day and 139,200 tons/yr for the two CFB boilers that fire recycle rejects. CFB Boiler A will not utilize recycle rejects, nor will it be equipped with handling and firing equipment for recycle rejects. [PSD-FL-137(A), Title V permit application, 0310337-005-AC and 0310337-009-AC]

**A.4. Hours of Operation.** CFB Boilers A, B, and C may operate continuously, i.e. 8,760 hours/year, each. [PSD-FL-137(A)]

**Emission Limitations and Standards**

*{Permitting Note: The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}*

Unless otherwise specified, the averaging times for Specific Conditions A.5. - A.8. are based on the specified averaging time of the applicable test method.

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Units 001, 002 and 003**

**A.5. Emission Limits.** The maximum emission limits from each CFB boiler are:

<b>Pollutant Name</b>	<b>Pollutant Acronym</b>	<b>lbs/MMBtu</b>	<b>lbs/hr</b>	<b>TPY</b>
Carbon Monoxide	CO <sup>5</sup>	0.175 <sup>1</sup>	186 <sup>1</sup>	758 <sup>4</sup>
Nitrogen Oxides	NO <sub>x</sub>	0.17 <sup>2</sup>	180.7 <sup>2</sup>	736.1
Sulfur Dioxide	SO <sub>2</sub>	0.30 <sup>3</sup>	318.9 <sup>3</sup>	--
	SO <sub>2</sub>	0.20 <sup>4</sup>	--	866
Volatile Organic Compound	VOC	0.015	16.0	65
Particulate Matter	PM	0.018	19.1	78
Particulate Matter less than 10 microns	PM <sub>10</sub>	0.018	19.1	78
Sulfuric Acid Mist	H <sub>2</sub> SO <sub>4</sub> mist	4.66x10 <sup>-4</sup>	0.50	2.0
Fluorides	F1	7.44x10 <sup>-4</sup>	0.79	3.2
Lead	Pb	6.03x10 <sup>-5</sup>	0.06	0.26
Mercury	Hg	2.89x10 <sup>-5</sup>	0.03	0.13
Beryllium	Be	8.70x10 <sup>-6</sup>	0.01	0.04

[Note: TPY represents a 93% capacity factor.]

**Additional Notes:**

1. Eight-hour rolling average, except for initial and annual compliance tests and the CEM certification, when the 1-hour standard applies.
2. Thirty-day rolling average.
3. Three-hour rolling average.
4. Twelve-month rolling average.
5. See Specific Condition A.15. for alternative carbon monoxide (CO) emission limits during specific operating modes.

[PSD-FL-137(A & D)]

**A.6. Visible Emissions.** Visible emissions (VE) shall not exceed 20 percent opacity (6-minute average), except for one 6-minute period per hour when VE shall not exceed 27% opacity. Because CFB Boilers A, B & C share a common stack, visible emissions violations from the stack will be attributed to all three units unless opacity meter results show the specific unit causing the violation. [40 CFR 60.42Da(b); and, PSD-FL-137(A)]

**A.7. Sulfur Dioxide - Sulfur Content.**

- a. *Fuel.* The fuel input to the CFB units shall not exceed 3.2 lb/MMBtu equivalent SO<sub>2</sub> content. Compliance shall be determined on a monthly basis via a composite of daily fuel samples.
- b. *No. 2 Fuel Oil.* The No. 2 fuel oil sulfur content shall not exceed 0.05 percent, by weight, as measured by applicable test methods.

[PSD-FL-137(A)]

**A.8. Ammonia.** Ammonia (NH<sub>3</sub>) slip from exhaust gases shall not exceed 10 ppmvd when co-firing petcoke or burning coal at 100% capacity and 30 ppmvd when burning No. 2 fuel oil, as measured by applicable test methods. [PSD-FL-137(A)]

**Emission Controls**

**A.9. Sulfur Dioxide (SO<sub>2</sub>) and Acid Gases.** Limestone injection and fuel sulfur limitations shall be used for control of emissions of SO<sub>2</sub> and acid gases. [PSD-FL-137(A)]

### SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

#### Subsection A. Emissions Units 001, 002 and 003

- A.10. Particulate Matter (PM/PM<sub>10</sub>). A baghouse shall be used for control of PM/PM<sub>10</sub> emissions. [PSD-FL-137(A)]
- A.11. Nitrogen Oxides (NO<sub>x</sub>). Selective non-catalytic reduction (SNCR) shall be used for control of NO<sub>x</sub> emissions. [PSD-FL-137(A)]
- A.12. Carbon Monoxide (CO) and Volatile Organic Compounds (VOC). Good combustion characteristics, which are an inherent part of the CFB technology, shall be used for control of CO and VOC emissions. [PSD-FL-137(A)]

#### Excess Emissions

Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any requirement of an NSPS, NESHAP or Acid Rain program provision.

- A.13. Excess Emissions Allowed. Excess emissions resulting from startup, shutdown, or malfunction of any emissions unit shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.; and, PSD-FL-137(A)]
- A.14. Excess Emissions Prohibited. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.; and PSD-FL-137(A)]
- A.15. Carbon Monoxide. For the specific periods defined below, the emission limits of carbon monoxide (CO) shall be as follows:
- Warm startup* – emissions up to 186 lbs/hr (no lb/MMBtu limit) with sufficient documentation.
  - Cold startup* – up to 10 hours (per cold startup) of CO data may be eliminated from the data used to determine compliance with the 8-hour rolling average limit with sufficient documentation.
  - Refractory Curing* – Must notify agency at least 24 hours prior to commencing; CO data may be eliminated from the data used to determine compliance with the 8-hour rolling average limit with sufficient documentation.
- The CO emissions limit of 758 TPY per boiler, via a 12-month rolling average, is inclusive of all periods of operation, including those noted above. [PSD-FL-137(D)]

#### Compliance Provisions

- A.16. Particulate Matter. Compliance with the particulate matter emission limitation under 40 CFR 60.42Da(a)(1) constitutes compliance with the percent reduction requirements for particulate matter under 40 CFR 60.42Da(a)(2) and (3). [40 CFR 60.48Da(a)]
- A.17. Nitrogen Oxides. Compliance with the nitrogen oxides emission limitation under 40 CFR 60.44Da(a)(1) constitutes compliance with the percent reduction requirements under 40 CFR 60.44Da(a)(2). [40 CFR 60.48Da(b)]
- A.18. Exceptions. The particulate matter emission standards under 40 CFR 60.42Da, the nitrogen oxide standards under 40 CFR 60.44Da, and the Hg emissions standards under 40 CFR 60.45Da apply at all times except during periods of startup, shutdown, or malfunction. [40 CFR 60.48Da(c)]
- A.19. Emission Data. If the owner or operator has not obtained the minimum quantity of emission data as required under 40 CFR 60.49Da, compliance of the affected facility with the emission requirements under 40 CFR 60.43Da and 60.44Da for the day on which the 30-day period ends may be determined by the Administrator following the applicable procedures in section 7 of Method 19. [40 CFR 60.48Da(h)]

## SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection A. Emissions Units 001, 002 and 003

#### Monitoring of Operations

**A.20. CAM Plan.** These emissions units are subject to the Compliance Assurance Monitoring (CAM) requirements contained in the attached Appendix CAM. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7)(b), F.A.C. [40 CFR 64; and Rules 62-204.800 and 62-213.440(1)(b)1.a., F.A.C.]

#### Continuous Monitoring Requirements

- A.21. Continuous Emissions Monitoring.** The permittee shall comply with all provisions of 40 CFR 60.49Da. [40 CFR 60.49Da]
- A.22. Devices Installed.** Devices shall have been installed and shall be maintained in order to continuously monitor and record steam production and flue gas temperature at the exit of the control equipment. [PSD-FL-137(A)]
- A.23. Continuous Monitors.** The Permittee shall certify, calibrate, operate and maintain continuous emissions monitoring systems (CEMS) for opacity, SO<sub>2</sub>, NO<sub>x</sub>, CO and oxygen (O<sub>2</sub>) or carbon dioxide (CO<sub>2</sub>). These CEMS shall be used to determine compliance with the emission limitations in Specific Condition A.5. for CO, NO<sub>x</sub> and SO<sub>2</sub>, and with the opacity requirements in Specific Condition A.6. The permittee may elect to install, certify, calibrate, operate, and maintain multiple span CEMS for SO<sub>2</sub> and NO<sub>x</sub> providing certification tests and calibrations are performed for each span. Each of the CEMS for SO<sub>2</sub> and NO<sub>x</sub> shall continuously record data on a span that satisfies the requirements of 40 CFR 60.49Da. Any exception to the above must be specifically authorized by the Department, in writing, and in accordance with state and federal regulations. [40 CFR 60.49Da(a), (b), (c) & (d); and PSD-FL-137(A)]
- A.24. Operating Periods.** The continuous monitoring systems shall be operated and data recorded during all periods of operation at the affected facility including periods of startup, shutdown, malfunction, or emergency conditions, except for continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments. [40 CFR 60.49Da(e)]
- A.25. Data Requirements.** The owner or operator shall obtain emission data for at least 18 hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement cannot be met with a continuous monitoring system, the owner or operator shall supplement emission data with other monitoring systems approved by the Administrator or the reference methods and procedures as described in 40 CFR 60.49Da(h). [40 CFR 60.49Da(f)]
- A.26. One Hour Averages.** The 1-hour averages required under 40 CFR 60.13(h) are expressed in ng/J (lb/million Btu) heat input and used to calculate the average emission rates under 40 CFR 60.48Da. The 1-hour averages are calculated using the data points required under 40 CFR 60.13(h)(2). [40 CFR 60.49Da(g)]
- A.27. Supplemental Data.** When it becomes necessary to supplement continuous monitoring system data to meet the minimum data requirements in 40 CFR 60.49Da(f), the owner or operator shall use the reference methods and procedures as specified in this paragraph. Acceptable alternative methods are given in 40 CFR 60.49Da(j).
- Method 6 shall be used to determine the SO<sub>2</sub> concentration at the same location as the SO<sub>2</sub> monitor. Samples shall be taken at 60-minute intervals. The sampling time and sample volume for each sample shall be at least 20 minutes and 0.020 dscm (0.71 dscf). Each sample represents a 1-hour average.
  - Method 7 shall be used to determine the NO<sub>x</sub> concentration at the same location as the NO<sub>x</sub> monitor. Samples shall be taken at 30-minute intervals. The arithmetic average of two consecutive samples represents a 1-hour average.

### SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

#### Subsection A. Emissions Units 001, 002 and 003

- c. The emission rate correction factor, integrated bag sampling and analysis procedure of Method 3B shall be used to determine the O<sub>2</sub> or CO<sub>2</sub> concentration at the same location as the O<sub>2</sub> or CO<sub>2</sub> monitor. Samples shall be taken for at least 30 minutes in each hour. Each sample represents a 1-hour average.
- d. The procedures in Method 19 shall be used to compute each 1-hour average concentration in ng/J (lb/million Btu) heat input.

[40 CFR 60.49Da(h)(1), (2), (3) & (4)]

**A.28. Methods and Procedures.** The owner or operator shall use methods and procedures in this paragraph to conduct monitoring system performance evaluations under 40 CFR 60.13(c) and calibration checks under 40 CFR 60.13(d). Acceptable alternative methods and procedures are given in 40 CFR 60.49Da(j).

- a. Methods 3B, 6, and 7 shall be used to determine O<sub>2</sub>, SO<sub>2</sub>, and NO<sub>x</sub> concentrations, respectively.
- b. SO<sub>2</sub> or NO<sub>x</sub> (NO), as applicable, shall be used for preparing the calibration gas mixtures (in N<sub>2</sub>, as applicable) under Performance Specification 2 of appendix B of 40 CFR 60.
- c. For affected facilities burning only fossil fuel, the span value for a continuous monitoring system for measuring opacity is between 60 and 80 percent (unless otherwise required) and for a continuous monitoring system measuring nitrogen oxides firing solid fuel is 1,000 ppm.
- d. ~~For affected facilities burning fossil fuel, alone or in combination with non fossil fuel, the span value of the sulfur dioxide continuous monitoring system at the inlet to sulfur dioxide control device is 125 percent of the maximum estimated hourly potential emissions of the fuel fired, and the outlet of the sulfur dioxide control device is 50 percent of maximum estimated hourly potential emissions of the fuel fired.~~

[40 CFR 60.49Da(i)(1), (2), (3) & (5)]

**A.29. Alternate Methods.** The owner or operator may use the following as alternatives to the reference methods and procedures specified in 40 CFR 60.49Da:

- a. For Method 6, Method 6A or 6B (whenever Methods 6 and 3 or 3B data are used) or 6C may be used. Each Method 6B sample obtained over 24 hours represents 24 1-hour averages. If Method 6A or 6B is used under 40 CFR 60.49Da(i), the conditions under 40 CFR 60.46(d)(1) apply; these conditions do not apply under 40 CFR 60.49Da(h).
- b. For Method 7, Method 7A, 7C, 7D or 7E may be used. If Method 7C, 7D, or 7E is used, the sampling time for each run shall be 1 hour.
- c. For Method 3, Method 3A or 3B may be used if the sampling time is 1 hour.
- d. For Method 3B, Method 3A may be used.

[40 CFR 60.49Da(j)]

**A.30. Continuous Monitor Performance Specifications.** If continuous monitoring systems are required by rule or permit to be used for demonstrating compliance with the standards of the Department, they must be installed, maintained and calibrated in accordance with the EPA performance specifications listed below. These Performance Specifications are contained in 40 CFR 60, Appendix B, and are adopted by reference in Rule 62-204.800, F.A.C.

- a. Performance Specification 1--Specifications and Test Procedures for Opacity Continuous Emission Monitoring Systems in Stationary Sources.
- b. Performance Specification 2--Specifications and Test Procedures for SO<sub>2</sub> and NO<sub>x</sub> Continuous Emission Monitoring Systems in Stationary Sources.
- c. Performance Specification 3--Specifications and Test Procedures for O<sub>2</sub> and CO<sub>2</sub> Continuous Emission Monitoring Systems in Stationary Sources.
- d. Performance Specification 4--Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources or Performance Specification 4A--Specifications and Test Procedures for Carbon Monoxide Continuous Emission Monitoring Systems in Stationary Sources.

[Rule 62-297.520, F.A.C.]

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection A. Emissions Units 001, 002 and 003**

**Test Methods and Procedures**

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

**A.31. Test Methods.** Required tests shall be performed in accordance with the following reference methods:

<b>Method</b>	<b>Description of Method and Comments</b>
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
3, 3A	Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources
4	Determining stack gas moisture content to convert the flow rate from actual standard cubic feet (ascf) to dry standard cubic feet (dscf)
5, 17	Method for Determining Particulate Matter Emissions
6, 6B, 6C	Determination of Sulfur Dioxide Emissions from Stationary Sources
7, 7A, 7C, 7D, 7E	Determination of Nitrogen Oxide Emissions from Stationary Sources
8	Method for Determining Sulfuric Acid Mist Emissions
9	Visual Determination of the Opacity of Emissions from Stationary Sources
10	Method for Determining Carbon Monoxide Emissions
12	Inorganic Lead Emissions Determination
13A, 13B	Total Fluoride Emissions Determination
18, 25	Determination of Volatile Organic Compounds Emissions.
19	Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Oxides Emission Rates (Optional F-factor method may be used to determine flow rate and gas analysis to calculate mass emissions in lieu of Methods 1-4.)
20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines
27	Ammonia Emissions Determination
29	Metals Emissions from Stationary Sources Determination
<u>30B</u>	<u>Determination of Mercury Emissions.</u>
101A	Determination of Mercury Emissions.
104	Beryllium Emissions Determination
201, 201A	Method for Determining PM <sub>10</sub> Emissions

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [40 CFR 60 and 61, Appendix A; Rules 62-297.400 and 62-297.620; and PSD-FL-137(A & D).]

**A.32. Common Testing Requirements.** Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310(7), F.A.C.]

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- A.33. Annual Compliance Tests Required.** Annual compliance tests shall be performed for PM, PM<sub>10</sub>, CO, SO<sub>2</sub>, NO<sub>x</sub> and visible emissions. [PSD FL-137(A)]
- A.34. Compliance Tests Prior To Renewal.** Compliance tests shall be performed for VOC, FI, NH<sub>3</sub>, and H<sub>2</sub>SO<sub>4</sub> mist once every 5 years. The tests shall occur prior to obtaining a renewed operating permit to demonstrate compliance with the emission limits in Specific Conditions A.5. and A.6. [Rules 62-210.300(2)(a) and 62-297.310(7)(a), F.A.C.]
- A.35. Additional Compliance Tests.** Compliance tests shall be performed for Hg, Be and Pb until three consecutive tests (including, if successful, the initial compliance test) are within the annual emission limits specified in Specific Condition A.5. Such tests shall occur, as necessary, in the first, fifth, and tenth years and additional successive five year intervals following commercial operation. Mercury testing shall not be routinely required. However, should the Department have reason to believe that a change in mercury emissions has occurred (e.g. via a change in fuel quality, particulate removal equipment, etc.) mercury testing shall be required. [PA 88-24(A); and PSD-FL-137(D)]

*{Permitting Note: In this condition, "routinely" refers to annually and/or the need to continue testing different control devices in order to reduce mercury emissions below those obtainable through the use of a baghouse, as was originally required by PA-88-24(A).}*

- A.36. Particulate Matter.** The owner or operator shall determine compliance with the particulate matter standards as follows:
- The dry basis F factor (O<sub>2</sub>) procedures in Method 19 shall be used to compute the emission rate of particulate matter.
  - For the particulate matter concentration, Method 5 shall be used at affected facilities without wet FGD systems and Method 5B shall be used after wet FGD systems.
    - The sampling time and sample volume for each run shall be at least 120 minutes and 1.70 dscm (60 dscf). The probe and filter holder heating system in the sampling train may be set to provide an average gas temperature of no greater than 160 ± 14 °C (320 ± 25 °F).
    - For each particulate run, the emission rate correction factor, integrated or grab sampling and analysis procedures of Method 3B shall be used to determine the O<sub>2</sub> concentration. The O<sub>2</sub> sample shall be obtained simultaneously with, and at the same transverse points as, the particulate run. If the particulate run has more than 12 transverse points, the O<sub>2</sub> transverse points may be reduced to 12 provided that Method 1 is used to locate the 12 O<sub>2</sub> transverse points. If the grab sampling procedure is used, the O<sub>2</sub> concentration for the run shall be the arithmetic mean of all the individual O<sub>2</sub> concentrations at all transverse points.

[40 CFR 60.50Da(b)(1) & (2)]

- A.37. Sulfur Dioxide.** The owner or operator shall determine compliance with the sulfur dioxide standards as follows:
- The percent of potential SO<sub>2</sub> emissions (%P<sub>S</sub>) to the atmosphere shall be computed using the following equation:
$$\%P_S = [(100 - \%R_F)(100 - \%R_S)]/100$$
where:  
%P<sub>S</sub> = percent of potential SO<sub>2</sub> emissions, percent.  
%R<sub>F</sub> = percent reduction from fuel pretreatment, percent.  
%R<sub>S</sub> = percent reduction by SO<sub>2</sub> control system, percent.
  - The procedures in Method 19 shall be used to determine the percent SO<sub>2</sub> reduction (%R<sub>S</sub>) of any SO<sub>2</sub> control system. Alternatively, a combination of an "as fired" fuel monitor and emission rates measured after the control system, following the procedures in Method 19, may be used if the percent reduction is

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calculated using the average emission rate from the SO<sub>2</sub> control device and the average SO<sub>2</sub> input rate from the "as fired" fuel analysis for 30 consecutive boiler operating days.

- c. The appropriate procedures in Method 19 shall be used to determine the emission rate.
- d. The continuous monitoring system in 40 CFR 60.49Da(b) and (d) shall be used to determine the concentrations of SO<sub>2</sub> and CO<sub>2</sub> or O<sub>2</sub>.

[40 CFR 60.50Da(c)(1), (3), (4) & (5)]

#### A.38. Fuel - Sulfur Content.

- a. *Coal.* The as-fired fuel sulfur content, percent by weight, for coal shall be determined using ASTM D2013-72 and either ASTM D3177-75, ASTM D4239-85, ASTM D3176-74, or the latest edition, to analyze a representative sample of the blended as-fired crushed coal.
- b. *No. 2. Fuel Oil.* The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using either ASTM D2622-92, ASTM D4294-90, both ASTM D4057-88 and ASTM D129-91, or the latest edition. If the No. 2 fuel oil being delivered has a sulfur content of 0.05% or less, by weight, and the heating value of the delivered No. 2 fuel oil is provided, then the vendor's analysis is acceptable and no further analysis is required. However, if the No. 2 fuel oil being delivered has a sulfur content greater than 0.05%, by weight, the permittee shall have an as-fired sample analyzed.

[Rules 62-213.440 and 62-297.440, F.A.C.; 40 CFR 60.17; and PSD-FL-137(A)]

#### A.39. Fuel Sampling and Analysis. The following fuel sampling and analysis protocol shall be used as an alternate sampling procedure authorized by permit to demonstrate compliance with the sulfur dioxide standard in the event that the SO<sub>2</sub> continuous emissions monitor is not able to capture valid data:

- a. Determine and record the as-fired fuel sulfur content, percent by weight, for liquid fuels using either ASTM D2622-92, ASTM D4294-90, both ASTM D4057-88 and ASTM D129-91, or the latest edition, to analyze a representative sample of the blended fuel following each fuel delivery.
- b. Determine and record the as-fired fuel sulfur content, percent by weight, for coal using ASTM D2013-72 and either ASTM D3177-75 or ASTM D4239-85, or the latest edition, to analyze a representative sample of the blended as-fired crushed coal.
- c. Determine and record the density (using ASTM D 1298-80, or equivalent) and the calorific heat value in Btu per pound (using ASTM D 240-76, or the latest edition) of the fuel oil combusted.
- d. Determine and record the calorific heat value in Btu per pound of the blended, as-fired crushed coal using ASTM D2013-72 and either ASTM D2015-77 or D3286 (latest version), or the latest edition.
- e. Record daily the amount of each fuel fired, the density of the fuel oil, the heating value of each fuel fired, and the percent sulfur content, by weight, of each fuel fired.
- f. Utilize the information in a., b., c., d. and e., above, to calculate the SO<sub>2</sub> emission rate to ensure compliance at all times.

[Rules 62-213.440 and 62-297.440, F.A.C.; and 40 CFR 60.17]

#### A.40. Nitrogen Oxides. The owner or operator shall determine compliance with the NO<sub>x</sub> standard as follows:

- a. The appropriate procedures in Method 19 shall be used to determine the emission rate of NO<sub>x</sub>.
- b. The continuous monitoring system in 40 CFR 60.49Da(c) and (d) shall be used to determine the concentrations of NO<sub>x</sub> and CO<sub>2</sub> or O<sub>2</sub>.

[40 CFR 60.50Da(d)(1) & (2)]

#### A.41. Alternate Methods. The owner or operator may use the following as alternatives to the reference methods and procedures specified in 40 CFR 60.50Da:

- a. The F<sub>c</sub> factor (CO<sub>2</sub>) procedures in Method 19 may be used to compute the emission rate of particulate matter under the stipulations of 40 CFR 60.46(d)(1).
- b. The CO<sub>2</sub> concentration shall be determined in the same manner as the O<sub>2</sub> concentration.

[40 CFR 60.50Da(e)(2)]



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**Recordkeeping and Reporting Requirements**

**A.42. Reporting Schedule.** The following reports and notifications shall be submitted to the Compliance Authority:

<b>Report</b>	<b>Reporting Deadline</b>	<b>Related Condition(s)</b>
NSPS 40 CFR 60 Subpart Da Reports	Semiannual.	<b>A.50.</b>

**A.43. Reporting Information.** For sulfur dioxide and nitrogen oxides, the following information is to be reported to the Administrator for each 24-hour period on a semiannual basis. See Specific Condition **A.50.**

- a. Calendar date.
- b. The average sulfur dioxide and nitrogen oxides emission rates (ng/J or lb/million Btu) for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the standards; and, description of corrective actions taken.
- c. Percent reduction of the potential combustion concentration of sulfur dioxide for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the standard; and, description of corrective actions taken.
- d. Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least 18 hours of operation of the facility; justification for not obtaining sufficient data; and, description of corrective actions taken.
- e. Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, malfunction ( $NO_x$  only), emergency conditions ( $SO_2$  only), or other reasons, and justification for excluding data other than startup, shutdown, malfunction, or emergency conditions.
- f. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.
- g. Identification of the times when hourly averages have been obtained based on manual sampling methods.
- h. Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.
- i. Description of any modifications to the continuous monitoring system which could affect the ability of the continuous monitoring system to comply with Performance Specifications 2 or 3.

[40 CFR 60.51Da(b)(1), (2), (3), (4), (5), (6), (7), (8) & (9)]

**A.44. Data Requirements.** If the minimum quantity of emission data as required by 40 CFR 60.49Da is not obtained for any 30 successive boiler operating days, the following information obtained under the requirements of 40 CFR 60.48Da(h) is reported to the Administrator for that 30-day period:

- a. The number of hourly averages available for outlet emission rates ( $n_o$ ) and inlet emission rates ( $n_i$ ) as applicable.
- b. The standard deviation of hourly averages for outlet emission rates ( $s_o$ ) and inlet emission rates ( $s_i$ ) as applicable.
- c. The lower confidence limit for the mean outlet emission rate ( $E_o^*$ ) and the upper confidence limit for the mean inlet emission rate ( $E_i^*$ ) as applicable.
- d. The applicable potential combustion concentration.
- e. The ratio of the upper confidence limit for the mean outlet emission rate ( $E_o^*$ ) and the allowable emission rate ( $E_{std}$ ) as applicable.

[40 CFR 60.51Da(c)(1), (2), (3), (4) & (5)]

**A.45. Malfunctions.** If any standards under 40 CFR 60.43Da are exceeded during emergency conditions because of control system malfunction, the owner or operator of the affected facility shall submit a signed statement:

- a. Indicating if emergency conditions existed during each period, and
- b. Listing the following information:
  - (1) Time periods the emergency condition existed;

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- (2) Electrical output and demand on the owner or operator's electric utility system and the affected facility;
- (3) Amount of power purchased from interconnected neighboring utility companies during the emergency period;
- (4) Percent reduction in emissions achieved;
- (5) Atmospheric emission rate (ng/J) of the pollutant discharged; and
- (6) Actions taken to correct control system malfunction.

[40 CFR 60.51Da(d)(1) & (2)]

- A.46. Pretreatment Credit.** If fuel pretreatment credit toward the sulfur dioxide emission standard under 40 CFR 60.43Da is claimed, the owner or operator of the affected facility shall submit a signed statement:
- a. Indicating what percentage cleaning credit was taken for the calendar quarter, and whether the credit was determined in accordance with the provisions of 40 CFR 60.Da and Method 19 of appendix A; and
  - b. Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous quarter; the name and location of the pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous quarter.

[40 CFR 60.51Da(e)(1) & (2)]

- A.47. Data Unavailability.** For any periods for which opacity, sulfur dioxide or nitrogen oxides emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and the affected facility during periods of data unavailability are to be compared with operation of the control system and the affected facility before and following the period of data unavailability. [40 CFR 60.51Da(f)]

- A.48. Signed Statement.** The owner or operator of the affected facility shall submit a signed statement indicating whether:
- a. The required continuous monitoring system calibration, span, and drift checks or other periodic audits have or have not been performed as specified.
  - b. The data used to show compliance was or was not obtained in accordance with approved methods and procedures of this part and is representative of plant performance.
  - c. The minimum data requirements have or have not been met; or, the minimum data requirements have not been met for errors that were unavoidable.
  - d. Compliance with the standards has or has not been achieved during the reporting period.

[40 CFR 60.51Da(h)(1), (2), (3) & (4)]

- A.49. Opacity.** For the purposes of the reports required under 40 CFR 60.7, periods of excess emissions are defined as all 6-minute periods during which the average opacity exceeds the applicable opacity standards under 40 CFR 60.42Da(b). Opacity levels in excess of the applicable opacity standard and the dates of such excesses are to be submitted to the Administrator each calendar quarter. [40 CFR 60.51Da(i)]

- A.50. Semiannual Reports.** The owner or operator of an affected facility shall submit the written reports required under 40 CFR 60.51Da and 40 CFR 60, Subpart A, to the City of Jacksonville Environmental Quality Division (EQD) semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period. [Rule 62-213.440(b)(3)(a), F.A.C.; and 40 CFR 60.51Da(j)]

- A.51. Fuel Consumption Records.** All coal, petcoke, TDF and No. 2 fuel oil used shall be recorded on a 24-hour (daily) basis in a log for each CFB Boiler. Copies of fuel analyses containing information on sulfur content and heating values shall also be maintained for a minimum of 5 years. [PSD-FL-137(A)]

- A.52. Operations Log.** For each emissions unit, the permittee shall maintain an operations log available for Department inspection that documents the total hours of annual operation, including a detailed account of the

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hours operated on each of the allowable fuels. [PSD-FL-137(A)]

*{Permitting Note: An operation log must be kept at all times, using any combination of manually and computer generated records that indicates the state of compliance.}*

- A.53. Rejects Usage.** Recycle rejects usage on a volumetric mass basis shall be estimated and recorded for each 24-hour period in which rejects are burned. [PSD-FL-137(A)]
- A.54. Reporting Schedule.** See Appendix RR, Facility-Wide Reporting Requirements, for additional reporting requirements.

#### **Miscellaneous**

- A.55. NSPS Subpart A and Subpart Da.** The permittee shall comply with the requirements contained in Appendix 40 CFR 60, Subpart A, attached to this permit. CFB Boilers A, B & C are subject to the requirements of 40 CFR 60, Subparts A and Da; except that where requirements within this permit are more restrictive, the requirements of this permit shall apply. [Rule 62-204.800(8), F.A.C.; and PSD-FL-137(A)]
- A.56. Control Devices Requirement.** Fuel shall not be burned in any CFB boiler unless the control devices are operating properly pursuant to 40 CFR 60, Subpart Da. [PSD-FL-137(A)]
- A.57. Mercury Control.** CFB technology and baghouses shall be used for control of Hg to comply with the emission limitations of Specific Condition A.5. No additional control shall be required, at this time, as long as the compliance tests required in Specific Condition A.35. demonstrate that the emission limitation is being met. [Rule 62-213.440, F.A.C.; and letter from Hamilton S. Oven dated April 6, 1995]
- A.58. Short Fiber Recycle Rejects Test Burn.** To the extent that it is consistent with Specific Condition A.3.c., the SETTLEMENT AND RELEASE AGREEMENT made on July 24, 1998, by and between Smurfit Stone Container Corporation (SCC) and Cedar Bay Generating Company, L.P. (CBCP), and the following, CBCP may burn all or a portion of the short fiber rejects generated by SCC in processing recycled paper. ~~Prior to burning the rejects as a supplemental fuel however, CBCP shall conduct a test burn to determine the effects of burning the rejects. At least ninety (90) days prior to any proposed test burn, CBCP shall submit a plan to the Department for conducting a 30-day test burn designed to ascertain whether the CFBs can burn the rejects as supplemental fuel without exceeding any of the limitations on emissions and fuel usage contained in Specific Conditions A.3, A.5, and A.6., and without causing any operational problems which would affect the reliable operation (with customary maintenance) of the CFBs and without violating any other environmental requirements. CBCP shall notify the Department and the EQD at least thirty (30) days prior to initiation of the test burn. The results of the test burn and CBCP's analysis shall be reported to the Department and to the EQD within forty five (45) days of completion of the test burn. The Department shall notify CBCP within thirty (30) days thereafter of its approval or disapproval of any conclusion by CBCP that the test burn demonstrated that the rejects can be burned in compliance with this condition.~~ [PSD-FL-137(A & D)]
- A.59. Petcoke Annual Reports.** The permittee shall submit annual reports to EQD and DEP/Bureau of Air Regulation (BAR) summarizing emissions for each calendar year. The reports will commence during the first year in which petcoke is fired and continue for a total of five calendar years. Such reports are required in order to confirm Cedar Bay's projection of future actual emissions and to demonstrate to the Department's satisfaction that petcoke co-firing did not result in a significant emissions increase. Reporting shall be as follows:

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<u>Pollutant</u>	<u>Compliance Procedures</u>
NO <sub>x</sub>	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 1,799 TPY
CO	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 648 TPY
VOC	Five years of annual reporting by stack test proving annual facility emissions do not exceed 74 TPY
SO <sub>2</sub>	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 1,985 TPY
SAM	Five years of annual reporting by stack test proving annual facility emissions do not exceed 7.3 TPY
PM <sub>10</sub>	Five years of annual reporting by stack test proving annual facility emissions do not exceed 198 TPY

[0310037-005-AC]

**A.60. TDF Annual Reports.** The permittee shall submit annual reports to EQD and DEP/BAR summarizing emissions for each calendar year. The reports will commence during the first year in which TDF is fired and continue for a total of five calendar years. Such reports are required in order to confirm Cedar Bay's projection of future actual emissions and to demonstrate to the Department's satisfaction that TDF co-firing did not result in a significant emissions increase. Reporting shall be as follows:

<u>Pollutant</u>	<u>Compliance Procedures</u>
NO <sub>x</sub>	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 1,791.91 TPY
CO	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 541.17 TPY
VOC	Five years of annual reporting by stack test proving annual facility emissions do not exceed 100.73 TPY
SO <sub>2</sub>	Five years of annual reporting by CEMS proving annual facility emissions do not exceed 2,012.41 TPY
SAM	Five years of annual reporting by stack test proving annual facility emissions do not exceed 7.4 TPY
PM <sub>10</sub>	Five years of annual reporting by stack test proving annual facility emissions do not exceed 108.86 TPY

[0310037-009-AC]

- A.61. Solid Waste Conditions.** The permittee shall comply with the following solid waste conditions for TDF:
- The tire derived fuel (i.e., the processed tires) shall conform to nominal one-inch processed tire chip standards in which less than 10% by weight are retained on a 2-inch square sieve and less than 5% total by weight will pass through a #4 sieve as determined by testing method ASTM D 422-63.
  - The tire derived fuel (TDF) shall conform to nominal one-inch processed tire chip standards in which they shall be less than 1% free wire by weight and less than 3% of the particles contain bead wire.
  - Documentation of the conformance of the TDF with the nominal one-inch processed tire chip standards shall be maintained onsite and be readily available for inspection at all times.
  - The operator shall maintain records of the quantity of TDF received at the site, stored at the site, and shipped from the site.
  - No operations involving the use of open flames shall be conducted within 25 feet of the TDF.

### SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

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#### Subsection A. Emissions Units 001, 002 and 003

- f. TDF piles shall not be constructed, maintained or operated in or within 200 feet of any natural or artificial body of water, including wetlands within the jurisdiction of the Department, except for bodies of water contained completely within the property boundaries of the facility and which do not ordinarily discharge from the site to surface waters.
  - g. Stormwater control methods for the TDF piles site shall meet the requirements of Chapters 62-25 and 62-330, F.A.C. and shall be managed in such a way as to divert stormwater or flood waters around and away from the storage piles.
  - h. TDF piles shall be no larger than 50 feet in width, 10,000 square feet in area and 10 feet in height.
  - i. A 50-foot wide fire lane shall be placed around the perimeter of each TDF pile.
  - j. The TDF piles site shall be bermed or given other Department approved protection if necessary to keep liquid runoff from a potential TDF fire from entering water bodies.
  - k. The TDF piles shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.
  - l. The TDF inventory shall be no more than one month's projected usage, based on the design capacity for the first six months, and no more than two times the average actual monthly usage during the preceding six months at all times thereafter.
  - m. Only a registered waste tire collector shall transport the TDF to or from the facility.
- [0310037-009-AC]

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Units 003, 004, 005, 006**

<b>E.U. ID No.</b>	<b>Brief Description: Material Handling Systems and Treatment Operations</b>
004	Absorber Dryer System Train – 1 (Dryer and Handling System)
005	Absorber Dryer System Train – 2 (Dryer and Handling System)
009, 025	ADS Storage Bins (1 & 2)
010	Bed Ash Hopper
011	Bed Ash Separator/Collector
012, 026	Fly Ash Separators/Collectors (1 & 2)
030	Dry Ash Rail Car
031	Pulverized Limestone Feeders (6)
032	Bed Ash Silo Vent (for transfers to silo and emissions control for truck loadout)
033	Fly Ash Silo Vent (for transfers to silo and emissions control for truck loadout)
034	Absorber Dryer System Train – 3 (Dryer and Handling System)

These emissions units are associated with the material handling and treatment operations for limestone and ash. Limestone delivered to the facility is stored in an open pile. (Note: A small portion of the limestone [10% or less] may be utilized as filter-cake material from the lime softening unit portion of the plant's wastewater treatment system.) The limestone is then transferred by a front-end loader from the pile to a reclaim hopper. An enclosed feeder directs the limestone into the primary Absorber Dryer System (ADS), ADS Train 3, or the secondary ADS Trains 1 and 2. The ADS trains consist of: a No. 2 fuel oil-fired dryer, a limestone crusher, a limestone cyclone classifier, a limestone screener, and a limestone vibrating pan conveyor. Pulverized limestone product is directed by rotary feeder to two ADS storage bins (ADS Storage Bin-1 and ADS Storage Bin-2). The pulverized limestone is transferred to the CFB boilers by 6 feeders. ADS Storage Bin-1 supplies CFB boilers A and B through 2 feeders and ADS Storage Bin-2 feeds CFB Boiler C through 2 feeders.

Dry ash loadout or pug mill operations are used to process the fly ash and the bed ash generated by the three fluidized bed boilers. Dry ash loadout refers to the loading of dry fly ash and bed ash onto rail cars or sealed trucks. The use of the pug mill consists of conditioning the ash with a water source. Boiler bed ash is discharged into a surge hopper. The fly ash is discharged from the boiler flue gas baghouses into hoppers. The bed ash and fly ash are transferred in separate streams through dry cyclone separator/collectors that discharge into silos. The ash may be loaded into railcars or sealed dry bulk trailer trucks from these silos.

*{Permitting note(s): These emissions units are regulated under Rule 62-212.400, F.A.C., Prevention of Significant Deterioration and, permittee requested limitations established in permit Nos. PSD-FL-137(A, B, C, D & E). In addition, the limestone handling/treatment emission units are regulated under NSPS - 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, adopted and incorporated by reference in Rule 62-204.800(8), F.A.C. Particulate matter and visible emissions from the material handling units/operations listed in the table above are controlled by either a fabric filter or a baghouse system. Fugitive emissions from the dry ash rail car/truck loadout operation shall be controlled by using closed or covered containers under negative air pressures during ash loadout; and by using water sprays prior to removal of the rail car loadout cap when loading open rail cars. Information regarding flow conditions is as follows:*

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Units 003, 004, 005, 006**

<u>E.U. ID No.</u>	<u>Brief Description: Material Handling Systems and Treatment Operations</u>	<u>Stack Height (ft)</u>	<u>Exit Diameter (ft)</u>	<u>Exit Temp. (°F)</u>	<u>Actual Volumetric Flow Rate (acfm)</u>
004	Absorber Dryer System Train – 1	63	4.17	195	49,000
005	Absorber Dryer System Train – 2	63	4.17	195	49,000
009	ADS Storage Bin – 1	90	2 x 2	102	6,840
025	ADS Storage Bin – 2	89	2 x 2	102	6,993
031	Pulverized Limestone Feeders (6)	50	0.3	77	365 (each)
010	Bed Ash Hopper	25	0.625	96	670
011	Bed Ash Separator/Collector	<del>104</del> 38	1	223	5,345
012	Fly Ash Separator/Collector – 1	38	1	197	5,974
026	Fly Ash Separator/Collector – 2	38	1	197	5,974
030	Dry Ash Rail Car	14	1.9 x 2.8	120	6,000
032	Bed Ash Silo Vent	104	1.3 x 1	80	1,800
033	Fly Ash Silo Vent	138	1 x 1.5	127	<del>3,700</del> 915
034	Absorber Dryer System Train – 3	63	4.2	180	20,500

*End of Permitting Notes.}*

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

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

**B.1. Permitted Capacity.**

- a. The Department authorizes up to 25 tons of filter-cake material from the lime softening unit portion of the plant's wastewater treatment system to be transferred to the lime storage pile. The maximum material handling/usage rates for all limestone/aronite unloading and storage shall not exceed 44 tons per hour and 385,400 tons during any consecutive 12 months.
- b. For limestone/aronite, fly ash and bed ash handling sources, the handling usage rates shall not exceed the following:

<b>Material Handled</b>	<b>Tons/Month<sup>1</sup></b>	<b>TPY<sup>3</sup></b>
Limestone (ADS Trains 1 and 2)	27,000	275,000
Limestone (ADS Train 3)	---	385,400
Fly Ash	28,000	336,000
Bed Ash	8,000 <sup>2</sup>	88,000 <sup>2</sup>

<sup>1</sup> Based on 30 consecutive days.

<sup>2</sup> The Department will require a monitoring system to accurately measure Bed Ash throughput. The applicant will propose (to the Department's satisfaction) the system it recommends to utilize, prior to the initial receipt of petcoke. Actual in-service testing (while combusting coal) will be completed prior to the initial firing of petcoke, demonstrating its adequacy to the Department's satisfaction.

<sup>3</sup> ADS Units 1 and 2 serve as backup to ADS Unit 3. The total combined limestone processing from all units shall not exceed 385,400 tons per consecutive 12 months.

- c. The maximum material feed rate to ADS Trains 1 and 2 shall not exceed 42.6 tons per hour and the volumetric flow rate shall not exceed 42,100 dry standard cubic feet per minute per ADS train.
- d. The maximum material feed rate to ADS Train 3 shall not exceed 44.0 tons per hour and the volumetric flow rate shall not exceed 17,500 dry standard cubic feet per minute.

[PSD-FL-137(A & C), 0310337-005-AC, and 0310337-011-AC]

**B.2. Hours of Operation.**

- a. The ADS-1 and ADS-2 trains may be operated in any combination for a maximum combined total of 22

## SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

### Subsection B. Emissions Units 003, 004, 005, 006

hours per day (not to exceed 8,030 combined hrs/yr) at maximum capacity. ADS Train 3 may operate continuously (8,760 hours per year.)

- b. Except for the ADS-1 and ADS-2 trains, the rest of the material handling operations may operate continuously, i.e., 8,760 hrs/yr.

[PSD-FL-137(A & C); Permit No. 0310337-011-AC; Rule 62-210.200(PTE), F.A.C.]

#### B.3. Methods of Operation.

##### a. Fuel.

- (1) Each limestone dryer (ADS Units 1 and 2) shall fire only No. 2 fuel oil with a maximum sulfur content of 0.05% sulfur by weight. The maximum oil firing rate is 120 gal/hour/unit. The two units combined shall not fire more than 996,000 gallons during any consecutive 12 months. Upon establishing commercial operation of the new dryer system train (ADS Unit<sub>3</sub>) permitted by air construction permit 0310337-011-AC, combined oil firing from ADS Units 1 and 2 shall not exceed 700,800 gallons during any consecutive 12 months. The first month of the consecutive 12-month period for this limit shall begin the first month after commercial operation is established for the new dryer system train.
- (2) ADS Train 3 is permitted to fire only No. 2 distillate oil, containing no more than 0.05% sulfur by weight. The maximum distillate oil firing rate shall not exceed 100 gallons per hour and 876,000 gallons during any 12 consecutive months.

##### b. Ash Handling.

- (1) Bed ash and fly ash may be directly removed (as dry ash) from plant property.
- (2) The dry ash shall be loaded only onto rail cars or sealed trucks for removal. Removal of bottom and fly ash from the CBCF site by any means other than by rail or sealed trucks shall require the prior approval of the Department and the EQD of the method of fugitive emissions control.
- (3) The dry ash may be loaded onto open or closed rail cars.
- (4) Conditioned ash from the pug mil may be loaded onto rail cars, sealed trucks or standard trucks.

[Permit No. 0310337-011-AC and Permit No. 0310337-012-AC; PSD-FL-137(C & E); and applicant request in letter received March 5, 1999.]

- B.4. Emissions Unit Operating Rate Limitation After Testing. See the related testing provisions in Appendix TR, Facility-wide Testing Requirements. [Rule 62-297.310(2), F.A.C.]

#### Emission Limitations and Standards

*{Permitting Note: The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit. For limestone handling/treatment emission units, meeting the PSD limits assures compliance with the NSPS limits.}*

Unless otherwise specified, the averaging times for Specific Conditions B.5. - B.7. are based on the specified averaging time of the applicable test method.

- B.5. Particulate Matter Emissions. Particulate matter emissions from the emissions units in this subsection shall not exceed 0.003 gr/dscf. [PSD-FL-137(A, B, C & E); Permit No. 0310337-011-AC]

- B.6. Visible Emissions. Visible emissions from the emissions units in this subsection shall not exceed 5% opacity. [PSD-FL-137(A, B & C); Permit No. 0310337-011-AC]

- B.7. No. 2 Fuel Oil Sulfur Content. The maximum No. 2 fuel oil sulfur content shall not exceed 0.05%, by weight. [PSD-FL-137(A); Permit No. 0310337-011-AC]

#### Excess Emissions

Rule 62-210.700 (Excess Emissions), F.A.C., cannot vary any requirement of an NSPS, NESHAP or Acid Rain program provision.



**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Units 003, 004, 005, 006**

- B.8. Excess Emissions Permitted.** Excess emissions resulting from startup, shutdown or malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]
- B.9. Excess Emissions Prohibited.** Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

**Emission Controls**

- B.10. Control Systems.**
    - a. *Particulate Matter and Visible Emissions.* For the above referenced material handling emissions units/operations, the control systems shall be either a fabric filter or baghouse system.
    - b. *Fugitive Particulate Matter and Visible Emissions.* For dry ash rail car loadout operations, fugitive emissions shall be controlled by loading under negative pressure into either closed containers or open containers fitted with a rail car loadout cap; and, by using water sprays to create a crust on the top layer prior to removal of the rail car loadout cap when loading open rail cars. The wet ash truck loadout operation shall use a pug mill to condition the ash with a water source to allow the loading of wet ash into open top trailers.
- [PSD-FL-137(A, B, C & E)]

**Test Methods and Procedures**

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

- B.11. Test Methods.** Required tests shall be performed in accordance with the following reference methods.

Method	Description of Method and Comments
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
5 or 17	Method for Determining Particulate Matter Emissions
9	Visual Determination of the Opacity of Emissions from Stationary Sources

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department.

- B.12. Common Testing Requirements.** Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310(7), F.A.C.]
- B.13. Annual Tests Required.** Annual visible emissions compliance tests shall be performed for all emissions units in this subsection. [Rule 62-297.310(7), F.A.C. ; and, PSD FL-137(A & E)]
- B.14. Visible Emissions.** The test method for visible emissions shall be EPA Method 9, incorporated in Chapter 62-297, F.A.C. [PSD-FL-137(A)]
- B.15. Particulate Matter Emissions.** The test method for particulate matter emissions shall be EPA Method 5 or 17, incorporated in Chapter 62-297, F.A.C. [PSD-FL-137(A, C & E)]
- B.16. Particulate Matter Mass Emissions Test.** Subsequent to the initial particulate matter mass emissions test that was required by PSD-FL-137(A, B, & C), neither the Department nor the EQD shall require a particulate matter mass emissions test unless the visible emissions limit of 5% opacity is exceeded for a given emissions unit, or unless the Department or the EQD, based on other information, has reason to believe that the particulate matter emissions limit is being violated. This provision applies only to those sources equipped

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection B. Emissions Units 003, 004, 005, 006**

with a baghouse. For ADS Unit 3, compliance tests for particulate matter subsequent to the initial compliance test are not required unless the Compliance Authority has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that the applicable emission standard is being violated. [Rule 62-297.620(4), F.A.C.; and, PSD-FL-137(A, B & C); Permit No. 0310337-011-AC]

- B.17. Concurrent Testing Requirement.** When both a particulate matter test and visible emissions compliance test are required, they shall be conducted concurrently, except where inclement weather interferes. [PSD-FL-137(A)]
- B.18. No. 2 Fuel Oil Sulfur Content.** For the ADS train dryers, the fuel sulfur content, percent by weight, shall be analyzed using either ASTM D2622-92, ASTM D4294-90, both ASTM D4057-88 and ASTM D129-91, or the latest edition. If the No. 2 fuel oil being delivered has a sulfur content of 0.05% or less, by weight, then the vendor's analysis is acceptable and no further analysis is required. However, if the No. 2 fuel oil being delivered has a sulfur content greater than 0.05%, by weight, the permittee shall have an as-fired sample analyzed. [Rule 62-213.440, F.A.C; 40 CFR 60.17; and, PSD-FL-137(A); Permit No. 0310337-011-AC]

**Recordkeeping and Reporting Requirements**

- B.19.** In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the EQD 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 EQD. [Rule 62-210.700(6), F.A.C.]
- B.20. Reporting Schedule.** The following reports and notifications shall be submitted to the Compliance Authority:

<b>Report</b>	<b>Reporting Deadline</b>	<b>Related Condition(s)</b>
Operations Log.	Daily.	<b>B.22.</b>

- B.21. Reporting.** See Appendix RR, Facility-Wide Reporting Requirements, for additional reporting requirements.
- B.22. Operations Log.** For each emission unit, the permittee shall maintain an operations log available for Department inspection that documents the hours of operation and, where No. 2 fuel oil is an issue, the amount consumed on an hourly basis. Additionally, records shall be maintained documenting the date and time of each truckload (approximately 25 tons) of filter-cake material transferred from the lime softening unit portion of the plant's wastewater treatment system to the lime storage pile. [PSD-FL-137(A)]

*{Permitting Note: An operation log must be kept at all times, using any combination of manually and computer generated records that indicates the state of compliance.}*

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Units 006, 007 and 020**

<b>E.U. ID No.</b>	<b>Brief Description: Coal Handling/Treatment Systems</b>
006	Coal Crusher Building
007	Coal Silo Conveyor
020	Coal Car Unloading

The coal receiving, storage and transfer systems at the coal storage yard support the operation of the three power boilers. Particulate matter emissions are controlled using fabric filter systems, baghouse systems, water sprays, wetting agents, and full enclosures or partial enclosures, where appropriate.

*{Permitting notes: These emissions units are regulated under NSPS - 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation Plants, adopted and incorporated by reference in Rule 62-204.800(8), F.A.C.; and Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD): Permit Nos. PSD-FL-137(A, B, & C). Information regarding flow conditions is as follows:}*

<b>E.U. ID No.</b>	<b>Brief Description: Coal Handling Systems (Baghouse)</b>	<b>Stack Height (ft)</b>	<b>Exit Diameter (ft)</b>	<b>Exit Temp. (°F)</b>	<b>Actual Volumetric Flow Rate (acfm)</b>
006	Coal Crusher Building	20	1.9	77	4,215
007	Coal Silo Conveyor	142	4	77	23,175
<b>E.U. ID No.</b>	<b>Brief Description: Coal Handling Systems (Fabric Filter)</b>	<b>Nonstack Emission Point Height (ft)</b>	<b>Exit Temp. (°F)</b>	<b>Actual Volumetric Flow Rate (acfm)</b>	<b>Maximum Process or Through-put Rate (acfm)</b>
020	Coal Car Unloading	N/A	N/A	N/A	N/A

**Applicable Standards and Regulations**

**C.1. NSPS Requirements.** The Department determines that compliance with the BACT emissions performance and monitoring requirements also assures compliance with the New Source Performance Standards for Subpart Y in 40 CFR 60. For completeness, the applicable requirements of Subpart Y are included in the Appendices of this permit. [Rule 62-204.800, F.A.C.]

**C.2. NSPS Subpart A.** The permittee shall comply with the requirements contained in Appendix 40 CFR 60, Subpart A, attached to this permit. [Rule 62-204.800(8), F.A.C.]

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

**C.3. Permitted Capacity.**

- a. The material handling/usage rates for coal and petcoke unloading and storage shall not exceed the following:

<b>Unloading/Storage Handling/Usage Rate</b>		
<b>Material</b>	<b>TPM</b>	<b>TPY</b>
Coal/Petcoke	234,000	1,287,000

- b. The maximum material handling/usage rate for coal and petcoke shall not exceed the following:

<b>Material Handled</b>	<b>Tons/Month<sup>1</sup></b>	<b>TPY</b>
Coal	117,000	1,170,000
Petcoke	40,950	409,500

### SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

#### Subsection C. Emissions Units 006, 007 and 020

<sup>1</sup> Based on 30 consecutive days.

[PSD-FL-137(A, B, & C); 0310337-005-AC]

**C.4. Hours of Operation.** The coal handling/treatment emissions units may operate continuously, i.e., 8,760 hours/year. [PSD-FL-137(A, B, & C)]

#### **Emission Limitations and Standards**

*{Permitting Note: The attached Table 1, Summary of Air Pollutant Standards, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}*

Unless otherwise specified, the averaging times for Specific Conditions C.5. and C.6. are based on the specified averaging time of the applicable test method.

**C.5. Particulate Matter Emissions.** Except for coal car unloading and petcoke handling/transfer areas, which are subject to PM emission limitation of 0.01 gr/dscf, particulate matter emissions from the emission units in this subsection shall not exceed 0.003 gr/dscf. [PSD-FL-137(A, B, & C)]

**C.6. Visible Emissions.** Visible emissions from all emission units in this subsection shall not exceed 5% opacity. [PSD-FL-137(A, B, & C)]

#### **Emission Controls**

**C.7. Control Systems.**

- a. *Particulate Matter and Visible Emissions.* Except for coal car unloading, the control systems for the coal handling emission units shall be either a fabric filter or baghouse system.
- b. *Fugitive Particulate Matter and Visible Emissions.* For coal car unloading and petcoke unloading/handling, transfer, and storage areas, the control system shall be wet suppression using continuous water sprays during unloading.

[PSD-FL-137(A, B, & C)]

#### **Excess Emissions**

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

**C.8. Excess Emissions Permitted.** Excess emissions resulting from startup, shutdown or malfunction of any emissions unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]

**C.9. Excess Emissions Prohibited.** Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

#### **Test Methods and Procedures**

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

**C.10. Test Methods.** Required tests shall be performed in accordance with the following reference methods:

Method	Description of Method and Comments
1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content.
5, 17	Method for Determining Particulate Matter Emissions.
9	Visual Determination of the Opacity of Emissions from Stationary Sources.

**SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.**

**Subsection C. Emissions Units 006, 007 and 020**

The above methods are described in 40 CFR 60, Appendix A, and adopted by reference in Rule 62-204.800, F.A.C. No other methods may be used unless prior written approval is received from the Department. [40 CFR 60 and 61, Appendix A; Rules 62-297.400 and 62-297.620; and PSD-FL-137(A).]

- C.11. Common Testing Requirements. Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310, F.A.C.]
- C.12. Annual Compliance Tests. Annual visible emissions compliance tests shall be performed for all emissions units in this subsection with baghouse or fabric filter controls. [Rule 62-297.310(7), F.A.C.; and, PSD-FL-137(A)]
- C.14. Compliance Tests Prior To Renewal. Prior to permit renewal, compliance tests shall be performed for the following pollutants: VE and PM. [Rule 62-297.310(7)(a)3., F.A.C.]
- C.15. Visible Emissions. The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C. [Rule 62-297.401, F.A.C.; 40 CFR 60.254(b)(2) & Appendix A; and, PSD-FL-137(A)]
- C.15. Particulate Matter Emissions. The test method for particulate matter emissions shall be EPA Method 5 or 17, incorporated and adopted by reference in Chapter 62-297, F.A.C. [Rule 62-297.401, F.A.C.; 40 CFR 60.254(b)(1) & Appendix A; and, PSD-FL-137(A)]
- C.16. Particulate Matter Mass Emissions Test. Subsequent to the initial particulate matter mass emissions test that was required by Permit Nos. PSD-FL-137(A, B & C), neither the Department nor the EQD shall require a particulate matter mass emissions test unless the visible emissions limit of 5% opacity is exceeded for a given emissions unit, or unless the Department or the EQD, based on other information, have reason to believe that the particulate matter emissions limit is being violated. [Rule 62-297.620(4), F.A.C.; and, PSD-FL-137(A, B & C)]
- C.17. Concurrent Tests. When both a particulate matter and visible emissions compliance test are required, they shall be conducted concurrently, except where inclement weather interferes. [PSD-FL-137(A)]

**Recordkeeping and Reporting Requirements**

- C.18. Reporting Schedule. The following reports and notifications shall be submitted to the Compliance Authority:

Report	Reporting Deadline	Related Condition(s)
Operations Log	Daily.	C.22.
Excess Emissions Report	Quarterly (if requested).	C.20.

- C.19. Other Reporting Requirements. See Appendix RR, Facility-Wide Reporting Requirements, for additional reporting requirements.
- C.20. Excess Emissions Report. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the EQD 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 EQD. [Rule 62-210.700(6), F.A.C.]
- C.21. Test Reports.
  - a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the EQD on the results of each such test.
  - b. The required test report shall be filed with the EQD as soon as practical but no later than 45 days after the last sampling run of each test is completed

### SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

#### Subsection D. Emissions Unit 009

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

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

- C.22.** For each emission unit, the permittee shall maintain an operations log available for EQD inspection that documents the hours of operation. [PSD-FL-137(A)]

*{Permitting Note: An operation log must be kept at all times, using any combination of manually and computer generated records that indicates the state of compliance.}*

**SECTION IV. ACID RAIN PART.**

**Subsection A. Phase II**

**Cedar Bay Generating Plant**

Operated by: Cedar Bay Generating Company, L.P.

ORIS Code: 10672

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

<b>E.U. ID No.</b>	<b>Brief Description</b>
001	Circulating Fluidized Bed Boiler A – 1063 MMBtu/hour
002	Circulating Fluidized Bed Boiler B - 1063 MMBtu/hour
003	Circulating Fluidized Bed Boiler C - 1063 MMBtu/hour

**A.1.** The Phase II Acid Rain Part application submitted for this facility, as approved by the Department, is a part of this permit. The owners and operators of these Phase II acid rain units must comply with the standard requirements and special provisions set forth in the application listed below:

- a. DEP Form No. 62-210.900(1)(a), dated 03/04/09, received 04/08/09.  
[Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C.]

**A.2.** Sulfur Dioxide Emission Allowances. Sulfur dioxide emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
- b. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
- c. Allowances shall be accounted for under the Federal Acid Rain Program.  
[Rule 62-213.440(1)(c)1., 2. & 3., F.A.C.]

**A.3.** Comments, notes, and justifications: None.

**SECTION IV. ACID RAIN PART.**

**Subsection A. Phase II**

## Acid Rain Part Application

For more information, see instructions and refer to 40 CFR 72.30, 72.31, and 74; and Chapter 62-214, F.A.C.

This submission is:  New     Revised     Renewal

**STEP 1**

Identify the source by plant name, state, and ORIS or plant code.

<b>Cedar Bay Generating Plant</b>	<b>Florida</b>	<b>10672</b>
<small>Plant Name</small>	<small>State</small>	<small>ORIS/Plant Code</small>

**STEP 2**

Enter the unit ID# for every Acid Rain unit at the Acid Rain source in column "a."

If unit a SO<sub>2</sub> Opt-in unit, enter "yes" in column "b".

For new units or SO<sub>2</sub> Opt-in units, enter the requested information in columns "d" and "e."

a	b	c	d	e
Unit ID#	SO <sub>2</sub> Opt-in Unit? (Yes or No)	Unit will hold allowances in accordance with 40 CFR 72.9(c)(1)	New or SO <sub>2</sub> Opt-in Units Commence Operation Date	New or SO <sub>2</sub> Opt-in Units Monitor Certification Deadline
CBA	Yes	Yes	Feb 1994	Dec 31, 2008
CBB	Yes	Yes	Feb 1994	Dec 31, 2008
CBC	Yes	Yes	Feb 1994	Dec 31, 2008
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		

DEP Form No. 62-210.900(1)(e) - Form Effective: 3/16/08



## SECTION IV. ACID RAIN PART.

### Subsection A. Phase II

**Cedar Bay Generating Plant**

Plant Name (from STEP 1)

#### STEP 3

#### Read the standard requirements.

#### Acid Rain Part Requirements.

- (1) The designated representative of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Submit a complete Acid Rain Part application (including a compliance plan) under 40 CFR Part 72 and Rules 62-214.320 and 330, F.A.C., in accordance with the deadlines specified in Rule 62-214.320, F.A.C.; and
  - (ii) Submit in a timely manner any supplemental information that the DEP determines is necessary in order to review an Acid Rain Part application and issue or deny an Acid Rain Part;
- (2) The owners and operators of each Acid Rain source and each Acid Rain unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain Part application or a superseding Acid Rain Part issued by the DEP; and
  - (ii) Have an Acid Rain Part.

#### Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 76, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.
- (4) For applications including a SO<sub>2</sub> Opt-In unit, a monitoring plan for each SO<sub>2</sub> Opt-In unit must be submitted with this application pursuant to 40 CFR 74.14(a). For renewal applications for SO<sub>2</sub> Opt-In units include an updated monitoring plan if applicable under 40 CFR 75.53(b).

#### Sulfur Dioxide Requirements.

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

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

#### Excess Emissions Requirements.

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

#### Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the source and each Acid Rain unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the EPA or the DEP:
  - (i) The certificate of representation for the designated representative for the source and each Acid Rain unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with Rule 62-214.350, F.A.C.; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,

**SECTION IV. ACID RAIN PART.**

**Subsection A. Phase II**

**Cedar Bay Generating Plant**  
 Plant Name (from STEP 1)

**STEP 3,  
 Continued.**

**Recordkeeping and Reporting Requirements (cont)**

- (iv) Copies of all documents used to complete an Acid Rain Part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72, Subpart I, and 40 CFR Part 75.

**Liability.**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain Part application, an Acid Rain Part, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each Acid Rain source and each Acid Rain unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an Acid Rain source (including a provision applicable to the designated representative of an Acid Rain source) shall also apply to the owners and operators of such source and of the Acid Rain units at the source.
- (6) Any provision of the Acid Rain Program that applies to an Acid Rain unit (including a provision applicable to the designated representative of an Acid Rain unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one Acid Rain unit shall not be liable for any violation by any other Acid Rain unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR Parts 72, 73, 74, 75, 76, 77, and 78 by an Acid Rain source or Acid Rain unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities.**

- No provision of the Acid Rain Program, an Acid Rain Part application, an Acid Rain Part, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:
- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
  - (2) Limiting the number of allowances a unit can hold, provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
  - (3) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
  - (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
  - (5) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

**STEP 4**  
**For SO<sub>2</sub> Opt-in units only.**

In column "F" enter the unit ID# for every SO<sub>2</sub> Opt-in unit identified in column "a" of STEP 2.

For column "g" describe the combustion unit and attach information and diagrams on the combustion unit's configuration.

In column "h" enter the hours.

f	g	h (not required for renewal application)
Unit ID#	Description of the combustion unit	Number of hours unit operated in the six months preceding initial application
CBA	1063 mmBtu Circulating fluidized combustor with limestone addition for acid gas control	Aug/08 – Jan/09 4052
CBB	1063 mmBtu Circulating fluidized combustor with limestone addition for acid gas control	Aug/08 – Jan/09 3854
CBC	1063 mmBtu Circulating fluidized combustor with limestone addition for acid gas control	Aug/08 – Jan/09 3948

DEP Form No. 62-210.900(1)(a) – Form  
 Effective: 3/16/08

SECTION IV. ACID RAIN PART.

Subsection A. Phase II

**Cedar Bay Generating Plant**  
Plant Name (from STEP 1)

**STEP 5**

For SO<sub>2</sub> Opt-in units only.  
(Not required for SO<sub>2</sub> Opt-in renewal applications.)

In column "i" enter the unit ID# for every SO<sub>2</sub> Opt-in unit identified in column "a" (and in column "f").

For columns "j" through "n," enter the information required under 40 CFR 74.20-74.25 and attach all supporting documentation required by 40 CFR 74.20-74.25.

i	j	k	l	m	n
Unit ID#	Baseline or Alternative Baseline under 40 CFR 74.20 (mmBtu)	Actual SO <sub>2</sub> Emissions Rate under 40 CFR 74.22 (lbs/mmBtu)	Allowable 1985 SO <sub>2</sub> Emissions Rate under 40 CFR 74.23 (lbs/mmBtu)	Current Allowable SO <sub>2</sub> Emissions Rate under 40 CFR 74.24 (lbs/mmBtu)	Current Promulgated SO <sub>2</sub> Emissions Rate under 40 CFR 74.25 (lbs/mmBtu)
CBA	8,012,678	0.14	0.24	0.30	0.30
CBB	7,476,727	0.14	0.24	0.30	0.30
CBC	7,979,452	0.14	0.24	0.30	0.03

**STEP 6**

For SO<sub>2</sub> Opt-in units only.

Attach additional requirements, certify and sign.

- A. If the combustion source seeks to qualify for a transfer of allowances from the replacement of thermal energy, a thermal energy plan as provided in 40 CFR 74.47 for combustion sources must be attached.
- B. A statement whether the combustion unit was previously an affected unit under 40 CFR 74.
- C. A statement that the combustion unit is not an affected unit under 40 CFR 72.6 and does not have an exemption under 40 CFR 72.7, 72.8, or 72.14.
- D. Attach a complete compliance plan for SO<sub>2</sub> under 40 CFR 72.40.
- E. The designated representative of the combustion unit shall submit a monitoring plan in accordance with 40 CFR 74.61. For renewal application, submit an updated monitoring plan if applicable under 40 CFR 75.53(b).
- F. The following statement must be signed by the designated representative or alternate designated representative of the combustion source: "I certify that the data submitted under 40 CFR Part 74, Subpart C, reflects actual operations of the combustion source and has not been adjusted in any way."

**STEP 7**

Read the certification statement; provide name, title, owner company name, phone, and e-mail address; sign, and date.

Signature <i>Tracy L. Patterson</i>	Date 3/4/09
<b>Certification (for designated representative or alternate designated representative only)</b>	
I am authorized to make this submission on behalf of the owners and operators of the Acid Rain source or Acid Rain units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.	
Name Tracy Patterson	Title General Manager
Owner Company Name Cedar Bay Generating Company L.P.	
Phone 904-896-1543	E-mail address tracy.patterson@coenergy.com
Signature <i>Tracy L. Patterson</i>	Date 3/4/09

DEP Form No. 62-210.900(1)(a) - Form Effective: 3/16/08

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

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**Clean Air Interstate Rule (CAIR).**

**Operated by:** Cedar Bay Generating Company, L.P.

**Plant:** Cedar Bay Generating Plant

**ORIS Code:** 10672

The emissions units below are regulated under the Clean Air Interstate Rule.

<b>EU No.</b>	<b>EPA Unit ID#</b>	<b>Brief Description</b>
001	CBA	Circulating Fluidized Bed Boiler A
002	CBB	Circulating Fluidized Bed Boiler B
003	CBC	Circulating Fluidized Bed Boiler C

1. Clean Air Interstate Rule Application. The Clean Air Interstate Rule Part Form submitted for this facility is a part of this permit. The owners and operators of these CAIR units as identified in this form must comply with the standard requirements and special provisions set forth in the CAIR Part Form (DEP Form No. 62-210.900(1)(b)) dated March 16, 2008, which is attached at the end of this section. [Chapter 62-213, F.A.C. and Rule 62-210.200, F.A.C.]



**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

**Cedar Bay Generating Plant**

Plant Name (from STEP 1)

**STEP 3**

**Read the  
standard  
requirements.**

**CAIR NO<sub>x</sub> ANNUAL TRADING PROGRAM**

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall:
  - (i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.122 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
  - (ii) [Reserved];
- (2) The owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 96, Subpart CC, and operate the source and the unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HH, shall be used to determine compliance by each CAIR NO<sub>x</sub> source with the following CAIR NO<sub>x</sub> Emissions Requirements.

NO<sub>x</sub> Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period under 40 CFR 96.154(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for the control period from all CAIR NO<sub>x</sub> units at the source, as determined in accordance with 40 CFR Part 96, Subpart HH.
- (2) A CAIR NO<sub>x</sub> unit shall be subject to the requirements under paragraph (1) of the NO<sub>x</sub> Requirements starting on the later of January 1, 2009, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.170(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR NO<sub>x</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO<sub>x</sub> Requirements, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated.
- (4) CAIR NO<sub>x</sub> allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FF and GG.
- (5) A CAIR NO<sub>x</sub> allowance is a limited authorization to emit one ton of NO<sub>x</sub> in accordance with the CAIR NO<sub>x</sub> Annual Trading Program. No provision of the CAIR NO<sub>x</sub> Annual Trading Program, the CAIR Part, or an exemption under 40 CFR 96.105 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR NO<sub>x</sub> allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EE, FF, or GG, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> allowance to or from a CAIR NO<sub>x</sub> unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO<sub>x</sub> unit.

Excess Emissions Requirements.

If a CAIR NO<sub>x</sub> source emits NO<sub>x</sub> during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR NO<sub>x</sub> unit at the source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under 40 CFR 96.154(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AA, the Clean Air Act, and applicable state law.

Recordkeeping and Reporting Requirements.

- (1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.
  - (i) The certificate of representation under 40 CFR 96.113 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.113 changing the CAIR designated representative.
  - (ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program.
  - (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.
- (2) The CAIR designated representative of a CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, including those under 40 CFR Part 96, Subpart HH.

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

**Cedar Bay Generating Plant**  
Plant Name (from STEP 1)

**STEP 3,  
Continued**

Liability.

- (1) Each CAIR NO<sub>x</sub> source and each CAIR NO<sub>x</sub> unit shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.
- (2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> source or the CAIR designated representative of a CAIR NO<sub>x</sub> source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> units at the source.
- (3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program that applies to a CAIR NO<sub>x</sub> unit or the CAIR designated representative of a CAIR NO<sub>x</sub> unit shall also apply to the owners and operators of such unit.

Effect on Other Authorities.

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, a CAIR Part, or an exemption under 40 CFR 96.105 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> source or CAIR NO<sub>x</sub> unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**CAIR SO<sub>2</sub> TRADING PROGRAM**

CAIR Part Requirements.

- (1) The CAIR designated representative of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall:
  - (f) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.222 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and
  - (g) [Reserved];
- (2) The owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall have a CAIR Part included in the Title V operating permit issued by the DEP under 40 CFR Part 96, Subpart CCC, for the source and operate the source and each CAIR unit in compliance with such CAIR Part.

Monitoring, Reporting, and Recordkeeping Requirements.

- (1) The owners and operators, and the CAIR designated representative, of each CAIR SO<sub>2</sub> source and each SO<sub>2</sub> CAIR unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHH, and Rule 62-296.470, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHH, shall be used to determine compliance by each CAIR SO<sub>2</sub> source with the following CAIR SO<sub>2</sub> Emission Requirements.

SO<sub>2</sub> Emission Requirements.

- (1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period, as determined in accordance with 40 CFR 96.254(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHH.
- (2) A CAIR SO<sub>2</sub> unit shall be subject to the requirements under paragraph (1) of the Sulfur Dioxide Emission Requirements starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.270(b)(1) or (2) and for each control period thereafter.
- (3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the SO<sub>2</sub> Emission Requirements, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.
- (4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFF and GGG.
- (5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR Part, or an exemption under 40 CFR 96.205 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.
- (6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.
- (7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart FFF or GGG, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR SO<sub>2</sub> unit.

Excess Emissions Requirements.

If a CAIR SO<sub>2</sub> source emits SO<sub>2</sub> during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

- (1) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 40 CFR 96.254(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and
- (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 96, Subpart AAA, the Clean Air Act, and applicable state law.

**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

**Cedar Bay Generating Plant**

Plant Name (from STEP 1)

**STEP 3,  
Continued**

**Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Department or the Administrator.

(i) The certificate of representation under 40 CFR 96.213 for the CAIR designated representative for the source and each CAIR SO<sub>2</sub> unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 96.213 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with 40 CFR Part 96, Subpart HHH, of this part, provided that to the extent that 40 CFR Part 96, Subpart HHH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO<sub>2</sub> Trading Program.

(iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program.

(2) The CAIR designated representative of a CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall submit the reports required under the CAIR SO<sub>2</sub> Trading Program, including those under 40 CFR Part 96, Subpart HHH.

**Liability.**

(1) Each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit shall meet the requirements of the CAIR SO<sub>2</sub> Trading Program.

(2) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> source or the CAIR designated representative of a CAIR SO<sub>2</sub> source shall also apply to the owners and operators of such source and of the CAIR SO<sub>2</sub> units at the source.

(3) Any provision of the CAIR SO<sub>2</sub> Trading Program that applies to a CAIR SO<sub>2</sub> unit or the CAIR designated representative of a CAIR SO<sub>2</sub> unit shall also apply to the owners and operators of such unit.

**Effect on Other Authorities.**

No provision of the CAIR SO<sub>2</sub> Trading Program, a CAIR Part, or an exemption under 40 CFR 96.205 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR SO<sub>2</sub> source or CAIR SO<sub>2</sub> unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**CAIR NO<sub>x</sub> OZONE SEASON TRADING PROGRAM**

**CAIR Part Requirements.**

(1) The CAIR designated representative of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall:

(i) Submit to the DEP a complete and certified CAIR Part form under 40 CFR 96.322 and Rule 62-296.470, F.A.C., in accordance with the deadlines specified in Rule 62-213.420, F.A.C.; and

(ii) [Reserved];

(2) The owners and operators of each CAIR NO<sub>x</sub> Ozone Season source required to have a Title V operating permit or air construction permit, and each CAIR NO<sub>x</sub> Ozone Season unit required to have a Title V operating permit or air construction permit at the source shall have a CAIR Part included in the Title V operating permit or air construction permit issued by the DEP under 40 CFR Part 96, Subpart CCCC, for the source and operate the source and the unit in compliance with such CAIR Part.

**Monitoring, Reporting, and Recordkeeping Requirements.**

(1) The owners and operators, and the CAIR designated representative, of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR Part 96, Subpart HHHH, and Rule 62-296.470, F.A.C.

(2) The emissions measurements recorded and reported in accordance with 40 CFR Part 96, Subpart HHHH, shall be used to determine compliance by each CAIR NO<sub>x</sub> Ozone Season source with the following CAIR NO<sub>x</sub> Ozone Season Emissions Requirements.

**NO<sub>x</sub> Ozone Season Emission Requirements.**

(1) As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the control period under 40 CFR 96.354(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for the control period from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with 40 CFR Part 96, Subpart HHHH.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (1) of the NO<sub>x</sub> Ozone Season Emission Requirements starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 96.370(b)(1),(2), or (3) and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (1) of the NO<sub>x</sub> Ozone Season Emission Requirements, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with 40 CFR Part 96, Subparts FFFF and GGGG.

(5) A CAIR NO<sub>x</sub> Ozone Season allowance is a limited authorization to emit one ton of NO<sub>x</sub> in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR Part, or an exemption under 40 CFR 96.305 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under 40 CFR Part 96, Subpart EEEE, FFFF or GGGG, every allocation, transfer, or deduction of a



**SECTION V. CAIR PART FORM**  
**CLEAN AIR INTERSTATE RULE PROVISIONS**

CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season unit's compliance account is incorporated automatically in any CAIR Part of the source that includes the CAIR NO<sub>x</sub> Ozone Season unit.

<b>Cedar Bay Generating Plant</b>
Plant Name (from STEP 1)

**STEP 3,  
Continued**

**Excess Emissions Requirements.**

If a CAIR NO<sub>x</sub> Ozone Season source emits NO<sub>x</sub> during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:  
 (1) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under 40 CFR 98.354(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or applicable state law; and  
 (2) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 98, Subpart AAAA, the Clean Air Act, and applicable state law.

**Recordkeeping and Reporting Requirements.**

(1) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the DEP or the Administrator.  
 (i) The certificate of representation under 40 CFR 98.313 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 40 CFR 98.113 changing the CAIR designated representative.  
 (ii) All emissions monitoring information, in accordance with 40 CFR Part 98, Subpart HHHH, of this part, provided that to the extent that 40 CFR Part 98, Subpart HHHH, provides for a 3-year period for recordkeeping, the 3-year period shall apply.  
 (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (iv) Copies of all documents used to complete a CAIR Part form and any other submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (2) The CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall submit the reports required under the CAIR NO<sub>x</sub> Ozone Season Trading Program, including those under 40 CFR Part 98, Subpart HHHH.

**Liability.**

(1) Each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit shall meet the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.  
 (2) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season source or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season source shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> Ozone Season units at the source.  
 (3) Any provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program that applies to a CAIR NO<sub>x</sub> Ozone Season unit or the CAIR designated representative of a CAIR NO<sub>x</sub> Ozone Season unit shall also apply to the owners and operators of such unit.

**Effect on Other Authorities.**

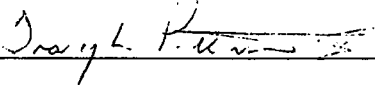
No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, a CAIR Part, or an exemption under 40 CFR 98.305 shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> Ozone Season source or CAIR NO<sub>x</sub> Ozone Season unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

**STEP 4**

**Certification (for designated representative or alternate designated representative only)**

**Read the certification statement; provide name, title, owner company name, phone, and e-mail address; sign, and date.**

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

Name <b>Tracy Patterson</b>	Title <b>General Manager</b>
Company Owner Name <b>Cedar Bay Generating Company L.P.</b>	
Phone <b>904-751-4000</b>	E-mail Address <b>tracypatterson@cogentrix.com</b>
Signature 	Date <b>1/15/2008</b>

**SECTION VI. APPENDICES.**

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**The Following Appendices Are Enforceable As Allowed By Rule Applicability And Are Supporting Documents For The Air Operating Permit:**

Appendix A, Glossary.

Appendix CAM.

Appendix I, List of Insignificant Emissions Units and/or Activities.

Appendix J, Jacksonville Environmental Protection Board Rule 2.

Appendix NSPS, Subpart A – General Provisions.

Appendix NSPS, Subpart Da, Standards of Performance for Electric Utility Generating Units.

Appendix NSPS, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants

Appendix NSPS, Subpart Y, Standards of Performance for Coal Preparation Plants.

Appendix RR, Facility-wide Reporting Requirements.

Appendix TR, Facility-wide Testing Requirements.

Appendix TV, Title V General Conditions.

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

° F: degrees Fahrenheit  
**acfm**: actual cubic feet per minute  
**AOR**: Annual Operating Report  
**ARMS**: Air Resource Management System (Department's database)  
**BACT**: best available control technology  
**Btu**: British thermal units  
**CAM**: compliance assurance monitoring  
**CEMS**: continuous emissions monitoring system  
**cfm**: cubic feet per minute  
**CFR**: Code of Federal Regulations  
**CO**: carbon monoxide  
**COMS**: continuous opacity monitoring system  
**DARM**: Division of Air Resources Management  
**DCA**: Department of Community Affairs  
**DEP**: Department of Environmental Protection  
**Department**: Department of Environmental Protection  
**dscfm**: dry standard cubic feet per minute  
**EPA**: Environmental Protection Agency  
**ESP**: electrostatic precipitator (control system for reducing particulate matter)  
**EU**: emissions unit  
**F.A.C.**: Florida Administrative Code  
**F.D.**: forced draft  
**F.S.**: Florida Statutes  
**FGR**: flue gas recirculation  
**Fl**: fluoride  
**ft<sup>2</sup>**: square feet  
**ft<sup>3</sup>**: cubic feet  
**gpm**: gallons per minute  
**gr**: grains  
**HAP**: hazardous air pollutant  
**Hg**: mercury  
**I.D.**: induced draft  
**ID**: identification  
**ISO**: International Standards Organization (refers to those conditions at 288 Kelvin, 60% relative humidity and 101.3 kilopascals pressure.)  
**kPa**: kilopascals  
**LAT**: Latitude  
**lb**: pound  
**lbs/hr**: pounds per hour

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

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**LONG:** Longitude  
**MACT:** maximum achievable technology  
**mm:** millimeter  
**MMBtu:** million British thermal units  
**MSDS:** material safety data sheets  
**MW:** megawatt  
**NESHAP:** National Emissions Standards for Hazardous Air Pollutants  
**NO<sub>x</sub>:** nitrogen oxides  
**NSPS:** New Source Performance Standards  
**O&M:** operation and maintenance  
**O<sub>2</sub>:** oxygen  
**ORIS:** Office of Regulatory Information Systems  
**OS:** Organic Solvent  
**Pb:** lead  
**PM:** particulate matter  
**PM<sub>10</sub>:** particulate matter with a mean aerodynamic diameter of 10 microns or less  
**PSD:** prevention of significant deterioration  
**psi:** pounds per square inch  
**PTE:** potential to emit  
**RACT:** reasonably available control technology  
**RATA:** relative accuracy test audit  
**RMP:** Risk Management Plan  
**RO:** Responsible Official  
**SAM:** sulfuric acid mist  
**scf:** standard cubic feet  
**scfm:** standard cubic feet per minute  
**SIC:** standard industrial classification code  
**SNCR:** selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)  
**SOA:** Specific Operating Agreement  
**SO<sub>2</sub>:** sulfur dioxide  
**TPH:** tons per hour  
**lbs/hr:** pounds per hour  
**LONG:** Longitude  
**MACT:** maximum achievable technology  
**mm:** millimeter  
**MMBtu:** million British thermal units  
**MSDS:** material safety data sheets  
**MW:** megawatt  
**NESHAP:** National Emissions Standards for Hazardous Air Pollutants

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

- NO<sub>x</sub>**: nitrogen oxides  
**NSPS**: New Source Performance Standards  
**O&M**: operation and maintenance  
**O<sub>2</sub>**: oxygen  
**ORIS**: Office of Regulatory Information Systems  
**OS**: Organic Solvent  
**Pb**: lead  
**PM**: particulate matter  
**PM<sub>10</sub>**: particulate matter with a mean aerodynamic diameter of 10 microns or less  
**PSD**: prevention of significant deterioration  
**psi**: pounds per square inch  
**PTE**: potential to emit  
**RACT**: reasonably available control technology  
**RATA**: relative accuracy test audit  
**RMP**: Risk Management Plan  
**RO**: Responsible Official  
**SAM**: sulfuric acid mist  
**scf**: standard cubic feet  
**scfm**: standard cubic feet per minute  
**SIC**: standard industrial classification code  
**SNCR**: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)  
**SOA**: Specific Operating Agreement  
**SO<sub>2</sub>**: sulfur dioxide  
**TPH**: tons per hour  
**TPY**: tons per year  
**UTM**: Universal Transverse Mercator coordinate system  
**VE**: visible emissions  
**VOC**: volatile organic compounds  
**x**: By or times

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**Citations:**

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

Code of Federal Regulations:

*Example: [40 CFR 60.334]*

Where:	40	refers to	Title 40
	CFR	refers to	Code of Federal Regulations

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

60 refers to Part 60  
60.334 refers to Regulation 60.334

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

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

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

**Identification Numbers:**

Facility Identification (ID) Number:

*Example:* Facility ID No.: 1050221

*Where:*

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

Permit Numbers:

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

*Where:*

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

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

*Where:*

PSD = Prevention of Significant Deterioration Permit  
PA = Power Plant Siting Act Permit  
AC53 = old Air Construction Permit numbering identifying the facility is located in Polk County

APPENDIX CAM  
COMPLIANCE ASSURANCE MONITORING REQUIREMENTS

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Pursuant to Rule 62-213.440(1)(b)1.a., F.A.C., the CAM plans that are included in this appendix contain the monitoring requirements necessary to satisfy 40 CFR 64. Conditions 1. – 17. are generic conditions applicable to all emissions units that are subject to the CAM requirements. Specific requirements related to each emissions unit are contained in the attached tables, as submitted by the applicant and approved by the Department.

**40 CFR 64.6 Approval of Monitoring.**

1. The attached CAM plan(s), as submitted by the applicant, is/are approved for the purposes of satisfying the requirements of 40 CFR 64.3. [40 CFR 64.6(a)]
2. The attached CAM plan(s) include the following information:
  - a. The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
  - b. The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and
  - c. The performance requirements established to satisfy 40 CFR 64.3(b) or (d), as applicable. [40 CFR 64.6(c)(1)]
3. The attached CAM plan(s) describe the means by which the owner or operator will define an exceedance of the permitted limits or an excursion from the stated indicator ranges and averaging periods for purposes of responding to (see **CAM Conditions 5. - 9.**) and reporting exceedances or excursions (see **CAM Conditions 10. – 14.**). [40 CFR 64.6(c)(2)]
4. The permittee is required to conduct the monitoring specified in the attached CAM plan(s) and shall fulfill the obligations specified in the conditions below (see **CAM Conditions 5. - 17.**). [40 CFR 64.6(c)(3)]

**40 CFR 64.7 Operation of Approved Monitoring.**

5. Commencement of operation. The owner or operator shall conduct the monitoring required under this appendix upon the effective date of this Title V permit. [40 CFR 64.7(a)]
6. Proper maintenance. At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment. [40 CFR 64.7(b)]
7. Continued operation. Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions. [40 CFR 64.7(c)]
8. Response to excursions or exceedances.
  - a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions, if allowed by this permit). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission

**APPENDIX CAM**  
**COMPLIANCE ASSURANCE MONITORING REQUIREMENTS**

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limitation or standard, as applicable.

- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[40 CFR 64.7(d)(1) & (2)]

**9. Documentation of need for improved monitoring.** If the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Title V permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters. [40 CFR 64.7(e)]

**40 CFR 64.8 Quality Improvement Plan (QIP) Requirements.**

**10.** Based on the results of a determination made under **CAM Condition 8.a.**, above, the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with **CAM Condition 4.**, an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, may require the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices. [40 CFR 64.8(a)]

**11. Elements of a QIP:**

- a. The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
- b. The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
  - (1) Improved preventive maintenance practices.
  - (2) Process operation changes.
  - (3) Appropriate improvements to control methods.
  - (4) Other steps appropriate to correct control performance.
  - (5) More frequent or improved monitoring (only in conjunction with one or more steps under **CAM Condition 11.b(1)** through (4), above).

[40 CFR 64.8(b)]

**12.** If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined. [40 CFR 64.8(c)]

**13.** Following implementation of a QIP, upon any subsequent determination pursuant to **CAM Condition 8.b.**, the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

- a. Failed to address the cause of the control device performance problems; or
- b. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

[40 CFR 64.8(d)]

**14.** Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping



APPENDIX CAM  
COMPLIANCE ASSURANCE MONITORING REQUIREMENTS

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requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. [40 CFR 64.8(e)]

**40 CFR 64.9 Reporting And Recordkeeping Requirements.**

**15. General reporting requirements.**

- a. On and after the date specified in **CAM Condition 5**, by which the owner or operator must use monitoring that meets the requirements of this appendix, the owner or operator shall submit monitoring reports semi-annually to the permitting authority in accordance with Rule 62-213.440(1)(b)3.a., F.A.C.
- b. A report for monitoring under this part shall include, at a minimum, the information required under Rule 62-213.440(1)(b)3.a., F.A.C., and the following information, as applicable:
  - (1) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - (2) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
  - (3) A description of the actions taken to implement a QIP during the reporting period as specified in **CAM Conditions 10. through 14.** Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 CFR 64.9(a)]

**16. General recordkeeping requirements.**

- a. The owner or operator shall comply with the recordkeeping requirements specified in Rule 62-213.440(1)(b)2., F.A.C. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to **CAM Conditions 10. through 14.** and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
- b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[40 CFR 64.9(b)]

**40 CFR 64.10 Savings Provisions.**

**17. It should be noted that nothing in this appendix shall:**

- a. Excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of this appendix shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act. The purpose of this part is to require, as part of the issuance of a permit under Title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this part.
- b. Restrict or abrogate the authority of the Administrator or the permitting authority to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable.
- c. Restrict or abrogate the authority of the Administrator or permitting authority to take any enforcement

**APPENDIX CAM**

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**COMPLIANCE ASSURANCE MONITORING REQUIREMENTS**

action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

[40 CFR 64.10]

**Cedar Bay Generating Company, L.P.**

**Emissions Units 001, 002 & 003**

**1,063 MMBtu/Hr Coal And Petroleum Coke-Fired Circulating Fluidized Bed Boilers  
Particulate Matter Emissions Controlled By Baghouses**

**Monitoring Approach and Corrective Action Procedures**

COMPLIANCE ASSURANCE MONITORING REQUIREMENTS

Table 1. Monitoring Approach

	<b>Indicator 1.</b>	<b>Indicator 2.</b>
I. Indicator	Duct opacity.	Change in duct opacity
Measurement Approach	Continuous opacity monitoring system (COMS).	Continuous opacity monitoring system (COMS).
II. Indicator Range	An excursion is defined as 5 consecutive 6-minute averages of opacity greater than 10.0% (other than startup and shutdown periods).	An excursion is defined as any sudden and sustained step-change (increase) in opacity as documented by the trend of the consecutive 6-minute averages (other than startup and shutdown periods).
III. Performance Criteria		
A. Data Representativeness	Based on available data under normal operation, the representative stack opacity of each unit is in the range of 3 to 7%. A 50% average opacity above 7% during non-startup or shutdown periods is atypical and may indicate a potential problem with the baghouse.	Based on available data under normal operation, opacity varies with load and operating conditions. Variability is typically a gradual increase or decrease, with occasional sudden spikes and dips. A sudden and sustained step-increase in opacity could indicate a failure in one or more of the baghouse compartments.
B. Verification of Operational Status	Annual testing during normal operation is used to verify particulate mass loading. The COM system is audited quarterly.	The COM system is audited quarterly.
C. QA/QC Practices and Criteria	Install and operate COMS according to 40 CFR Part 60 Appendix B, Performance Specification 1 and general provisions 60.13.	Install and operate COMS according to 40 CFR Part 60 Appendix B, Performance Specification 1 and general provisions 60.13.
D. Monitoring Frequency	Continuous.	Continuous.
E. Data Collection Procedures	The COMS collects data that are reduced to 6-minute averages. Consecutive 6-minute averages are tracked through the Distributed Control System (DCS) and CEM software.	The COMS collects data that are reduced to 6-minute averages. Consecutive 6-minute averages are tracked through the Distributed Control System (DCS) and CEM software.
F. Averaging Period	Five consecutive 6-minute averages.	None.

APPENDIX CAM  
COMPLIANCE ASSURANCE MONITORING REQUIREMENTS

**Table 2. Corrective Action Procedures Summary**

	<b><i>Description for Indicator 1</i></b>	<b><i>Description for Indicator 2</i></b>
I. Initiation of Corrective Action Procedures	Corrective action shall be initiated with the discovery of 5 consecutive 6-minute averages of opacity greater than 10% and that defines an excursion (as defined in Table 1, above). The plant staff that made the discovery shall immediately notify the shift supervisor or responsible official. This action describes a corrective action trigger.	Corrective action shall be initiated with the discovery of a sudden and sustained step-increase in the trend of the consecutive 6-minute opacity averages.
II. Time of Completion of Corrective Action Procedures	As soon as practically possible.	As soon as practically possible.
III. Corrective Action	<p>The shift supervisor or responsible official will implement the following as a corrective action.</p> <p>Procedures, as presented in the O&amp;M Plan, include the following alternatives that will be initiated as necessary.</p> <ul style="list-style-type: none"> <li>• Perform operational diagnostics to identify cause of the excursion.</li> <li>• If operational diagnostics indicate a malfunction of the baghouse, the reason for failure will be identified.</li> <li>• If isolation of the compartment can be accomplished to reduce opacity below the excursion level, such measures will be undertaken.</li> <li>• In the event of the need for the unit shutdown to bring opacity to below excursion levels, the task will be undertaken based on procedures described in the O&amp;M Plan for the facility.</li> </ul> <p>Regardless of the failure mechanism, baghouse operation will be restored such that the cause of excursion is identified and appropriate actions taken to ensure opacity below excursion levels.</p>	<p>The shift supervisor or responsible official will implement the following as a corrective action.</p> <p>Procedures, as presented in the O&amp;M Plan, include the following alternatives that will be initiated as necessary.</p> <ul style="list-style-type: none"> <li>• Perform operational diagnostics to identify cause of the excursion.</li> <li>• If operational diagnostics indicate a malfunction of the baghouse, the reason for failure will be identified.</li> <li>• If isolation of the compartment can be accomplished to reduce opacity below the excursion level, such measures will be undertaken.</li> <li>• In the event of the need for the unit shutdown to bring opacity to below excursion levels, the task will be undertaken based on procedures described in the O&amp;M Plan for the facility.</li> </ul> <p>Regardless of the failure mechanism, baghouse operation will be restored such that the cause of excursion is identified and appropriate actions taken to ensure opacity below excursion levels.</p>

APPENDIX I

LIST OF INSIGNIFICANT EMISSIONS UNITS AND/OR ACTIVITIES

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, or that meet the criteria specified in Rule 62-210.300(3)(b)1., F.A.C., Generic Emissions Unit Exemption, are exempt from the permitting requirements of Chapters 62-210, 62-212 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rules 62-210.300(3)(a) and (b)1., F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

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

Brief Description of Emissions Units and/or Activities

- 1 Ash Handling Systems Pressure/Vacuum Relief Valves.
- 2 Coal additives for improved flow.
- 3 Magnetic Separator Chute.
- 4 Cation Exchanger; Anion Exchanger.
- 5 Amine Solution Mixer Tank.
- 6 Air Compressors, compressed air system.
- 7 Sandblaster with Filter
- 8 Fuel Oil Truck Unloading Station. Fuel Oil transfer pump 1 FOA-P-1, 175 gpm.
- 9 Fuel Oil Storage Tank -(1 FOA-TNK-1).
- 10 Acid Storage Tank.
- 11 Phosphate Solution Mixer Tank.
- 12 Chemical Waste Mixer Tank.
- 13 Plant Ground Maintenance.
- 14 Maintenance (Cleaning, Metalworking, Soldering, Welding, Non-Asbestos Removal).
- 15 Sodium Hypochlorite Storage Tank -(HRE-TNK-3). All other closed tanks for waste/waste water treatment. Includes H<sub>2</sub>SO<sub>4</sub>, NH<sub>3</sub>, Caustic, Phosphate, Amine, Oxygen Scavenger, and Magnesium Chloride.
- 16 Chemical Waste Sumps.
- 17 CEM Calibration Gases.
- 18 Street Sweeping; outdoor vacuum truck cleanup.
- 19 Fuel Oil Heavy Equipment Diesel Tanks-(2 1) Tanks.
- 20 (2) Diesel Fuel Fired Pumps (emergency fire pump and boiler feed pump) collectively firing less than 16,000 gallons of diesel fuel per year.
- 21 Diesel Fuel Pump Oil Tank (1 WSE-TNK-2), 320 Gallons.
- 22 H<sub>2</sub> Vent.
- 23 DeNO<sub>x</sub> Facility (NH<sub>3</sub> addition).
- 24 Transformer Maintenance.
- 25 Steam Vents.
- 26 N<sub>2</sub> cap during boiler shutdown.
- 27 Building Vents.
- 28 Lab Hood, other laboratory activities.
- 29 Soot Blowing.

APPENDIX I

LIST OF INSIGNIFICANT EMISSIONS UNITS AND/OR ACTIVITIES

- 30 Turbine Lube Oil Vent with Oil Mist Eliminator.
- 31 RO -High Temp AntiFoam Addition to Brine Concentrator (BC).
- 32 RO -Degasifier Packed Column (Sulfur odor, H2S emissions).
- 33 Coal Pile Run-off Pond.
- 34 Tower Loop -Soda Ash Storage Silo.
- 35 Tower Loop -Lime Storage Silo.
- 36 Yard Area Runoff Pond (Unlined).
- 37 Service Area Runoff Pond (Lined).
- 38 RO -AntiScalant Tank Addition to BC.
- 39 RO -High Temp AntiFoam Tank Additive to Crystallizer.
- 40 SK -DensaDeg Mixer/Settler.
- 41 Coal transfer to coal receiving pile via lowering well (partial enclosure, lowering well is a "chute" with openings for distribution of coal).
- 42 Wind erosion from coal receiving pile.
- 43 Wind erosion from 27-day coal storage pile.
- 44 Ash handling front-end loader traffic.
- 45 Wind erosion related to ash handling operations.
- 46 Bed ash transfer from boilers to wheelbarrows (bed ash rejects).
- 47 Front-end loader transfers to temporary pile.
- 48 Temporary rail car loading of particulate debris.
- 49 Limestone pile wind erosion.
- 50 Maintenance Painting.
- 51 Coal Feeders (6) -Enclosed Transfer to CB-1 Sandwich Belt (CF-2).
- 52 CB-1 to CB-2 Transfer (CF-3)
- 53 Lime Storage Silo (*Vent Filter*)
- 54 Soda Ash Storage Silo (*Vent Filter*)
- 55 Parts Washers
- 56 Cooling Tower

# JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD

## RULE 2 AIR POLLUTION CONTROL

Effective 03/18/85  
Amended 12/15/85  
Amended 06/18/86  
Amended 06/15/88  
Amended 10/27/88  
Amended 12/20/88  
Amended 07/09/90  
Amended 10/22/92  
Repealed, renumbered and readopted 01/10/93  
Amended 12/19/94, Effective 01/11/95  
Amended 09/11/95, Effective 10/05/95  
Amended 11/12/96, Effective 12/16/96  
Amended 06/08/98, Effective 07/02/98  
Amended 11/08/99, Effective 12/05/99  
Amended 09/11/00, Effective 10/08/00  
Amended 08/13/01, Effective 09/06/01  
Amended 08/12/02, Effective 09/04/02  
Amended 11/10/03, Effective 12/10/03  
Amended 10/11/04, Effective 11/03/04  
Amended 06/13/05, Effective 07/04/05  
Amended 9/11/06, Effective 10/03/06



**RULE OF THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 2  
AIR POLLUTION CONTROL**

**INDEX**

**PART I - GENERAL PROVISIONS**

- 2.101 Definitions
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- 2.104 Registration and Reports
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- 2.107 Air Pollution Prohibited
- 2.108 Enforcement
- 2.109 Investigations - Right of Entry
- 2.110 Penalties and Injunctive Relief

**PART II - AIR POLLUTION CONTROL - GENERAL PROVISIONS**

- 2.201 Adopts 62-204 FAC by reference

**PART III - STATIONARY SOURCES - GENERAL REQUIREMENTS**

- 2.301 Adopts 62-210 FAC by reference

**PART IV - STATIONARY SOURCES - PRECONSTRUCTION REVIEW**

- 2.401 Adopts 62- 212 FAC by reference

**PART V - OPERATION PERMITS FOR MAJOR SOURCES OF AIR POLLUTION**

- 2.501 Adopts 62-213 FAC by reference

**PART VI - GASOLINE VAPOR CONTROL**

- 2.601 Adopts 62-252 FAC by reference
- 2.602 Expanded Stage I Controls in Duval County

**PART VII - OPEN BURNING AND FROST PROTECTION FIRES**

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**PART VIII - AMBIENT AIR QUALITY STANDARDS**

2.801 Ambient Air Quality Standard for Aggregate Reduced Sulfur (ARS)

**PART IX - AIR POLLUTION EPISODES**

2.901 Air Pollution Episodes - Local Rules

**PART X - STATIONARY SOURCES EMISSION STANDARDS**

2.1001 Adopts 62-296 FAC by reference

**PART XI - STATIONARY SOURCES - EMISSIONS MONITORING**

2.1101 Adopts 62-297 FAC by reference

**PART XII - AIR POLLUTION NUISANCE RULES**

2.1201 General Standard for Volatile Organic Compounds

2.1202 Emissions from Ships and Locomotives

2.1203 Air Pollution Nuisances

**PART XIII - PERMITS - GENERAL PROVISIONS**

2.1301 Adopts 62-4 FAC by reference

2.1302 Adopts 120.57 FS and 28-106.111(2) FAC, 28-106.201 FAC, 28-106.301 FAC, and 62-110.106 FAC by reference

**APPENDIX J**

**JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2**

**TRACKING TABLE FOR THE AMENDMENT OF CURRENT RULE 2**

<b>Current Rule 2 Sections</b>	<b>Amended Rule 2 Sections</b>
Part I - General Provisions 2.101 2.102 2.103 2.104 2.105 2.106 2.107 2.108 2.109 2.110	Part I - General Provisions NO CHANGE
Part II 2.201 (Adopts 62-204 FAC)	Part II 2.201 (Adopts 62-204 FAC) AMENDED
Part III 2.301 (Adopts 62-210 FAC)	Part III 2.301 (Adopts 62-210 FAC) AMENDED
Part IV 2.401 (Adopts 62-212 FAC)	Part IV 2.401 (Adopts 62-212) AMENDED
Part V 2.501 (Adopts 62-213 FAC)	Part V 2.501 (Adopts 62-213 0 NO CHANGE
Part VI 2.601 (Adopts 62-252 FAC) 2.602	Part VI 2.601 2.602 NO CHANGE NO CHANGE
Part VII 2.701 (Adopts 62-256 FAC)	Part VII 2.701 (Adopts 62-256 FAC in its entirety instead of by reference) NO CHANGE
Part VIII 2.801 Ambient Air Quality Standards for Aggregate Reduced Sulfur	Part VIII 2.801 NO CHANGE
Part IX 2.901 Air Pollution Episodes - Local Rules	Part IX 2.901 NO CHANGE
Part X 2.1001 (Adopts 62-296 FAC)	Part X 2.1001 (Adopts 62-296 FAC) AMENDED
Part XI 2.1101 (Adopts 62-297 FAC)	Part XI 2.1101 (Adopts 62-297 FAC) NO CHANGE
Part XII 2.1201 2.1202 2.1203	Part XII 2.1201 2.1202 2.1203 NO CHANGE NO CHANGE NO CHANGE

Part XIII 2.1301 (Adopts 62-4) 2.1302 (Adopts 120.57 FS, 28-106.111(2) FAC, 28-106.201 FAC, 28-106.301 FAC, and 62-110.106 FAC)	Part XIII 2.1301 2.1302	NO CHANGE NO CHANGE
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**RULES OF THE  
JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD**

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD  
RULE 2  
AIR POLLUTION CONTROL

PART I  
GENERAL PROVISIONS

**2.101 Definitions**

In this rule, unless the context otherwise requires:

- A. The definitions included in Chapters 62-4, 62-204, 62-210, 62-252, and 62-256, Florida Administrative Code, are adopted and incorporated in this rule by reference, except that:
  - 1. The word Department means the Environmental Resource Management Department.
  - 2. The word Secretary means the Director of the Environmental Resource Management Department.
- B. Board means the Jacksonville Environmental Protection Board.
- C. Department means the Environmental Resource Management Department, City of Jacksonville.
- D. Division means the Environmental Quality Division of the Environmental Resource Management Department. [History: Effective 3/18/85, Amended 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended 11/12/96, Amended 6/8/98, Amended 10/11/04].

**Note: 2.102 and 2.103 do not apply to facilities.**

**2.104 Registration and Reports**

A person engaging in an activity or operation which is or may be a source of air pollution shall register with the Department and file reports with the Department at or within times and as required by the Board or the Department. [History: Formerly S.362.103(a), City Ordinance Code; EPB 2.105; Effective 3/18/85; Amended and renumbered 1/10/93]

**2.105 Maintenance of Pollution Control Devices**

Air pollution control devices and systems shall be properly and consistently maintained in order to maintain emissions in compliance with the standards of the Board. [History: Formerly S.362.103, City Ordinance Code; EPB 2.108; Effective 3/18/85; renumbered 1/10/93]

**2.106 General Restrictions**

No plant or source shall operate at capacities which exceed the limits of operation of control devices or exceed the capability of the plant or control devices to maintain the air pollution emissions within the limitations imposed by this rule or by permit conditions. [History: Formerly S.362.106, City Ordinance Code; EPB 2.109; Effective 3/18/85; renumbered 1/10/93]

**2.107 Air Pollution Prohibited**

No person shall cause or permit the discharge or emission of air pollutants from an installation in quantities prohibited by law, by the rules of the State Department of Environmental Protection or by the rules of the Board. [History: Formerly S.362.201, City Ordinance Code; EPB 2.201; Effective 3/18/85; renumbered 1/10/93, Amended 12/19/94]

**2.108 Enforcement**

This rule shall be enforced by the Department in accordance with the provisions of Chapters 360 and 362, Ordinance Code. [History: New, Effective 1/10/93]

**2.109 Investigations - Right of Entry**

Inspections and investigations made to determine compliance with the provisions of this rule shall be made in accordance with the provisions of Section 360.109; Ordinance Code, and Board Rule 1, Part VIII. [History: New, Effective 1/10/93]

**2.110 Penalties and Injunctive Relief**

Violations of this rule shall be punishable by civil penalties specified in Chapter 360, Part 7, Section 362.110, Ordinance Code; and to injunctive relief as provided in Section 360.407, Ordinance Code. [History: New, Effective 1/10/93]

**PART II**

**AIR POLLUTION CONTROL - GENERAL PROVISIONS**

**2.201**

Chapter 62-204, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's general provisions for air pollution control. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 9/11/00, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03, Amended 10/11/04, Amended 6/13/05, Amended, 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule sections 2.601, 2.801, 2.901 and 2.902.

**PART III**

**STATIONARY SOURCES - GENERAL REQUIREMENTS**

**2.301**

Chapter 62-210, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's general requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03, Amended 6/13/05, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.201.

PART IV

STATIONARY SOURCES - PRECONSTRUCTION REVIEW

2.401

Chapter 62-212, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's preconstruction review requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 9/11/00, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.301.

PART V

OPERATION PERMITS FOR MAJOR SOURCES OF AIR POLLUTION

2.501

Chapter 62-213, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's operation permit requirements for major sources of air pollution. [History: New, Effective 12/19/94, Amended 9/11/95, Amended and Renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 08/13/01, Amended 08/12/02, Amended 11/10/03.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1202.

PART VI

GASOLINE VAPOR CONTROL

2.601

Chapter 62-252, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's gasoline vapor control standards. [History: Effective 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.401.

2.602 Expanded Stage I Controls in Duval County

- A. The applicability criteria of Paragraph 62-252.300(1), FAC notwithstanding, all gasoline dispensing facilities in Duval County regardless of monthly throughput, shall be subject to emission limiting standards and control technology requirements as set forth in 62-252.300(2), FAC except that gasoline storage tanks with less than 1000 gallons capacity are exempt from this requirement.
- B. Gasoline dispensing facilities in existence in Duval County upon the effective date of this rule, and not previously subject to 62-252.300, FAC, shall install Stage I vapor recovery control technology at the time of any vehicular fuel petroleum storage tank system replacement or upgrade, other than spill containment as shown in Table UST, Section 62-761.510 (See Appendix A). Gasoline dispensing facilities built after the effective date of this rule shall be subject to Section 2.402 A. upon construction.
- C. Gasoline tank trucks or trailers used to deliver gasoline to any facility subject to section 2.602 must be equipped as required in Section 62-252.300, FAC.
- D. Stage I vapor recovery control technology required by this rule shall conform with equipment specifications pursuant to "Design Criteria for Stage 1 Vapor Control Systems at Gasoline Service Stations." United States Environmental Protection Agency, Research Triangle Park, NC, November, 1975. Copies are available for review in the offices of the Air and Water Quality Division, Regulatory & Environmental Services Department, City of Jacksonville. [History: Formerly EPB 2.207 B, Effective 10/22/92; Amended and Renumbered 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96 , Amended

**APPENDIX J**

**JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2**

11/08/99] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.402.

**CHAPTER 62-761.510 TABLE UST**

**Appendix A**

<u>Year Tank or Integral Piping Installed</u>	<u>1989</u>	<u>1992</u>	<u>1995</u>	<u>1998</u>	<u>2004</u>	<u>2009</u>
<u>+Before 1970</u>	<u>O</u>	<u>B</u>		<u>ACFL</u>	<u>D</u>	<u>E</u>
<u>+1970 - 1975</u>		<u>SBL</u>		<u>ACF</u>	<u>D</u>	<u>E</u>
<u>+1976 - 1980</u>		<u>B</u>	<u>SL</u>	<u>ACF</u>	<u>D</u>	<u>E</u>
<u>+1981 - 09/01/84</u>		<u>B</u>		<u>ACFL</u>	<u>D</u>	<u>E</u>
<u>+09/02/84 B 06/30/92</u>	<u>B</u>		<u>ACFL</u>		<u>D</u>	<u>E</u>
<u>+Other*</u>	<u>B</u>		<u>ACFL</u>		<u>D</u>	<u>E</u>

**Key to Table UST**

\* = All systems with a capacity between 110 gallons and 550 gallons, all marine fueling facilities as defined in Section 376.031, F.S., and those systems of greater than 550 gallon capacity that use less than 1,000 gallons per month or 10,000 gallons per year.

A =

- (1) Small diameter piping that was protected from corrosion by June 30, 1992, shall have:
  - (a) For pressurized piping, line leak detectors with automatic shutoff, or flow restriction in accordance with Rule 62-761.640(3)(d), F.A.C.; or
  - (b) For suction integral piping:
    - 1. Secondary containment in accordance with Rule 62-761.500(1)(e), F.A.C.;
    - 2. A single check valve installed in accordance with Rule 62-761.610(4)(a)3., F.A.C.;
    - 3. An annual line tightness test in accordance with Rule 62-761.610(4)(a)1., F.A.C.; or
    - 4. External monthly monitoring or release detection in accordance with Rule 62-761.610(4)(a)1.b., F.A.C.
- (2) Bulk product piping in contact with soil shall be upgraded with secondary containment unless the piping is:
  - (a) Constructed of corrosion resistant materials or upgraded with cathodic protection; and
  - (b) Tested on an annual basis in accordance with API RP 1110, ASME B31.4, or an equivalent method approved by the Department in accordance with Rule 62-761.850, F.A.C.

B = Vehicular fuel petroleum storage tank systems shall be upgraded with spill containment.

C = Secondary containment in accordance with Rule 62-761.500(1)(e), F.A.C., shall be required for the following:

- (1) Concrete storage tanks;
- (2) Hazardous substance storage tank systems; and
- (3) For pollutant storage tank systems, the storage tank or small diameter piping not protected from corrosion by June 30, 1992.

D =

- (1) Secondary containment shall be installed for small diameter piping extending over surface waters.
- (2) Secondary containment for remote fill-pipes associated with Category-A and Category-B systems.

E = Pollutant storage tanks and small diameter piping protected from corrosion on or before June 30, 1992, and all manifolded piping, shall be upgraded with secondary containment.

F =

- (1) Storage tank systems, excluding vehicular fuel petroleum storage tank systems, shall be upgraded with spill containment, dispenser liners (as applicable), and overfill protection.
- (2) Unless contained within secondary containment, swing-joints and flex-connectors that are not protected from corrosion shall be protected from corrosion. Facilities that have pressurized small diameter piping and that have not met the foregoing standard on or before July 13, 1998 shall protect the submersible turbine pump from corrosion or provide corrosion protection for the submersible turbine pump if the pump is not installed within secondary containment. Corrosion protection is not required for the submersible turbine pump riser.

L =

- (1) Category-A USTs and their integral piping systems that contain vehicular fuel, and that are not protected from corrosion, shall have secondary containment, or be upgraded with secondary containment in accordance with Rule 62-761.500, F.A.C.
- (2) Dispenser liners and overfill protection equipment shall be installed at UST Category-A systems containing vehicular fuel.

O = UST Category-A vehicular fuel storage tank systems subject to Chapter 17-61, F.A.C., (1984), shall be retrofitted for corrosion protection.

S = Secondary containment for storage tanks and integral piping not protected from corrosion.

## PART VII OPEN BURNING AND FROST PROTECTION FIRES

### 2.701

#### A. Declaration and Intent.

- (1) The Department finds and declares that the open burning of materials outdoors and the use of outdoor heating devices result in or contribute to air pollution. The Department further finds that regulation of open burning and outdoor heating devices will reduce air pollution significantly.
- (2) It is the intent of the Department to require that open burning be conducted in a manner, under conditions, and within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.
- (3) It is the intent of the Department to phase out, over a period of years, open burning of certain unapproved material and heating devices which are presently being used for crop protection against frost and freezing and to require that only materials and heating devices which emit a minimum of air pollution be used.
- (4) The Department finds that certain fuels release less air pollution when burned than do other fuels. Therefore, the Department intends to approve fuels which contribute only a minimum of air pollution and allow their use for cold or frost protection and to phase out, over a period of years, all fuels which do not meet Department specifications.
- (5) The Department finds that there are several alternative disposal methods for pesticide containers that are environmentally preferable to open burning. It is the intent of the department that individuals seeking to dispose of pesticide containers as provided in this chapter consider recycling, landfilling, on-site burial, and incineration prior to engaging in open burning.

#### B. Definitions.

The following words, phrases, or terms when used in this chapter shall, unless the content otherwise indicates, have the following meanings:

- (1) "Air curtain incinerator" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain. An air curtain incinerator is controlled burning as defined in Florida Administrative Code Rule 62-701.300(3).
- (2) "Air pollution" is the presence in the outdoor atmosphere of the state of any one or more substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.



APPENDIX J

JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2

- (3) "Air pollution episode" is any occurrence of elevated levels of pollutants in the atmosphere which require hasty and unusual abatement action.
- (4) "Approved fuel" shall mean fuel approved by the Department to emit or release a minimum of pollutants when burned.
- (5) "Clean dry wood" means wood (including lighter pine), lumber or tree and shrub trunks, branches, and limbs which are free of paint, pentachlorophenol, creosote, tar, asphalt, or other wood preservatives and which when burned does not emit excessive visible emissions.
- (6) "Department" is the Environmental Resource Management Department.
- (7) "Department air stagnation advisory" is a temporary prohibition of open burning activities by the Department that is based upon a Department forecast of a stagnant atmospheric meteorological condition that does not allow the dispersion of air pollutants.
- (8) "Excessive visible emissions" are air pollutants emitted in such quantity as to obscure an observer's view to a degree equal to or greater than Number Two (or 40% opacity) on the Ringelmann Smoke Chart as published in the U.S. Bureau of Mines Information Circular No. 7718.
- (9) "Extinguished" means the absence of any visible flames, smoke or emissions.
- (10) "Garbage" means all kitchen and table food waste, animal or vegetative waste that is attendant with or results from the storage, packaging, preparation, cooking or handling of food materials.
- (11) "Group I containers" means combustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds.
- (12) "Land clearing debris" is uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash.
- (13) "Land clearing operation" means the uprooting clearing of vegetation in connection with construction for buildings, rights-of-way, residential, commercial, or industrial development, or the initial clearing of vegetation to enhance property value; but does not include the maintenance burning of yard trash resulting from fallen limbs, branches, or leaves, or any other routine property clean-up activities.
- (14) "National Weather Service air stagnation advisory" is an advisory issued by the National Weather Service to caution local and regional agencies of meteorological conditions which are conducive to poor dispersion and that are expected to persist for at least 36 hours.
- (15) "Non-rural land clearing" is any land clearing operation that is conducted in urban or residential areas, incorporated or unincorporated cities or towns, or in any nonrural areas as designated by the Department and shall not include any land clearing operation that is associated with country, livestock or with agricultural activities.
- (16) "Nuisance" means any open burning activity which is potentially harmful or injurious to human health or property or which is annoying or offensive to occupants of three or more occupied residences.
- (17) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.
- (18) "Open field" means any location in a well ventilated cleared area that is at least 200 feet in all directions from any wooded area or occupied building(s), and 100 feet from any public road.
- (19) "Outdoor heating device" means any apparatus, machine, equipment, or other contrivance in which is burned any type of fuel capable of producing air pollution, used outdoors for the purpose of giving protection from cold or frosts.
- (20) "Pesticide" means any substance or mixture substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses or fungi on or in living man or other animals, which the Department of Agriculture and Consumer Services shall declare to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- (21) "Residential land clearing" is a land clearing operation that is conducted by the homeowner or an individual contracted by the homeowner of an existing residential dwelling of not more than two family units for the purpose of initially clearing vegetation on the property.

## JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2

- (22) "Sunset" is official sunset as set forth by the U.S. Naval Observatory (tables are available at National Weather Service offices).
- (23) "Trash" means construction or demolition debris, and other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter.
- (24) "Waste pesticide containers" means any containers made of combustible materials, including but not limited to paper, plastic, or burlap, which formerly contained pesticides and which the manufacturer or formulator provided as an end user conveyance for the specified product.
- (25) "Yard trash" means vegetative matter resulting from landscaping and yard maintenance operations and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.

## C. Prohibitions.

- (1) Any open burning not specifically allowed by this chapter or by Florida Administrative Code Chapter 5I-2 is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, any material which will result in any prohibited open burning as defined in this section; nor shall any person suffer, allow, burn, conduct or maintain any prohibited open burning. The Division of Forestry or any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish or cause to be extinguished, any fire that is unauthorized or does not comply with this rule. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire.
- (2) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this chapter.
- (3) The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics except for polyethylene black plastic mulch used in agriculture, garbage, or trash other than yard trash and household paper products is prohibited. Open burning of yard trash and household paper products is prohibited except as provided in Florida Administrative Code Rule 62-256.700(1). Open burning of waste pesticide containers is prohibited except as provided in Florida Administrative Code Rule 62-256.700(6).
- (4) Any open burning that is allowed by this chapter such as the burning of waste pesticide containers, yard trash, and land clearing debris is restricted to the site where the material was generated and may not be transported to another property to be open burned, with the following exceptions:
  - (a) Land clearing debris that is generated by the commercial land clearing activities of a person may be transported offsite to be burned by an Air Curtain Incinerator that is owned or operated by that person and without a Florida Administrative Code Rules 62-210 air pollution permit provided that it:
    - 1. Will be transported to property that is owned or leased by the person who generated the land clearing debris, and
    - 2. Meets a setback distance of 300 feet from occupied buildings for Air Curtain Incinerators with vertical refractory-lined walls and with forced underdraft air, or
    - 3. Meets a setback distance of 1000 feet from occupied buildings for all other Air Curtain Incinerators.
  - (b) Land clearing debris generated from the activities of one or more persons may be transported offsite to be burned by an Air Curtain Incinerator with an appropriate Department air pollution permit.
- (5) Open burning within one thousand (1000) feet of any active runway of a Department of Transportation approved public airport is prohibited. The Division of Forestry or any fire control agency authorized by law or ordinance to extinguish unlawful burning may extinguish or cause to be extinguished, any open burning that is within one thousand (1000) feet of an active airport runway that reduces or potentially reduces visibility at the airport.
- (6) Open burning in particulate and ozone nonattainment areas as specified in Florida Administrative Code Rule 62-275 or in the area of influence as defined in Florida Administrative Code Rule 62-296 may be temporarily suspended when the Department determines that ambient air concentrations of total suspended particulate or ozone may near or exceed the primary or secondary standards for these pollutants.

## JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2

- (7) No open burning may be conducted during a National Weather Service Air Stagnation Advisory, a Department Air Stagnation Advisory, an Air Pollution Episode, or if the Division of Forestry determines that weather conditions are unfavorable for safe burning.
- (8) Open burning which reduces visibility on public roadways to less than one thousand (1,000) feet is prohibited.
- (9) Nothing in this chapter may be construed to allow open burning which violates other laws, rules, regulations, or ordinances.

## D. Agricultural and Silvicultural Fires.

Pursuant to section 8 of the Florida Environmental Reorganization Act, Chapter 75-22, Laws of Florida, 1975, this section has been transferred to the State of Florida Department of Agriculture and Consumer Services, Division of Forestry. (See Chapter 5I-2, Florida Administrative Code.)

## E. Burning for Cold or Frost Protection.

- (1) Intent. The purpose of this rule is to allow the use of open burning and outdoor heating devices to prevent damage to agricultural products from cold and frost in a manner which provides the maximum protection to the quality of the ambient air in Florida. Furthermore, this rule will minimize air pollution by restricting the use of open fires and outdoor heating devices to times and temperatures when absolutely necessary to prevent cold damage.
- (2) Approval. Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural operations is allowed, provided the fuel and the heating device used have approval from the Environmental Regulation Commission prior to use, or have been authorized by the Secretary pursuant to Florida Administrative Code Rule 62-256.450(4).

## (a) The following fuels are approved for use:

1. No. 2 diesel fuel
2. No. 2 fuel oil
3. Propane gas
4. Alcohol (ethanol or methanol)
5. Butane
6. Liquid petroleum gas
7. Petroleum coke
8. Charcoal
9. Clean dry wood
10. Methane

## (b) The following heating devices are approved for use:

1. Spot heater – Spot heaters
2. HY-LO Return Stack – Scheu Products Company
3. HY-LO Large Cone – Scheu Products Company
4. Brader Heater – Brader Heaters, Inc.
5. Georges Heater – Georges Enterprises, Inc.
6. Agri-Heat Heater – Agri-Heat, Inc.
7. A conical heater – Fulton-Cole Seed Company
8. Orchard-Rite Heater – Orchard Rite, Ltd.
9. "Return Stack" 2000 used heaters approved for W. H. Clark Fruit Co.
10. Radiant Omni-Heater – New Draulics, Inc.
11. HY-LO Lazy Flame Heater – Scheu Products Company
12. Sun Heater Model 2 – Fleming-Troutner Agricultural Heating, Inc.
13. Self Vaporizing Model M. B. S.-1 – Burners, Inc.
14. HY-LO Auto Clean Stack – Scheu Products Company
15. Mobil Tree Heat – Mobil Oil Corporation
16. Fireball – Sebring Forest Products

## (c) Criteria for approval of new fuels:

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Any person desiring to have a fuel approved for frost protection related open burning shall submit a petition to the Environmental Regulation Commission requesting that such fuel be added to Florida Administrative Code Rule 62-256.450(2)(a). The petition shall contain the following information:

1. Name, address, and telephone number of applicant;
2. Trade name or other designation of fuel;
3. Chemical composition of fuel;
4. The composition and quantity of air contaminants given off per unit of fuel; and
5. The expected rate of use of the fuel.

(d) Criteria for approval of new outdoor heating devices:

Any person desiring to have an outdoor heating device approved shall submit a petition to the Environmental Regulation Commission requesting that such device be added to Florida Administrative Code Rule 62-56.450(2)(b). The petition shall contain the following information:

1. Name, address and telephone number of applicant;
2. Trade name or other designation of the device;
3. Brief description of the device;
4. Type of fuel that is used in the device;
5. The composition and quantity of air contaminants; and
6. Evidence that the device does not emit more than five-tenths gram per minute of unconsumed solid carbonaceous matter or particulate matter.

(3) Operating Conditions. Open burning of approved fuels and the use of approved outdoor heating devices for frost or cold protection in connection with agricultural operations shall be in accordance with the following requirements:

(a) Open fires or outdoor heating devices for the protection of agricultural crops from cold or frost shall not be ignited until the ambient temperature drops to 32° F, except as provided in subsection (b), below.

(b) Open fires or outdoor heating devices for the protection of subtropical fruit, crops, and foliage such as mangos, papayas, etc., may be ignited at temperatures above 32° F if the threshold temperature for cold damage for that plant is higher.

(c) Temperature measurement for cold and frost protection burning shall be measured using a Standard Cotton Region Shelter or a Standard Fruit Frost Station.

(4) Exceptions.

(a) Although Florida Administrative Code Rule 62-256.450(1) through (3) are intended to provide adequate measures to conserve fuel, protect the atmosphere, and allow for protection of agricultural crops, hard to predict circumstances may require exceptions to this section. Therefore, the Secretary is authorized to grant exceptions and allow the use of heating devices and fuels not included on the published list in the event of prolonged cold weather and shortage of approved fuels.

(b) Exceptions may be granted to persons who possess approved heating devices and who had possessed sufficient approved fuels for at least 20 hours of burning provided that:

1. More than a total of 20 hours of temperatures of 25° F or lower has occurred during the season;
2. Sufficient approved fuels and clean dry wood are not available for adequate protection from cold or frost;
3. The burning of unapproved fuel is necessary to prevent irreparable damage to agricultural crops;
4. There is no forecast of a condition which might cause an air pollution episode as defined by Florida Administrative Code Rule 17-211.

(c) The Secretary shall make a public declaration and disseminate it to the news media when it is determined that an exception is necessary. The declaration shall include the following:

1. A list of the fuels that can be used and the conditions under which they can be used.
2. The pollution potential and possible adverse health effects.

(d) In no case shall the Secretary allow the burning of Bunker C residual oil, tires, rubber materials, asphalt, tar, railroad cross ties, other creosoted materials, or plastics, as fuel.

F. Land Clearing.

The following rules apply to non-rural land clearing open burning:

- (1) Open burning of wooden material or vegetation generated by a land clearing operation (except for agricultural, silvicultural, or forestry operations) or the demolition of a structure is allowed provided that all of the following conditions are met:
  - (a) The open burning meets one of the following setback requirements:
    1. Three hundred (300) feet or more away from any occupied building for residential land clearing, or
    2. Three hundred (300) feet or more away from any occupied building if an Air Curtain Incinerator is used, or
    3. One thousand (1,000) feet or more away from any occupied building if an Air Curtain Incinerator is not used.
  - (b) The open burning is setback one hundred (100) feet or more away from any public highway or road and the prevailing winds direct the smoke away from the public highway or road.
  - (c) The open burning is ignited after 9:00 a.m. and is extinguished one hour before sunset.
  - (d) The open burning is attended at all times.
  - (e) The open burning authorized herein is not intended to relieve any person from complying with any other applicable law, rules, or ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.
  - (f) The piles of materials to be burned shall be of such size that the burning will be completed within the designated time given in paragraph 62-256.500(1)(c). This is not intended to relieve any person from complying with restrictions on size and numbers of piles imposed by the appropriate local fire control authorities.
  - (g) The moisture content and composition of the material to be burned shall be favorable to good burning which will minimize air pollution. Wet or green vegetative materials shall not be burned.
  - (h) The starter fuel and materials to be ignited shall not emit excessive visible emissions when burned. Tires or other prohibited materials listed in Florida Administrative Code Rule 62-256.300 shall not be used as starter fuels.
  - (i) The amount of dirt in a land clearing open burning operation shall be minimized to enhance combustion and reduce emissions.
  - (j) Prior to open burning for the demolition of a structure, all insulation, electrical wiring, linoleum, carpeting, roofing material such as tar paper and asphalt shingles, or other excessive smoke producing or potentially air toxic material shall be removed.
- (2) The use of Air Curtain Incinerators is allowed for the combustion of land clearing debris. No Department permits are required for air curtain incinerators that are designed and used as portable units and that will not operate on any one site for more than six months in any year. This does not relieve any person from the requirement of obtaining authorization to use a portable Air Curtain Incinerator, when necessary, from the Division of Forestry, or any local fire control authority. Air Curtain Incinerators may operate as portable units provided that the following conditions are met:
  - (a) Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained.
  - (b) No waste may be positioned to be burned above the level of the air curtain in the pit.
  - (c) The types of materials to be burned are restricted to land clearing debris. The Department shall authorize upon request the burning of wastes consisting only of clean dry wood used as defined in subsection 62-256.200(5), F.A.C.
  - (d) Excessive visible emissions are not allowed except for a period of up to 30 minutes during startups and shutdowns, as those terms are defined in Florida Administrative Code Rule 62-296.
- (3) Air Curtain Incinerators that are intended to be stationary units, i.e. continuously operate at one site for more than six months, or operate at any Department-permitted landfill, must obtain a Department air pollution permit pursuant to Florida Administrative Code Rule 62-210.

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- (4) If the open burning resulting from a land clearing operation is creating a nuisance, or if changing weather or atmospheric conditions create a real or potential fire safety or air pollution problem, the Department may suspend or defer open burning until conditions change.
  - (5) Exceptions to the setback requirements shall be granted by the Department if the applicant obtains a signed statement from every affected resident within the setback area who waives his objections to the open burning associated with the land clearing operation. Statements must be received by the Department 48 hours in advance of the burning.
  - (6) Notwithstanding the provisions of Florida Administrative Code Rules 62-256.300(4)(a)2., 62-256.500(1)(a)2. and 62-256.500(1)(c), refractory-lined air curtain incinerators with forced underdraft air may commence burning at sunrise and may be charged until sunset, provided they maintain a setback distance of 1000 feet from occupied building located off-site and do not create a nuisance. During such times as the air curtain incinerator is not in operation, public access to the air curtain incinerator shall be restricted.
- G. Industrial, Commercial, Municipal, and Research Open Burning.
- (1) Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when the open burning is determined by the Department to be the only feasible method of operation and prior approval is obtained from the Department, or when an emergency exists which requires immediate action to protect human health and safety, or in connection with county or municipal operations to burn hurricane, tornado, fire, or other disaster generated yard trash using an Air Curtain Incinerator as specified in Florida Administrative Code Rule 62-256.500(2).
  - (2) Open burning and the use of outdoor heating devices which are essential to a research project are allowed provided prior approval is obtained from the Department.
  - (3) The application for approval under this section shall include the following:
    - (a) The name, address, and telephone number of the person submitting the application;
    - (b) The type of business or activity involved;
    - (c) A description of the proposed equipment and operating practices, the type, quantity, composition and amount of air contaminants to be released to the atmosphere;
    - (d) The schedule of burning operations, if known;
    - (e) The exact location of requested open burning;
    - (f) If applicable, reasons why no method other than open burning is feasible; and
    - (g) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.
  - (4) Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.
  - (5) The Department shall approve such operations or research projects only on specified conditions which protect the ambient air from pollutants and contaminants to the greatest extent, and may limit the approval to a specified time.
- H. Open Burning Allowed.
- (1) Open burning to reduce yard trash and household paper products generated on occupied residential premises of not more than two family units is allowed in ozone attainment areas as specified in Florida Administrative Code Chapter 62-275 without Department authorization provided that all of the following conditions are met:
    - (a) The open burning does not produce smoke, soot, odors, visible emissions, heat, flame, radiation, or other conditions to such a degree as to create a nuisance.
    - (b) The open burning is one hundred (100) feet or more from any occupied building other than that owned or leased by the individual doing the burning and fifty (50) feet or more from any public highway or road and is ignited after 9:00 a.m. and is extinguished one hour before sunset providing that no visible smoke will be allowed over any adjacent residence or over the road that would cause a nuisance. These setback requirements apply in counties that are not specifically listed in 62-256.700(1)(c).

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- (c) The open burning is three hundred (300) feet or more from any occupied building other than that owned or leased by the individual doing the burning and one hundred (100) feet or more from any public highway or road and is ignited after 9:00 a.m. and is extinguished one hour before sunset providing that no visible smoke will be allowed over any adjacent residence or over the road that would cause a nuisance. The requirements in this section apply in the following counties: Dade, Broward, Pinellas, Hillsborough, Palm Beach, Duval, Orange, Polk, Brevard, Volusia, Escambia, Lee, Sarasota, Pasco, Seminole, Alachua, Manatee, Leon, Marion, Okaloosa, Lake, Bay, St. Lucie, and Collier.
  - (d) The open burning is fifty (50) feet or more from any residence on the property where the burning is being conducted.
  - (e) The open burning is attended and adequate fire extinguishing equipment is readily available at all times.
  - (f) The moisture content and composition of material to be burned shall be favorable to good burning which will minimize air pollution. Green or wet materials may not be burned.
  - (g) The open burning is not prohibited by any local, county, municipal, or other governmental rule, regulation, law, or ordinance.
  - (h) The open burning is enclosed in a noncombustible container or ground excavation covered by a metal mesh or grill, and is setback at least 25 feet from any woodlands, forest, or brush.
- (2) Open burning to reduce yard trash generated on occupied residential premises of not more than two family units in areas that are designated as non-attainment or maintenance areas for ozone as defined in Florida Administrative Code Rule 62-2 is allowed if a municipal, county or commercial solid waste collection service for yard trash is not available on a periodic basis of at least once a week. Prior authorization shall be obtained from the Department. The open burning must comply with all of the conditions contained in Florida Administrative Code Rule 62-256.700(1), and does not relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.
- (3) A camp fire, bonfire, or other fire will be allowed that is used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted.
- (4) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted.
- (5) Open burning is allowed for the instruction and training of organized fire fighters or industrial employees under the supervision of the appropriate public fire control official provided that:
- (a) The burning activities are conducted by a full-time municipal fire control agency in accordance with the National Fire Protection Association document, "Live Fire Training Evolutions in Structures (NFPA 1403)," as revised February 10, 1992, and hereby adopted and incorporated by reference as the accepted practice for fire training instruction. Nothing herein shall be construed as relieving any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.
  - (b) The Division of Forestry, the Department, and local fire control officials are notified in advance of the time and place of the burning exercise.
- (6) Subject to all of the following conditions, waste pesticide containers may be burned in open fields by the owner of the crops, the owner's authorized employee or caretaker, or by commercial pesticide applicators hired by the owner or caretaker.
- (a) Plastic containers must be the original container provided by the pesticide manufacturer or formulator as end user conveyance for the specific product, and not reused containers designed for other products.
  - (b) Containers must be classified as Group I Containers and bear label instructions stating that small quantities of the containers may be burned in open fields by the user of the pesticide when such open burning is permitted by State and local regulations.

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- (c) The quantity of containers to be burned each day per parcel treated shall not exceed the amount accumulated during one day's use of pesticide. No more than 500 pounds of pesticide containers shall be burned per day at any specific location. If more than one fire is to be set in any area each specific burning location shall be at least 1,000 yards from each other location at which burning will occur concurrently.
- (d) All Group I Containers which are to be disposed by open burning shall be completely empty and free of residual material pursuant to the following criteria:
1. Plastic containers including inner liners shall be triple rinsed with the same kind of solvent used to dilute the spray mixture in the field. The rinse liquids from the containers shall be added to the spray mixture in the field.
  2. Paper containers shall be emptied by a final shaking and tapping of the sides and bottom to remove clinging particles. All loosened particles shall be added to the spray mixture or application in the field.
- (e) The open burning shall meet the following conditions:
1. The open burning does not produce smoke, soot, odors, visible emissions, heat, flame, radiation, or other conditions to such a degree as to create a nuisance.
  2. The open burning is two hundred feet or more away from any farm workers or occupied buildings and is one hundred feet or more away from any public road.
  3. The fire is ignited after 9:00 A.M. and is extinguished one hour before sunset of the same day.
  4. The person responsible for the burning is in attendance at an upwind location from the fire for the entire period of the burn (until all flame and smoke have dissipated).
  5. The open burning is enclosed in a noncombustible container or ground excavation covered by a metal grill.
  6. Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances, including Chapter 590, Florida Statutes, and rules of the Division of Forestry.

[History: New, Effective 11/03/04. Note: The rules covered by this part were previously adopted and incorporated by reference in this part.]

**Note: Part VIII does not apply since it is not a part of the approved local program agreement.**

## PART IX

## AIR POLLUTION EPISODES

## 2.901 Air Pollution Episode - Local Rules

## A. City-Wide Episode Control Plans

The Department shall prepare appropriate city-wide episode control plans to reduce air pollution levels based upon the plans submitted by sources of pollutants as required in JEPB Rule 2.104. The objective of the plans shall be to bring about a diminution of the particular air contaminants by curtailing the operations of industrial, business or other activities, the conduct of which is essential to the health and welfare of the community.

## B. Episode Alert

In the event that an exceedance of the ambient air quality standards, as defined in JEPB Rule 2.201, is reached, the Department shall notify the following persons:

- A. Mayor.
- B. Public Health Officer.
- C. Regional and State officers, State Department of Environmental Protection.
- D. Board Members.
- E. Local public official and public safety personnel having responsibilities or interests in air pollution.
- F. Air pollution sources which require alert data in order to execute emergency control plans.



G. General public, through available media of communication.

### C. Coordination

Upon notification of a high air pollution episode, the Department will coordinate monitoring and enforcement activities with the State Department of Environmental Protection if the State Department of Environmental Protection elects to participate. [History: Formerly S. 362.405 - S. 362.408, Ordinance Code, EPB 2.405 - 2.408; Effective 3/18/85; Amended and Renumbered 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96]. Note: The rules covered by this part were previously adopted under former EPB rule section 2.702.

## PART X

### STATIONARY SOURCES - EMISSION STANDARDS

#### 2.1001

Chapter 62-296, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's emission standards for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended 9/11/95, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 9/11/06.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.901.

## PART XI

### STATIONARY SOURCES - EMISSION MONITORING

#### 2.1101

Chapter 62-297, Florida Administrative Code, is adopted and incorporated in this rule by reference as the City's emission monitoring requirements for stationary sources. [History: Effective 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96, Amended 6/08/98, Amended 11/08/99, Amended 11/10/03, Amended 10/11/04.] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1001.

## PART XII

### AIR POLLUTION NUISANCE RULES

#### 2.1201 General Standard for Volatile Organic Compounds

Persons shall use reasonable care to avoid discharging, leaking, spilling, seeping, pouring, or dumping volatile organic compounds or organic solvents. [History: Formerly S.362.206, City Ordinance Code; EPB 2.205 B.2.; Effective 3/18/85; Renumbered 1/10/93, Renumbered 11/12/96]. Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1101.

**Note: 2.1202 does not apply since it is not part of the approved local program agreement**

#### 2.1203 Air Pollution Nuisances

##### A. Preamble

An Environmental Protection Board rule; developed pursuant to the rule making powers of the Board as defined in Section 360.108, Ordinance Code; prohibiting the creation of public air pollution nuisances that would adversely affect human welfare or cause damage to property or unreasonably interfere with the enjoyment of life or property or the conduct of business; providing procedures for notification to the source in the event of occurrence of a nuisance; and defining the elements of property damage.

##### B. Air Pollution Nuisance Defined

## JACKSONVILLE ENVIRONMENTAL PROTECTION BOARD RULE 2

1. The term "air pollution nuisance" shall mean the presence in the atmosphere, from any source or sources whatever, of any air contaminant, including but not limited to smoke, ashes, dust, dirt, grime, soot, acids, fumes, gases, vapors, abrasive blasting grit, paint, or any other substance or combination of substances, in such amounts as to adversely affect human welfare; or cause harm or damage to property or unreasonably interfere with the enjoyment of life or property or the conduct of business.

In order for the Board to abate a nuisance under this section, the nuisance must be a public nuisance, as opposed to a private nuisance, although a nuisance may be both public and private. A public nuisance affects rights common to the whole community or a considerable number of persons and not merely some particular person. After the Department has received and validated citizen complaints from ten or more persons who do not live in the same household within a one year period or less, each alleging an adverse affect to that person's human welfare or damage to his own property, or unreasonable interference with enjoyment of life or property or the conduct of business, the source responsible shall be deemed a public nuisance. In addition, and irrespective of the number or frequency of complaints, damage to property or unreasonable interference with the enjoyment of life or property or the conduct of business which occurs in or on any public way or place, including but not limited to parks, playgrounds, recreational area, schools, street, highways, bodies of water, or any publicly owned land or buildings, shall be deemed a public nuisance.

2. For the purpose of this rule, source means any stationary point source as defined in Section 62-210.200, FAC, any unconfined or area source and any mobile source, including but not limited to automobiles, trucks, buses, locomotives and ships.

C. Exceptions

1. Objectionable odors are not included under this section.
2. In the case of a permitted source of air pollution equipped with continuous emission monitors (CEMs) which measure the air pollutant alleged to have caused the nuisance and which meet applicable Federal performance specifications for continuous emissions monitors, the submission of CEM data showing compliance with applicable emission limiting standards during the time of the air pollution nuisance shall constitute prima facie evidence of no violation of the provisions of this rule.

D. Elements of property damage

Pursuant to this rule, property damage shall include, but is not limited to the deposition, impaction, settling or condensation of an air pollution nuisance, as defined in Section B on any property at any point beyond the property limits of the premises occupied or used by the person responsible for the emission into the atmosphere of the air pollution nuisance as defined in Section B, so as to cause:

1. Excessive corrosion of metal surfaces as demonstrated by comparison with similar surfaces in the general area or other portions of the same structures.
2. Etching or discoloration of surface coatings.
3. Soiling in amounts which necessitate additional cleaning of property not otherwise required or refinishing of coated or polished surfaces.
4. Discoloration or soiling over and above normal wear and tear resulting from the tracking of deposited material onto carpets or other types of finished floor covering which necessitate cleaning not otherwise required.
5. Impaction of paint droplets or other coating materials onto surfaces.

E. Air Pollution Nuisance Prohibited

No person who owns or operates a source which emits air contaminants as defined in Section B shall cause, suffer, allow or permit the emission or escape into the atmosphere of an air pollution nuisance, as defined in Section B: and nothing in this rule shall, in any manner be construed as authorizing or legalizing the creation or maintenance of an air pollution nuisance, as defined in Section B.

F. Civil Penalties and Injunctive Relief

Persons who cause an air pollution nuisance, as defined in Section B shall be subject to civil penalties specified in Section 362.110, Ordinance Code; as well as to injunctive relief as specified in Section 360.407, Ordinance Code.

G. Source Notification Procedures

The Department shall make all reasonable attempts to notify the owner or operator of the source alleged to be causing a nuisance not later than the next business day after the Department has initially identified the source as the suspected cause of the complaint. [History: Formerly EPB 2.211; Effective December 1985; Amended and renumbered 1/10/93, Amended 12/19/94, Amended and renumbered 11/12/96] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1103.

**PART XIII  
PERMITS -GENERAL PROVISIONS**

**2.1301 Air Pollution Source Permits**

Chapter 62-4, Florida Administrative Code, is adopted and incorporated into this rule by reference as the City's air pollution source permitting requirements. [History: New, Effective 12/19/94, Amended 9/11/95, Amended and Renumbered 11/12/96, Amended 11/08/99, Amended 08/13/01] Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1201.

**2.1302 Air Pollution Source Permit Hearings and Public Notice Requirements**

Section 120.57, Florida Statutes, and Rules 62-110.106, 28-106.110, 28-106.201, and 28-106.301, Florida Administrative Code are adopted by reference as the Board requirements for hearings and public notice in conjunction with air pollution permitting. [History: New, Effective 12/19/94, Amended and Renumbered 9/11/95, Amended and Renumbered 11/12/96, Amended 11/8/99]. Note: The rules covered by this part were previously adopted by reference under former EPB rule section 2.1204.

**DONE AND ORDERED** This \_\_\_\_\_ day of \_\_\_\_\_, 2006, at the regular meeting of the Environmental Protection Board, City of Jacksonville.

**ENVIRONMENTAL PROTECTION BOARD**

**BY:** \_\_\_\_\_  
**TODD L. SACK, M.D.**  
**CHAIRMAN**

**Updated 6/7/06**

**[Source: Federal Register dated 7/1/98, Federal Register 5/8/98, 2/12/99, 10/17/00, 6/28/02, 6/1/06]**

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

**40 CFR 60.1 Applicability.**

(a) Except as provided in 40 CFR 60 subparts B and C, the provisions of this part apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of any standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(b) Any new or revised standard of performance promulgated pursuant to section 111(b) of the Act shall apply to the owner or operator of any stationary source which contains an affected facility, the construction or modification of which is commenced after the date of publication in this part of such new or revised standard (or, if earlier, the date of publication of any proposed standard) applicable to that facility.

(c) In addition to complying with the provisions of this part, the owner or operator of an affected facility may be required to obtain an operating permit issued to stationary sources by an authorized State air pollution control agency or by the Administrator of the U.S. Environmental Protection Agency (EPA) pursuant to Title V of the Clean Air Act (CAA) as amended November 15, 1990 (42 U.S.C. 7661).

[40 CFR 60.1(a), (b) and (c)]

**40 CFR 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.

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(2) Each request shall identify the location of such project, and be accompanied by technical information describing the proposed nature, size, design, and method of operation of each affected facility involved in such project, including information on any equipment to be used for measurement or control of emissions.

(c) Neither a request for plans review nor advice furnished by the Administrator in response to such request shall (1) relieve an owner or operator of legal responsibility for compliance with any provision of this part or of any applicable State or local requirement, or (2) prevent the Administrator from implementing or enforcing any provision of this part or taking any other action authorized by the Act.

**40 CFR 60.7 Notification and 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 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:

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(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.

*[See Attached Figure 1-Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance]*

(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.

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(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 subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly 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 subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

(3) The Administrator or delegated authority, upon notification to the source, may require the owner or operator to maintain all measurements as required by paragraph (f) of this section, if the Administrator or the delegated authority determines these records are required to more accurately assess the compliance status of the affected source.

(g) If notification substantially similar to that in 40 CFR 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR 60.7(a).

(h) Individual subparts of this part may include specific provisions which clarify or make inapplicable the provisions set forth in this section.

[40 CFR 60.7(a), (b), (c), (d), (e), (f), (g), (h)]

**40 CFR 60.8 Performance tests.**

(a) Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

[40 CFR 60.8(a)]

(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

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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.

[40 CFR 60.8(b)(1), (2), (3), (4) & (5)]

(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.

[40 CFR 60.8(c)].

(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).

(3) Safe access to sampling platform(s).

(4) Utilities for sampling and testing equipment.

[40 CFR 60.8(e)].

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

[40 CFR 60.8(f)].

**§ 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



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purposes of §§ 60.5 and 60.6 is governed by §§ 2.201 through 2.213 of this chapter and not by § 2.301 of this chapter.)

**40 CFR 60.10 State authority.**

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

(a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.

(b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

[40 CFR 60.10(a) and (b)].

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

(a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

(c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance 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

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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 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.

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(7) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(8) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the Federal Register.

(f) Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of 40 CFR 60.11.

[40 CFR 60.11(a), (b), (c), (d), (e) and (f)]

**40 CFR 60.12 Circumvention.**

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

[40 CFR 60.12]

**40 CFR 60.13 Monitoring requirements.**

(a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B of 40 CFR 60 and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to 40 CFR 60, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

(b) All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 40 CFR 60.8. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation, and calibration of the device.

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he/she shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under 40 CFR 60.8 and as described in 40 CFR 60.11(e)(5), shall furnish the Administrator two or, upon request, more copies of a written report of the results of the COMS performance evaluation described in 40 CFR 60.13(c) at least 10 days before the performance test required under 40 CFR 60.8 is conducted.

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(2) Except as provided in 40 CFR 60.13(c)(1), the owner or operator of an affected facility shall furnish the Administrator within 60 days of completion two or, upon request, more copies of a written report of the results of the performance evaluation.

(d) (1) Owners and operators of a CEMS installed in accordance with the provisions of this part, must check the zero (or low level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For a COMS, the optical surfaces, exposed to the effluent gases, must be cleaned before performing the zero and upscale drift adjustments, except for systems using automatic zero adjustments. The optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the Administrator, the following procedures shall be followed for continuous monitoring systems measuring opacity of emissions. Minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.

(e) Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

(1) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring opacity of emissions shall complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period.

(2) All continuous monitoring systems referenced by 40 CFR 60.13(c) for measuring emissions, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(f) All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of appendix B of 40 CFR 60 shall be used.

(g) (1) When more than one continuous monitoring system is used to measure the emissions from only one affected facility (e.g. multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless installation of fewer systems is approved by the Administrator.

(2) When the effluents from two or more affected facilities subject to the same opacity standard are combined before being released to the atmosphere, the owner or operator may either install a continuous opacity monitoring system at a location monitoring the combined effluent or install an opacity combiner system comprised of opacity and flow monitoring systems on each stream, and shall report as per 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

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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 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).

[Rule 62-296.800, F.A.C.; 40 CFR 60.13(h)].

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.13(i)].

(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

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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 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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.13(j)].

**40 CFR 60.14 Modification.**

(a) Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(a)].

(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

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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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(b)].

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(c)].

(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.

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(e)].

(f) Special provisions set forth under an applicable subpart of this part shall supersede any conflicting provisions of this section.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(f)].

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.14(g)].

(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.

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(j) (1) Repowering projects that qualify for an extension under section 409(b) of the Clean Air Act are exempt from the requirements of this section, provided that such change does not increase the actual hourly emissions of any pollutant regulated under this section above the actual hourly emissions achievable at that unit during the 5 years prior to the change.

(2) This exemption shall not apply to any new unit that:

- (i) Is designated as a replacement for an existing unit;
- (ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and
- (iii) Is located at a different site than the existing unit.

(k) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project is exempt from the requirements of this section. A *temporary clean coal control technology demonstration project*, for the purposes of this section is a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plan for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

(l) The reactivation of a very clean coal-fired electric utility steam generating unit is exempt from the requirements of this section.

**40 CFR 60.15 Reconstruction.**

(a) An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(a)].

(b) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, and

(2) It is technologically and economically feasible to meet the applicable standards set forth in this part.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(b)].

(c) "Fixed capital cost" means the capital needed to provide all the depreciable components.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(c)].

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(d)].



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(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(e)].

(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.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(f)].

(g) Individual subparts of this part may include specific provisions which refine and delimit the concept of reconstruction set forth in this section.

[Rule 62-296.800, F.A.C.; 40 CFR 60.15(g)].

**§ 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.

(c) (1) Flares shall be designed for and operated with no visible emissions as determined by the methods specified in paragraph (f), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the methods specified in paragraph (f).

(3) An owner/operator has the choice of adhering to either the heat content specifications in paragraph (c)(3)(ii) of this section and the maximum tip velocity specifications in paragraph (c)(4) of this section, or adhering to the requirements in paragraph (c)(3)(i) of this section.

(i) (A) Flares shall be used that have a diameter of 3 inches or greater, are nonassisted, have a hydrogen content of 8.0 percent (by volume), or greater, and are designed for and operated with an exit velocity less than 37.2 m/sec (122 ft/sec) and less than the velocity,  $V_{max}$ , as determined by the following equation:

$$V_{max}=(XH_2-K_1)* K_2$$

Where:

$V_{max}$ =Maximum permitted velocity, m/sec.

$K_1$ =Constant, 6.0 volume-percent hydrogen.

$K_2$ =Constant, 3.9(m/sec)/volume-percent hydrogen.

$XH_2$ =The volume-percent of hydrogen, on a wet basis, as calculated by using the American Society for Testing and Materials (ASTM) Method D1946-77. (Incorporated by reference as specified in § 60.17).

(B) The actual exit velocity of a flare shall be determined by the method specified in paragraph (f)(4) of this section.

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net

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heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

(4) (i) Steam-assisted and nonassisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4) of this section, less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (c)(4) (ii) and (iii) of this section.

(ii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122 m/sec (400 ft/sec) are allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1,000 Btu/scf).

(iii) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in paragraph (f)(4), less than the velocity,  $V_{max}$ , as determined by the method specified in paragraph (f)(5), and less than 122 m/sec (400 ft/sec) are allowed.

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity,  $V_{max}$ , as determined by the method specified in paragraph (f)(6).

(6) Flares used to comply with this section shall be steam-assisted, air-assisted, or nonassisted.

(d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

(e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

(f) (1) Method 22 of appendix A to this part shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^n C_i H_i$$

Eq. 1

where:

$H_T$ =Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C;

$$K = \frac{\text{Constant}}{1.740 \times 10^{-7}} \left( \frac{1}{\text{ppm}} \right) \left( \frac{\text{g mole}}{\text{scm}} \right) \left( \frac{\text{MJ}}{\text{kcal}} \right)$$

where the standard temperature for  $\left( \frac{\text{g mole}}{\text{scm}} \right)$  is 20°C;

Eq. 2

$C_i$ =Concentration of sample component  $i$  in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 or 90 (Reapproved 1994) (Incorporated by reference as specified in § 60.17); and

$H_i$ =Net heat of combustion of sample component  $i$ , kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 (incorporated by reference as specified in § 60.17) if published values are not available or cannot be calculated.

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(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity,  $V_{max}$ , for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.  $\text{Log}_{10}(V_{max}) = (HT + 28.8) / 31.7$

$V_{max}$  = Maximum permitted velocity, M/sec

28.8 = Constant

31.7 = Constant

HT = The net heating value as determined in paragraph (f)(3).

(6) The maximum permitted velocity,  $V_{max}$ , for air-assisted flares shall be determined by the following equation.  $V_{max} = 8.706 + 0.7084 (HT)$

$V_{max}$  = Maximum permitted velocity, m/sec

8.706 = Constant

0.7084 = Constant

HT = The net heating value as determined in paragraph (f)(3).

**§ 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 post-marked on or before 15 days preceding the event; likewise, if a notification must be submitted 15 days after a particular event takes place, the notification shall be delivered or postmarked on or before 15 days following the end of the event. The use of reliable non-Government mail carriers that provide indications of verifiable delivery of information required to be submitted to the Administrator, similar to the postmark provided by the U.S. Postal Service, or alternative means of delivery, including the use of electronic media, agreed to by the permitting authority, is acceptable.

(c) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(d) If an owner or operator of an affected facility in a State with delegated authority is required to submit periodic reports under this part to the State, and if the State has an established timeline for the submission of periodic reports that is consistent with the reporting frequency(ies) specified for such facility under this part, the owner or operator may change the dates by which periodic reports under this part shall be submitted (without changing the frequency of reporting) to be consistent with the State's schedule by mutual agreement between the owner or operator and the State. The allowance in the previous sentence applies in each State beginning 1 year after the affected facility is required to be in compliance with the applicable subpart in this part. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year.

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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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***Federal Regulations Adopted by Reference***

*In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.*

Federal Revision Date: June 13, 2007

State Rule Effective Date: October 1, 2007

Standardized Conditions Revision Date: October 16, 2007

***40 CFR Part 60, Subpart Da - Standards of Performance for Electric Utility Steam Generating Units for Which Construction Is Commenced After September 18, 1978***

Source: 72 FR 32722, June 13, 2007, unless otherwise noted.

***§ 60.40Da Applicability and designation of affected facility.***

- (a) The affected facility to which this subpart applies is each electric utility steam generating unit:
- (1) That is capable of combusting more than 73 megawatts (MW) (250 million British thermal units per hour (MMBtu/hr) heat input of fossil fuel (either alone or in combination with any other fuel); and
  - (2) For which construction, modification, or reconstruction is commenced after September 18, 1978.
- (b) Combined cycle gas turbines (both the stationary combustion turbine and any associated duct burners) are subject to this part and not subject to subpart GG or KKKK of this part if:
- (1) The combined cycle gas turbine is capable of combusting more than 73 MW (250 MMBtu/hr) heat input of fossil fuel (either alone or in combination with any other fuel); and
  - (2) The combined cycle gas turbine is designed and intended to burn fuels containing 50 percent (by heat input) or more solid-derived fuel not meeting the definition of natural gas on a 12-month rolling average basis; and
  - (3) The combined cycle gas turbine commenced construction, modification, or reconstruction after February 28, 2005.
  - (4) This subpart will continue to apply to all other electric utility combined cycle gas turbines that are capable of combusting more than 73 MW (250 MMBtu/hr) heat input of fossil fuel in the heat recovery steam generator. If the heat recovery steam generator is subject to this subpart and the stationary combustion turbine is subject to either subpart GG or KKKK of this part, only emissions resulting from combustion of fuels in the steam-generating unit are subject to this subpart. (The stationary combustion turbine emissions are subject to subpart GG or KKKK, as applicable, of this part).
- (c) Any change to an existing fossil-fuel-fired steam generating unit to accommodate the use of combustible materials, other than fossil fuels, shall not bring that unit under the applicability of this subpart.
- (d) Any change to an existing steam generating unit originally designed to fire gaseous or liquid fossil fuels, to accommodate the use of any other fuel (fossil or nonfossil) shall not bring that unit under the applicability of this subpart.

***§ 60.41Da 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.

*Anthracite* means coal that is classified as anthracite according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17).

*Available purchase power* means the lesser of the following:

- (a) The sum of available system capacity in all neighboring companies.

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- (b) The sum of the rated capacities of the power interconnection devices between the principal company and all neighboring companies, minus the sum of the electric power load on these interconnections.
- (c) The rated capacity of the power transmission lines between the power interconnection devices and the electric generating units (the unit in the principal company that has the malfunctioning flue gas desulfurization system and the unit(s) in the neighboring company supplying replacement electrical power) less the electric power load on these transmission lines.

*Available system capacity* means the capacity determined by subtracting the system load and the system emergency reserves from the net system capacity.

*Biomass* means plant materials and animal waste.

*Bituminous coal* means coal that is classified as bituminous according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17).

*Boiler operating day* for units constructed, reconstructed, or modified on or before February 28, 2005, means a 24-hour period during which fossil fuel is combusted in a steam-generating unit for the entire 24 hours. For units constructed, reconstructed, or modified after February 28, 2005, *boiler operating day* means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the steam-generating unit. It is not necessary for fuel to be combusted the entire 24-hour period.

*Coal* means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17) and coal refuse. Synthetic fuels derived from coal for the purpose of creating useful heat, including but not limited to solvent-refined coal, gasified coal (not meeting the definition of natural gas), coal-oil mixtures, and coal-water mixtures are included in this definition for the purposes of this subpart.

*Coal-fired electric utility steam generating unit* means an electric utility steam generating unit that burns coal, coal refuse, or a synthetic gas derived from coal either exclusively, in any combination together, or in any combination with other fuels in any amount.

*Coal refuse* means waste products of coal mining, physical coal cleaning, and coal preparation operations (e.g. culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

*Cogeneration, also known as "combined heat and power,"* means a steam-generating unit that simultaneously produces both electric (or mechanical) and useful thermal energy from the same primary energy source.

*Combined cycle gas turbine* means a stationary turbine combustion system where heat from the turbine exhaust gases is recovered by a steam generating unit.

*Dry flue gas desulfurization technology or dry FGD* means a sulfur dioxide control system that is located downstream of the steam generating unit and removes sulfur oxides (SO<sub>2</sub>) from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline reagent and water, whether introduced separately or as a premixed slurry or solution and forming a dry powder material. This definition includes devices where the dry powder material is subsequently converted to another form. Alkaline slurries or solutions used in dry FGD technology include, but are not limited to, lime and sodium.

*Duct burner* means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

*Electric utility combined cycle gas turbine* means any combined cycle gas turbine used for electric generation that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Any steam distribution system that is constructed for the purpose of providing steam to a steam electric generator that would produce electrical power for sale is also considered in determining the electrical energy output capacity of the affected facility.

*Electric utility company* means the largest interconnected organization, business, or governmental entity that generates electric power for sale (e.g., a holding company with operating subsidiary companies).

*Electric utility steam-generating unit* means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW net-electrical output to any utility power distribution system for sale. Also, any steam supplied to a steam distribution system for the purpose of

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providing steam to a steam-electric generator that would produce electrical energy for sale is considered in determining the electrical energy output capacity of the affected facility.

*Electrostatic precipitator* or *ESP* means an add-on air pollution control device used to capture particulate matter (PM) by charging the particles using an electrostatic field, collecting the particles using a grounded collecting surface, and transporting the particles into a hopper.

*Emergency condition* means that period of time when:

- (1) The electric generation output of an affected facility with a malfunctioning flue gas desulfurization system cannot be reduced or electrical output must be increased because:
  - (i) All available system capacity in the principal company interconnected with the affected facility is being operated, and
  - (ii) All available purchase power interconnected with the affected facility is being obtained, or
- (2) The electric generation demand is being shifted as quickly as possible from an affected facility with a malfunctioning flue gas desulfurization system to one or more electrical generating units held in reserve by the principal company or by a neighboring company, or
- (3) An affected facility with a malfunctioning flue gas desulfurization system becomes the only available unit to maintain a part or all of the principal company's system emergency reserves and the unit is operated in spinning reserve at the lowest practical electric generation load consistent with not causing significant physical damage to the unit. If the unit is operated at a higher load to meet load demand, an emergency condition would not exist unless the conditions under paragraph (1) of this definition apply.

*Emission limitation* means any emissions limit or operating limit.

*Emission rate period* means any calendar month included in a 12-month rolling average period.

*Federally enforceable* means all limitations and conditions that are enforceable by the Administrator, including the requirements of 40 CFR parts 60 and 61, requirements within any applicable State implementation plan, and any permit requirements established under 40 CFR 52.21 or under 40 CFR 51.18 and 51.24.

*Fossil fuel* means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such material for the purpose of creating useful heat.

*Gaseous fuel* means any fuel derived from coal or petroleum that is present as a gas at standard conditions and includes, but is not limited to, refinery fuel gas, process gas, coke-oven gas, synthetic gas, and gasified coal.

*Gross output* means the gross useful work performed by the steam generated and, for an IGCC electric utility steam generating unit, the fuel burned in stationary combustion turbines. For a unit generating only electricity, the gross useful work performed is the gross electrical output from the unit's turbine/generator sets. For a cogeneration unit, the gross useful work performed is the gross electrical or mechanical output plus 75 percent of the useful thermal output measured relative to ISO conditions that is not used to generate additional electrical or mechanical output (i.e., steam delivered to an industrial process).

*24-hour period* means the period of time between 12:01 a.m. and 12:00 midnight.

*Integrated gasification combined cycle electric utility steam generating unit* or *IGCC electric utility steam generating unit* means a coal-fired electric utility steam generating unit that burns a synthetic gas derived from coal in a combined-cycle gas turbine. No coal is directly burned in the unit during operation.

*Interconnected* means that two or more electric generating units are electrically tied together by a network of power transmission lines, and other power transmission equipment.

*ISO conditions* means a temperature of 288 Kelvin, a relative humidity of 60 percent, and a pressure of 101.3 kilopascals.

*Lignite* means coal that is classified as lignite A or B according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17).

*Natural gas* means:

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- (1) A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane; or
- (2) Liquid petroleum gas, as defined by the American Society of Testing and Materials in ASTM D1835 (incorporated by reference, see §60.17); or
- (3) A mixture of hydrocarbons that maintains a gaseous state at ISO conditions. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 34 and 43 megajoules (MJ) per standard cubic meter (910 and 1,150 Btu per standard cubic foot).

*Neighboring company* means any one of those electric utility companies with one or more electric power interconnections to the principal company and which have geographically adjoining service areas.

*Net-electric output* means the gross electric sales to the utility power distribution system minus purchased power on a calendar year basis.

*Net system capacity* means the sum of the net electric generating capability (not necessarily equal to rated capacity) of all electric generating equipment owned by an electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units, and all other electric generating equipment) plus firm contractual purchases that are interconnected to the affected facility that has the malfunctioning flue gas desulfurization system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

*Noncontinental area* means the State of Hawaii, the Virgin Islands, Guam, American Samoa, the Commonwealth of Puerto Rico, or the Northern Mariana Islands.

*Petroleum* means crude oil or petroleum or a fuel derived from crude oil or petroleum, including, but not limited to, distillate oil, residual oil, and petroleum coke.

*Potential combustion concentration* means the theoretical emissions (nanograms per joule (ng/J), lb/MMBtu heat input) that would result from combustion of a fuel in an uncleaned state without emission control systems) and:

- (1) For particulate matter (PM) is:
  - (i) 3,000 ng/J (7.0 lb/MMBtu) heat input for solid fuel; and
  - (ii) 73 ng/J (0.17 lb/MMBtu) heat input for liquid fuels.
- (2) For sulfur dioxide (SO<sub>2</sub>) is determined under §60.50Da(c).
- (3) For nitrogen oxides (NO<sub>x</sub>) is:
  - (i) 290 ng/J (0.67 lb/MMBtu) heat input for gaseous fuels;
  - (ii) 310 ng/J (0.72 lb/MMBtu) heat input for liquid fuels; and
  - (iii) 990 ng/J (2.30 lb/MMBtu) heat input for solid fuels.

*Potential electrical output capacity* means 33 percent of the maximum design heat input capacity of the steam generating unit, divided by 3,413 Btu/KWh, divided by 1,000 kWh/MWh, and multiplied by 8,760 hr/yr ( e.g. , a steam generating unit with a 100 MW (340 MMBtu/hr) fossil-fuel heat input capacity would have a 289,080 MWh 12 month potential electrical output capacity). For electric utility combined cycle gas turbines the potential electrical output capacity is determined on the basis of the fossil-fuel firing capacity of the steam generator exclusive of the heat input and electrical power contribution by the gas turbine.

*Principal company* means the electric utility company or companies which own the affected facility.

*Resource recovery unit* means a facility that combusts more than 75 percent non-fossil fuel on a quarterly (calendar) heat input basis.

*Responsible official* means responsible official as defined in 40 CFR 70.2.

*Solid-derived fuel* means any solid, liquid, or gaseous fuel derived from solid fuel for the purpose of creating useful heat and includes, but is not limited to, solvent refined coal, liquified coal, synthetic gas, gasified coal, gasified petroleum coke, gasified biomass, and gasified tire derived fuel.



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*Spare flue gas desulfurization system module* means a separate system of SO<sub>2</sub> emission control equipment capable of treating an amount of flue gas equal to the total amount of flue gas generated by an affected facility when operated at maximum capacity divided by the total number of nonspare flue gas desulfurization modules in the system.

*Spinning reserve* means the sum of the unutilized net generating capability of all units of the electric utility company that are synchronized to the power distribution system and that are capable of immediately accepting additional load. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

*Steam generating unit* means any furnace, boiler, or other device used for combusting fuel for the purpose of producing steam (including fossil-fuel-fired steam generators associated with combined cycle gas turbines; nuclear steam generators are not included).

*Subbituminous coal* means coal that is classified as subbituminous A, B, or C according to the American Society of Testing and Materials in ASTM D388 (incorporated by reference, see §60.17).

*System emergency reserves* means an amount of electric generating capacity equivalent to the rated capacity of the single largest electric generating unit in the electric utility company (including steam generating units, internal combustion engines, gas turbines, nuclear units, hydroelectric units, and all other electric generating equipment) which is interconnected with the affected facility that has the malfunctioning flue gas desulfurization system. The electric generating capability of equipment under multiple ownership is prorated based on ownership unless the proportional entitlement to electric output is otherwise established by contractual arrangement.

*System load* means the entire electric demand of an electric utility company's service area interconnected with the affected facility that has the malfunctioning flue gas desulfurization system plus firm contractual sales to other electric utility companies. Sales to other electric utility companies ( e.g. , emergency power) not on a firm contractual basis may also be included in the system load when no available system capacity exists in the electric utility company to which the power is supplied for sale.

*Wet flue gas desulfurization technology* or *wet FGD* means a SO<sub>2</sub> control system that is located downstream of the steam generating unit and removes sulfur oxides from the combustion gases of the steam generating unit by contacting the combustion gases with an alkaline slurry or solution and forming a liquid material. This definition applies to devices where the aqueous liquid material product of this contact is subsequently converted to other forms. Alkaline reagents used in wet FGD technology include, but are not limited to, lime, limestone, and sodium.

**§ 60.42Da Standard for particulate matter (PM).**

- (a) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility for which construction, reconstruction, or modification commenced before or on February 28, 2005, any gases that contain PM in excess of:
  - (1) 13 ng/J (0.03 lb/MMBtu) heat input derived from the combustion of solid, liquid, or gaseous fuel;
  - (2) 1 percent of the potential combustion concentration (99 percent reduction) when combusting solid fuel; and
  - (3) 30 percent of potential combustion concentration (70 percent reduction) when combusting liquid fuel.
- (b) On and after the date the initial PM performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.
- (c) Except as provided in paragraph (d) of this section, on and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification after February 28, 2005 shall cause to be discharged into the atmosphere from that affected facility any gases that contain PM in excess of either:
  - (1) 18 ng/J (0.14 lb/MWh) gross energy output; or
  - (2) 6.4 ng/J (0.015 lb/MMBtu) heat input derived from the combustion of solid, liquid, or gaseous fuel.

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- (d) As an alternative to meeting the requirements of paragraph (c) of this section, the owner or operator of an affected facility for which construction, reconstruction, or modification commenced after February 28, 2005, may elect to meet the requirements of this paragraph. On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility for which construction, reconstruction, or modification commenced after February 28, 2005, any gases that contain PM in excess of:
- (1) 13 ng/J (0.03 lb/MMBtu) heat input derived from the combustion of solid, liquid, or gaseous fuel, and
  - (2) 0.1 percent of the combustion concentration determined according to the procedure in §60.48Da(o)(5) (99.9 percent reduction) for an affected facility for which construction or reconstruction commenced after February 28, 2005 when combusting solid, liquid, or gaseous fuel, or
  - (3) 0.2 percent of the combustion concentration determined according to the procedure in §60.48Da(o)(5) (99.8 percent reduction) for an affected facility for which modification commenced after February 28, 2005 when combusting solid, liquid, or gaseous fuel.

**§ 60.43Da Standard for sulfur dioxide (SO<sub>2</sub>).**

- (a) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts solid fuel or solid-derived fuel and for which construction, reconstruction, or modification commenced before or on February 28, 2005, except as provided under paragraphs (c), (d), (f) or (h) of this section, any gases that contain SO<sub>2</sub> in excess of:
- (1) 520 ng/J (1.20 lb/MMBtu) heat input and 10 percent of the potential combustion concentration (90 percent reduction); or
  - (2) 30 percent of the potential combustion concentration (70 percent reduction), when emissions are less than 260 ng/J (0.60 lb/MMBtu) heat input.
- (b) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts liquid or gaseous fuels (except for liquid or gaseous fuels derived from solid fuels and as provided under paragraphs (e) or (h) of this section) and for which construction, reconstruction, or modification commenced before or on February 28, 2005, any gases that contain SO<sub>2</sub> in excess of:
- (1) 340 ng/J (0.80 lb/MMBtu) heat input and 10 percent of the potential combustion concentration (90 percent reduction); or
  - (2) 100 percent of the potential combustion concentration (zero percent reduction) when emissions are less than 86 ng/J (0.20 lb/MMBtu) heat input.
- (c) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility which combusts solid solvent refined coal (SRC-I) any gases that contain SO<sub>2</sub> in excess of 520 ng/J (1.20 lb/MMBtu) heat input and 15 percent of the potential combustion concentration (85 percent reduction) except as provided under paragraph (f) of this section; compliance with the emission limitation is determined on a 30-day rolling average basis and compliance with the percent reduction requirement is determined on a 24-hour basis.
- (d) Sulfur dioxide emissions are limited to 520 ng/J (1.20 lb/MMBtu) heat input from any affected facility which:
- (1) Combusts 100 percent anthracite;
  - (2) Is classified as a resource recovery unit; or
  - (3) Is located in a noncontinental area and combusts solid fuel or solid-derived fuel.
- (e) Sulfur dioxide emissions are limited to 340 ng/J (0.80 lb/MMBtu) heat input from any affected facility which is located in a noncontinental area and combusts liquid or gaseous fuels (excluding solid-derived fuels).

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- (f) The emission reduction requirements under this section do not apply to any affected facility that is operated under an SO<sub>2</sub> commercial demonstration permit issued by the Administrator in accordance with the provisions of §60.47Da.
- (g) Compliance with the emission limitation and percent reduction requirements under this section are both determined on a 30-day rolling average basis except as provided under paragraph (c) of this section.
- (h) When different fuels are combusted simultaneously, the applicable standard is determined by proration using the following formula:

- (1) If emissions of SO<sub>2</sub> to the atmosphere are greater than 260 ng/J (0.60 lb/MMBtu) heat input

$$E_s = \frac{(340x + 520y)}{100} \quad \text{and} \quad \%P_s = 10$$

- (2) If emissions of SO<sub>2</sub> to the atmosphere are equal to or less than 260 ng/J (0.60 lb/MMBtu) heat input:

$$E_s = \frac{(340x + 520y)}{100} \quad \text{and} \quad \%P_s = \frac{(10x + 30y)}{100}$$

Where:

E<sub>s</sub> = Prorated SO<sub>2</sub> emission limit (ng/J heat input);

%P<sub>s</sub> = Percentage of potential SO<sub>2</sub> emission allowed;

x = Percentage of total heat input derived from the combustion of liquid or gaseous fuels (excluding solid-derived fuels); and

y = Percentage of total heat input derived from the combustion of solid fuel (including solid-derived fuels).

- (i) Except as provided in paragraphs (j) and (k) of this section, on and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification commenced after February 28, 2005 shall cause to be discharged into the atmosphere from that affected facility, any gases that contain SO<sub>2</sub> in excess of the applicable emission limitation specified in paragraphs (i)(1) through (3) of this section.

- (1) For an affected facility for which construction commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:

- (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis; or
- (ii) 5 percent of the potential combustion concentration (95 percent reduction) on a 30-day rolling average basis.

- (2) For an affected facility for which reconstruction commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:

- (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis;
- (ii) 65 ng/J (0.15 lb/MMBtu) heat input on a 30-day rolling average basis; or
- (iii) 5 percent of the potential combustion concentration (95 percent reduction) on a 30-day rolling average basis.

- (3) For an affected facility for which modification commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:

- (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis;
- (ii) 65 ng/J (0.15 lb/MMBtu) heat input on a 30-day rolling average basis; or
- (iii) 10 percent of the potential combustion concentration (90 percent reduction) on a 30-day rolling average basis.

- (j) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification commenced after February 28, 2005, and that burns 75 percent or more (by heat input) coal refuse on a 12-

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month rolling average basis, shall caused to be discharged into the atmosphere from that affected facility any gases that contain SO<sub>2</sub> in excess of the applicable emission limitation specified in paragraphs (j)(1) through (3) of this section.

- (1) For an affected facility for which construction commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:
  - (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis; or
  - (ii) 6 percent of the potential combustion concentration (94 percent reduction) on a 30-day rolling average basis.
- (2) For an affected facility for which reconstruction commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:
  - (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis;
  - (ii) 65 ng/J (0.15 lb/MMBtu) heat input on a 30-day rolling average basis; or
  - (iii) 6 percent of the potential combustion concentration (94 percent reduction) on a 30-day rolling average basis.
- (3) For an affected facility for which modification commenced after February 28, 2005, any gases that contain SO<sub>2</sub> in excess of either:
  - (i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis;
  - (ii) 65 ng/J (0.15 lb/MMBtu) heat input on a 30-day rolling average basis; or
  - (iii) 10 percent of the potential combustion concentration (90 percent reduction) on a 30-day rolling average basis.

(k) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility located in a noncontinental area that commenced construction, reconstruction, or modification commenced after February 28, 2005, shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO<sub>2</sub> in excess of the applicable emission limitation specified in paragraphs (k)(1) and (2) of this section.

- (1) For an affected facility that burns solid or solid-derived fuel, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain SO<sub>2</sub> in excess of 520 ng/J (1.2 lb/MMBtu) heat input on a 30-day rolling average basis.
- (2) For an affected facility that burns other than solid or solid-derived fuel, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain SO<sub>2</sub> in excess of if the affected facility or 230 ng/J (0.54 lb/MMBtu) heat input on a 30-day rolling average basis.

**§ 60.44Da Standard for nitrogen oxides (NO<sub>x</sub>).**

(a) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility, except as provided under paragraphs (b), (d), (e), and (f) of this section, any gases that contain NO<sub>x</sub> (expressed as NO<sub>2</sub>) in excess of the following emission limits, based on a 30-day rolling average basis, except as provided under §60.48Da(j)(1):

- (1) NO<sub>x</sub> emission limits.

Fuel type	Emission limit for heat input	
	ng/J	lb/MMBtu
Gaseous fuels:		
Coal-derived fuels	210	0.50
All other fuels	86	0.20
Liquid fuels:		

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Coal-derived fuels	210	0.50
Shale oil	210	0.50
All other fuels	130	0.30
<b>Solid fuels:</b>		
Coal-derived fuels	210	0.50
Any fuel containing more than 25%, by weight, coal refuse	(1)	(1)
Any fuel containing more than 25%, by weight, lignite if the lignite is mined in North Dakota, South Dakota, or Montana, and is combusted in a slag tap furnace <sup>2</sup>	340	0.80
Any fuel containing more than 25%, by weight, lignite not subject to the 340 ng/J heat input emission limit <sup>2</sup>	260	0.60
Subbituminous coal	210	0.50
Bituminous coal	260	0.60
Anthracite coal	260	0.60
All other fuels	260	0.60

<sup>1</sup>Exempt from NO<sub>x</sub> standards and NO<sub>x</sub> monitoring requirements.

<sup>2</sup>Any fuel containing less than 25%, by weight, lignite is not prorated but its percentage is added to the percentage of the predominant fuel.

(2) NO<sub>x</sub> reduction requirement.

Fuel type	Percent reduction of potential combustion concentration
Gaseous fuels	25
Liquid fuels	30
Solid fuels	65

(b) The emission limitations under paragraph (a) of this section do not apply to any affected facility which is combusting coal-derived liquid fuel and is operating under a commercial demonstration permit issued by the Administrator in accordance with the provisions of §60.47Da.

(c) Except as provided under paragraphs (d), (e), and (f) of this section, when two or more fuels are combusted simultaneously, the applicable standard is determined by proration using the following formula:

$$E_n = \frac{(86w + 130x + 210y + 260z + 340v)}{100}$$

Where:

E<sub>n</sub> = Applicable standard for NO<sub>x</sub> when multiple fuels are combusted simultaneously (ng/J heat input);

w = Percentage of total heat input derived from the combustion of fuels subject to the 86 ng/J heat input standard;

x = Percentage of total heat input derived from the combustion of fuels subject to the 130 ng/J heat input standard;

y = Percentage of total heat input derived from the combustion of fuels subject to the 210 ng/J heat input standard;

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z = Percentage of total heat input derived from the combustion of fuels subject to the 260 ng/J heat input standard; and

v = Percentage of total heat input delivered from the combustion of fuels subject to the 340 ng/J heat input standard.

(d)

(1) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction after July 9, 1997, but before or on February 28, 2005 shall cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of 200 ng/J (1.6 lb/MWh) gross energy output, based on a 30-day rolling average basis, except as provided under §60.48Da(k).

(2) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of affected facility for which reconstruction commenced after July 9, 1997, but before or on February 28, 2005 shall cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of 65 ng/J (0.15 lb/MMBtu) heat input, based on a 30-day rolling average basis.

(e) Except for an IGCC electric utility steam generating unit meeting the requirements of paragraph (f) of this section, on and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator of an affected facility that commenced construction, reconstruction, or modification after February 28, 2005 shall cause to be discharged into the atmosphere from that affected facility any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of the applicable emission limitation specified in paragraphs (e)(1) through (3) of this section.

(1) For an affected facility for which construction commenced after February 28, 2005, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of 130 ng/J (1.0 lb/MWh) gross energy output on a 30-day rolling average basis, except as provided under §60.48Da(k).

(2) For an affected facility for which reconstruction commenced after February 28, 2005, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of either:

(i) 130 ng/J (1.0 lb/MWh) gross energy output on a 30-day rolling average basis; or

(ii) 47 ng/J (0.11 lb/MMBtu) heat input on a 30-day rolling average basis.

(3) For an affected facility for which modification commenced after February 28, 2005, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of either:

(i) 180 ng/J (1.4 lb/MWh) gross energy output on a 30-day rolling average basis; or

(ii) 65 ng/J (0.15 lb/MMBtu) heat input on a 30-day rolling average basis.

(f) On and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, the owner or operator of an IGCC electric utility steam generating unit subject to the provisions of this subpart and for which construction, reconstruction, or modification commenced after February 28, 2005, shall meet the requirements specified in paragraphs (f)(1) through (3) of this section.

(1) Except as provided for in paragraphs (f)(2) and (3) of this section, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of 130 ng/J (1.0 lb/MWh) gross energy output on a 30-day rolling average basis.

(2) When burning liquid fuel exclusively or in combination with solid-derived fuel such that the liquid fuel contributes 50 percent or more of the total heat input to the combined cycle combustion turbine, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of 190 ng/J (1.5 lb/MWh) gross energy output on a 30-day rolling average basis.

(3) In cases when during a 30-day rolling average compliance period liquid fuel is burned in such a manner to meet the conditions in paragraph (f)(2) of this section for only a portion of the clock hours in the 30-day period, the owner or operator shall not cause to be discharged into the atmosphere any gases that contain  $\text{NO}_x$  (expressed as  $\text{NO}_2$ ) in excess of the computed weighted-average emissions limit based on the proportion of gross energy output (in MWh) generated during the compliance period for each of emissions limits in paragraphs (f)(1) and (2) of this section.

**§ 60.45Da Standard for mercury (Hg).**

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- (a) For each coal-fired electric utility steam generating unit other than an IGCC electric utility steam generating unit, on and after the date on which the initial performance test is completed or required to be completed under §60.8, whichever date comes first, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility for which construction, modification, or reconstruction commenced after January 30, 2004, any gases that contain mercury (Hg) emissions in excess of each Hg emissions limit in paragraphs (a)(1) through (5) of this section that applies to you. The Hg emissions limits in paragraphs (a)(1) through (5) of this section are based on a 12-month rolling average basis using the procedures in §60.50Da(h).
- (1) For each coal-fired electric utility steam generating unit that burns only bituminous coal, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of  $20 \times 10^{-6}$  pound per megawatt hour (lb/MWh) or 0.020 lb/gigawatt-hour (GWh) on an output basis. The International System of Units (SI) equivalent is 0.0025 ng/J.
  - (2) For each coal-fired electric utility steam generating unit that burns only subbituminous coal:
    - (i) If your unit is located in a county-level geographical area receiving greater than 25 inches per year (in/yr) mean annual precipitation, based on the most recent publicly available U.S. Department of Agriculture 30-year data, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of  $66 \times 10^{-6}$  lb/MWh or 0.066 lb/GWh on an output basis. The SI equivalent is 0.0083 ng/J.
    - (ii) If your unit is located in a county-level geographical area receiving less than or equal to 25 in/yr mean annual precipitation, based on the most recent publicly available U.S. Department of Agriculture 30-year data, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of  $97 \times 10^{-6}$  lb/MWh or 0.097 lb/GWh on an output basis. The SI equivalent is 0.0122 ng/J.
  - (3) For each coal-fired electric utility steam generating unit that burns only lignite, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of  $175 \times 10^{-6}$  lb/MWh or 0.175 lb/GWh on an output basis. The SI equivalent is 0.0221 ng/J.
  - (4) For each coal-burning electric utility steam generating unit that burns only coal refuse, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of  $16 \times 10^{-6}$  lb/MWh or 0.016 lb/GWh on an output basis. The SI equivalent is 0.0020 ng/J.
  - (5) For each coal-fired electric utility steam generating unit that burns a blend of coals from different coal ranks (*i.e.*, bituminous coal, subbituminous coal, lignite) or a blend of coal and coal refuse, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of the unit-specific Hg emissions limit established according to paragraph (a)(5)(i) or (ii) of this section, as applicable to the affected unit.
    - (i) If you operate a coal-fired electric utility steam generating unit that burns a blend of coals from different coal ranks or a blend of coal and coal refuse, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of the computed weighted Hg emissions limit based on the Btu, MWh, or MJ) contributed by each coal rank burned during the compliance period and its applicable Hg emissions limit in paragraphs (a)(1) through (4) of this section as determined using Equation 1 in this section. For each affected source, you must comply with the weighted Hg emissions limit calculated using Equation 1 in this section based on the total Hg emissions from the unit and the total Btu, MWh, or MJ contributed by all fuels burned during the compliance period.

$$EL_b = \frac{\sum_{i=1}^n EL_i (HH_i)}{\sum_{i=1}^n HH_i} \quad (\text{Eq. 1})$$

Where:

$EL_b$  = Total allowable Hg in lb/MWh that can be emitted to the atmosphere from any affected source being averaged according to this paragraph.

$EL_i$  = Hg emissions limit for the subcategory  $i$  (coal rank) that applies to affected source, lb/MWh;

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HH<sub>i</sub> = For each affected source, the Btu, MWh, or MJ contributed by the corresponding subcategory i (coal rank) burned during the compliance period; and

n = Number of subcategories (coal ranks) being averaged for an affected source.

(ii) If you operate a coal-fired electric utility steam generating unit that burns a blend of coals from different coal ranks or a blend of coal and coal refuse together with one or more non-regulated, supplementary fuels, you must not discharge into the atmosphere any gases from a new affected source that contain Hg in excess of the computed weighted Hg emission limit based on the Btu, MWh, or MJ contributed by each coal rank burned during the compliance period and its applicable Hg emissions limit in paragraphs (a)(1) through (4) of this section as determined using Equation 1 in this section. For each affected source. You must comply with the weighted Hg emissions limit calculated using Equation 1 in this section based on the total Hg emissions from the unit contributed by both regulated and nonregulated fuels burned during the compliance period and the total Btu, MWh, or MJ contributed by both regulated and nonregulated fuels burned during the compliance period.

(b) For each IGCC electric utility steam generating unit, on and after the date on which the initial performance test required to be conducted under §60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility for which construction, modification, or reconstruction commenced after January 30, 2004, any gases that contain Hg emissions in excess of  $20 \times 10^{-6}$  lb/MWh or 0.020 lb/GWh on an output basis. The SI equivalent is 0.0025 ng/J. This Hg emissions limit is based on a 12-month rolling average basis using the procedures in §60.50Da(h).

**§ 60.46Da [Reserved]**

**§ 60.47Da Commercial demonstration permit.**

- (a) An owner or operator of an affected facility proposing to demonstrate an emerging technology may apply to the Administrator for a commercial demonstration permit. The Administrator will issue a commercial demonstration permit in accordance with paragraph (e) of this section. Commercial demonstration permits may be issued only by the Administrator, and this authority will not be delegated.
- (b) An owner or operator of an affected facility that combusts solid solvent refined coal (SRC-I) and who is issued a commercial demonstration permit by the Administrator is not subject to the SO<sub>2</sub> emission reduction requirements under §60.43Da(c) but must, as a minimum, reduce SO<sub>2</sub> emissions to 20 percent of the potential combustion concentration (80 percent reduction) for each 24-hour period of steam generator operation and to less than 520 ng/J (1.20 lb/MMBtu) heat input on a 30-day rolling average basis.
- (c) An owner or operator of a fluidized bed combustion electric utility steam generator (atmospheric or pressurized) who is issued a commercial demonstration permit by the Administrator is not subject to the SO<sub>2</sub> emission reduction requirements under §60.43Da(a) but must, as a minimum, reduce SO<sub>2</sub> emissions to 15 percent of the potential combustion concentration (85 percent reduction) on a 30-day rolling average basis and to less than 520 ng/J (1.20 lb/MMBtu) heat input on a 30-day rolling average basis.
- (d) The owner or operator of an affected facility that combusts coal-derived liquid fuel and who is issued a commercial demonstration permit by the Administrator is not subject to the applicable NO<sub>x</sub> emission limitation and percent reduction under §60.44Da(a) but must, as a minimum, reduce emissions to less than 300 ng/J (0.70 lb/MMBtu) heat input on a 30-day rolling average basis.
- (e) Commercial demonstration permits may not exceed the following equivalent MW electrical generation capacity for any one technology category, and the total equivalent MW electrical generation capacity for all commercial demonstration plants may not exceed 15,000 MW.

Technology	Pollutant	Equivalent electrical capacity (MW electrical output)
Solid solvent refined coal (SCR I)	SO <sub>2</sub>	6,000-10,000
Fluidized bed combustion (atmospheric)	SO <sub>2</sub>	400-3,000



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Fluidized bed combustion (pressurized)	SO <sub>2</sub>	400–1,200
Coal liquification	NO <sub>x</sub>	750–10,000
Total allowable for all technologies		15,000

**§ 60.48Da Compliance provisions.**

- (a) Compliance with the PM emission limitation under §60.42Da(a)(1) constitutes compliance with the percent reduction requirements for PM under §60.42Da(a)(2) and (3).
- (b) Compliance with the NO<sub>x</sub> emission limitation under §60.44Da(a)(1) constitutes compliance with the percent reduction requirements under §60.44Da(a)(2).
- (c) The PM emission standards under §60.42Da, the NO<sub>x</sub> emission standards under §60.44Da, and the Hg emission standards under §60.45Da apply at all times except during periods of startup, shutdown, or malfunction.
- (d) During emergency conditions in the principal company, an affected facility with a malfunctioning flue gas desulfurization system may be operated if SO<sub>2</sub> emissions are minimized by:
  - (1) Operating all operable flue gas desulfurization system modules, and bringing back into operation any malfunctioned module as soon as repairs are completed,
  - (2) Bypassing flue gases around only those flue gas desulfurization system modules that have been taken out of operation because they were incapable of any SO<sub>2</sub> emission reduction or which would have suffered significant physical damage if they had remained in operation, and
  - (3) Designing, constructing, and operating a spare flue gas desulfurization system module for an affected facility larger than 365 MW (1,250 MMBtu/hr) heat input (approximately 125 MW electrical output capacity). The Administrator may at his discretion require the owner or operator within 60 days of notification to demonstrate spare module capability. To demonstrate this capability, the owner or operator must demonstrate compliance with the appropriate requirements under paragraph under §60.43Da(a), (b), (d), (e), and (h) for any period of operation lasting from 24 hours to 30 days when:
    - (i) Any one flue gas desulfurization module is not operated,
    - (ii) The affected facility is operating at the maximum heat input rate,
    - (iii) The fuel fired during the 24-hour to 30-day period is representative of the type and average sulfur content of fuel used over a typical 30-day period, and
    - (iv) The owner or operator has given the Administrator at least 30 days notice of the date and period of time over which the demonstration will be performed.
- (e) After the initial performance test required under §60.8, compliance with the SO<sub>2</sub> emission limitations and percentage reduction requirements under §60.43Da and the NO<sub>x</sub> emission limitations under §60.44Da is based on the average emission rate for 30 successive boiler operating days. A separate performance test is completed at the end of each boiler operating day after the initial performance test, and a new 30 day average emission rate for both SO<sub>2</sub> and NO<sub>x</sub> and a new percent reduction for SO<sub>2</sub> are calculated to show compliance with the standards.
- (f) For the initial performance test required under §60.8, compliance with the SO<sub>2</sub> emission limitations and percent reduction requirements under §60.43Da and the NO<sub>x</sub> emission limitation under §60.44Da is based on the average emission rates for SO<sub>2</sub>, NO<sub>x</sub>, and percent reduction for SO<sub>2</sub> for the first 30 successive boiler operating days. The initial performance test is the only test in which at least 30 days prior notice is required unless otherwise specified by the Administrator. The initial performance test is to be scheduled so that the first boiler operating day of the 30 successive boiler operating days is completed 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 the facility.
- (g) The owner or operator of an affected facility subject to emission limitations in this subpart shall determine compliance as follows:

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- (1) Compliance with applicable 30-day rolling average SO<sub>2</sub> and NO<sub>x</sub> emission limitations is determined by calculating the arithmetic average of all hourly emission rates for SO<sub>2</sub> and NO<sub>x</sub> for the 30 successive boiler operating days, except for data obtained during startup, shutdown, malfunction (NO<sub>x</sub> only), or emergency conditions (SO<sub>2</sub> only).
  - (2) Compliance with applicable SO<sub>2</sub> percentage reduction requirements is determined based on the average inlet and outlet SO<sub>2</sub> emission rates for the 30 successive boiler operating days.
  - (3) Compliance with applicable daily average PM emission limitations is determined by calculating the arithmetic average of all hourly emission rates for PM each boiler operating day, except for data obtained during startup, shutdown, and malfunction. Averages are only calculated for boiler operating days that have valid data for at least 18 hours of unit operation during which the standard applies. Instead, the valid hourly emission rates are averaged with the next boiler operating day with 18 hours or more of valid PM CEMS data to determine compliance.
- (h) If an owner or operator has not obtained the minimum quantity of emission data as required under §60.49Da of this subpart, compliance of the affected facility with the emission requirements under §§60.43Da and 60.44Da of this subpart for the day on which the 30-day period ends may be determined by the Administrator by following the applicable procedures in section 7 of Method 19 of appendix A of this part.
- (i) *Compliance provisions for sources subject to §60.44Da(d)(1), (e)(1), (e)(2)(i), (e)(3)(i), or (f)*. The owner or operator of an affected facility subject to §60.44Da(d)(1), (e)(1), (e)(2)(i), (e)(3)(i), or (f) shall calculate NO<sub>x</sub> emissions as  $1.194 \times 10^{-7}$  lb/scf-ppm times the average hourly NO<sub>x</sub> output concentration in ppm (measured according to the provisions of §60.49Da(c)), times the average hourly flow rate (measured in scfh, according to the provisions of §60.49Da(l) or §60.49Da(m)), divided by the average hourly gross energy output (measured according to the provisions of §60.49Da(k)). Alternatively, for oil-fired and gas-fired units, NO<sub>x</sub> emissions may be calculated by multiplying the hourly NO<sub>x</sub> emission rate in lb/MMBtu (measured by the CEMS required under §§60.49Da(c) and (d)), by the hourly heat input rate (measured according to the provisions of §60.49Da(n)), and dividing the result by the average gross energy output (measured according to the provisions of §60.49Da(k)).
- (j) *Compliance provisions for duct burners subject to §60.44Da(a)(1)*. To determine compliance with the emissions limits for NO<sub>x</sub> required by §60.44Da(a) for duct burners used in combined cycle systems, either of the procedures described in paragraph (j)(1) or (2) of this section may be used:
- (1) The owner or operator of an affected duct burner shall conduct the performance test required under §60.8 using the appropriate methods in appendix A of this part. Compliance with the emissions limits under §60.44Da(a)(1) is determined on the average of three (nominal 1-hour) runs for the initial and subsequent performance tests. During the performance test, one sampling site shall be located in the exhaust of the turbine prior to the duct burner. A second sampling site shall be located at the outlet from the heat recovery steam generating unit. Measurements shall be taken at both sampling sites during the performance test; or
  - (2) The owner or operator of an affected duct burner may elect to determine compliance by using the continuous emission monitoring system (CEMS) specified under §60.49Da for measuring NO<sub>x</sub> and oxygen (O<sub>2</sub>) (or carbon dioxide (CO<sub>2</sub>)) and meet the requirements of §60.49Da. Alternatively, data from a NO<sub>x</sub> emission rate (i.e., NO<sub>x</sub>-diluent) CEMS certified according to the provisions of §75.20(c) of this chapter and appendix A to part 75 of this chapter, and meeting the quality assurance requirements of §75.21 of this chapter and appendix B to part 75 of this chapter, may be used, with the following caveats. Data used to meet the requirements of §60.51Da shall not include substitute data values derived from the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter. The sampling site shall be located at the outlet from the steam generating unit. The NO<sub>x</sub> emission rate at the outlet from the steam generating unit shall constitute the NO<sub>x</sub> emission rate from the duct burner of the combined cycle system.
- (k) *Compliance provisions for duct burners subject to §60.44Da(d)(1) or (e)(1)*. To determine compliance with the emission limitation for NO<sub>x</sub> required by §60.44Da(d)(1) or (e)(1) for duct burners used in combined cycle systems, either of the procedures described in paragraphs (k)(1) and (2) of this section may be used:
- (1) The owner or operator of an affected duct burner used in combined cycle systems shall determine compliance with the applicable NO<sub>x</sub> emission limitation in §60.44Da(d)(1) or (e)(1) as follows:
    - (i) The emission rate (E) of NO<sub>x</sub> shall be computed using Equation 2 in this section:

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$$E = \frac{(C_{sg} \times Q_{sg}) - (C_{te} \times Q_{te})}{(O_{sg} \times h)} \quad (\text{Eq. 2})$$

Where:

- E = Emission rate of NO<sub>x</sub> from the duct burner, ng/J (lb/MWh) gross output;
  - C<sub>sg</sub> = Average hourly concentration of NO<sub>x</sub> exiting the steam generating unit, ng/dscm (lb/dscf);
  - C<sub>te</sub> = Average hourly concentration of NO<sub>x</sub> in the turbine exhaust upstream from duct burner, ng/dscm (lb/dscf);
  - Q<sub>sg</sub> = Average hourly volumetric flow rate of exhaust gas from steam generating unit, dscm/hr (dscf/hr);
  - Q<sub>te</sub> = Average hourly volumetric flow rate of exhaust gas from combustion turbine, dscm/hr (dscf/hr);
  - O<sub>sg</sub> = Average hourly gross energy output from steam generating unit, J (MWh); and
  - h = Average hourly fraction of the total heat input to the steam generating unit derived from the combustion of fuel in the affected duct burner.
- (ii) Method 7E of appendix A of this part shall be used to determine the NO<sub>x</sub> concentrations (C<sub>sg</sub> and C<sub>te</sub>). Method 2, 2F or 2G of appendix A of this part, as appropriate, shall be used to determine the volumetric flow rates (Q<sub>sg</sub> and Q<sub>te</sub>) of the exhaust gases. The volumetric flow rate measurements shall be taken at the same time as the concentration measurements.
  - (iii) The owner or operator shall develop, demonstrate, and provide information satisfactory to the Administrator to determine the average hourly gross energy output from the steam generating unit, and the average hourly percentage of the total heat input to the steam generating unit derived from the combustion of fuel in the affected duct burner.
  - (iv) Compliance with the applicable NO<sub>x</sub> emission limitation in §60.44Da(d)(1) or (e)(1) is determined by the three-run average (nominal 1-hour runs) for the initial and subsequent performance tests.
- (2) The owner or operator of an affected duct burner used in a combined cycle system may elect to determine compliance with the applicable NO<sub>x</sub> emission limitation in §60.44Da(d)(1) or (e)(1) on a 30-day rolling average basis as indicated in paragraphs (k)(2)(i) through (iv) of this section.
- (i) The emission rate (E) of NO<sub>x</sub> shall be computed using Equation 3 in this section:

$$E = \frac{(C_{sg} \times Q_{sg})}{O_{cc}} \quad (\text{Eq. 3})$$

Where:

- E = Emission rate of NO<sub>x</sub> from the duct burner, ng/J (lb/MWh) gross output;
  - C<sub>sg</sub> = Average hourly concentration of NO<sub>x</sub> exiting the steam generating unit, ng/dscm (lb/dscf);
  - Q<sub>sg</sub> = Average hourly volumetric flow rate of exhaust gas from steam generating unit, dscm/hr (dscf/hr); and
  - O<sub>cc</sub> = Average hourly gross energy output from entire combined cycle unit, J (MWh).
- (ii) The CEMS specified under §60.49Da for measuring NO<sub>x</sub> and O<sub>2</sub>(or CO<sub>2</sub>) shall be used to determine the average hourly NO<sub>x</sub> concentrations (C<sub>sg</sub>). The continuous flow monitoring system specified in §60.49Da(l) or §60.49Da(m) shall be used to determine the volumetric flow rate (Q<sub>sg</sub>) of the exhaust gas. If the option to use the flow monitoring system in §60.49Da(m) is selected, the flow rate data used to meet the requirements of §60.51Da shall not include substitute data values derived from the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter. The sampling site shall be located at the outlet from the steam generating unit.
  - (iii) The continuous monitoring system specified under §60.49Da(k) for measuring and determining gross energy output shall be used to determine the average hourly gross energy output from the entire combined cycle unit (O<sub>cc</sub>), which is the combined output from the combustion turbine and the steam generating unit.

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- (iv) The owner or operator may, in lieu of installing, operating, and recording data from the continuous flow monitoring system specified in §60.49Da(l), determine the mass rate (lb/hr) of NO<sub>x</sub> emissions by installing, operating, and maintaining continuous fuel flow meters following the appropriate measurements procedures specified in appendix D of part 75 of this chapter. If this compliance option is selected, the emission rate (E) of NO<sub>x</sub> shall be computed using Equation 4 in this section:

$$E = \frac{(ER_{sg} \times H_{cc})}{O_{cc}} \quad (\text{Eq. 4})$$

Where:

E = Emission rate of NO<sub>x</sub> from the duct burner, ng/J (lb/MWh) gross output;

ER<sub>sg</sub> = Average hourly emission rate of NO<sub>x</sub> exiting the steam generating unit heat input calculated using appropriate F factor as described in Method 19 of appendix A of this part, ng/J (lb/MMBtu);

H<sub>cc</sub> = Average hourly heat input rate of entire combined cycle unit, J/hr (MMBtu/hr); and

O<sub>cc</sub> = Average hourly gross energy output from entire combined cycle unit, J (MWh).

- (3) When an affected duct burner steam generating unit utilizes a common steam turbine with one or more affected duct burner steam generating units, the owner or operator shall either:
- (i) Determine compliance with the applicable NO<sub>x</sub> emissions limits by measuring the emissions combined with the emissions from the other unit(s) utilizing the common steam turbine; or
  - (ii) Develop, demonstrate, and provide information satisfactory to the Administrator on methods for apportioning the combined gross energy output from the steam turbine for each of the affected duct burners. The Administrator may approve such demonstrated substitute methods for apportioning the combined gross energy output measured at the steam turbine whenever the demonstration ensures accurate estimation of emissions regulated under this part.
- (l) *Compliance provisions for sources subject to §60.45Da.* The owner or operator of an affected facility subject to §60.45Da (new sources constructed or reconstructed after January 30, 2004) shall calculate the Hg emission rate (lb/MWh) for each calendar month of the year, using hourly Hg concentrations measured according to the provisions of §60.49Da(p) in conjunction with hourly stack gas volumetric flow rates measured according to the provisions of §60.49Da(l) or (m), and hourly gross electrical outputs, determined according to the provisions in §60.49Da(k). Compliance with the applicable standard under §60.45Da is determined on a 12-month rolling average basis.
- (m) *Compliance provisions for sources subject to §60.43Da(i)(1)(i), (i)(2)(i), (i)(3)(i), (j)(1)(i), (j)(2)(i), or (j)(3)(i).* The owner or operator of an affected facility subject to §60.43Da(i)(1)(i), (i)(2)(i), (i)(3)(i), (j)(1)(i), (j)(2)(i), or (j)(3)(i) shall calculate SO<sub>2</sub> emissions as  $1.660 \times 10^{-7}$  lb/scf-ppm times the average hourly SO<sub>2</sub> output concentration in ppm (measured according to the provisions of §60.49Da(b)), times the average hourly flow rate (measured according to the provisions of §60.49Da(l) or §60.49Da(m)), divided by the average hourly gross energy output (measured according to the provisions of §60.49Da(k)). Alternatively, for oil-fired and gas-fired units, SO<sub>2</sub> emissions may be calculated by multiplying the hourly SO<sub>2</sub> emission rate (in lb/MMBtu), measured by the CEMS required under §60.49Da, by the hourly heat input rate (measured according to the provisions of §60.49Da(n)), and dividing the result by the average gross energy output (measured according to the provisions of §60.49Da(k)).
- (n) *Compliance provisions for sources subject to §60.42Da(c)(1).* The owner or operator of an affected facility subject to §60.42Da(c)(1) shall calculate PM emissions by multiplying the average hourly PM output concentration, measured according to the provisions of §60.49Da(t), by the average hourly flow rate, measured according to the provisions of §60.49Da(l), and divided by the average hourly gross energy output, measured according to the provisions of §60.49Da(k). Compliance with the emission limit is determined by calculating the arithmetic average of the hourly emission rates computed for each boiler operating day.
- (o) *Compliance provisions for sources subject to §60.42Da(c)(2) or (d).* Except as provided for in paragraph (p) of this section, the owner or operator of an affected facility for which construction, reconstruction, or modification commenced after February 28, 2005, shall demonstrate compliance with each applicable emission limit according to the requirements in paragraphs (o)(1) through (o)(5) of this section and use a COMS to demonstrate compliance with §60.42Da(b).

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- (1) You must conduct a performance test to demonstrate initial compliance with the applicable PM emissions limit in 60.42Da(c)(2) or (d) by the applicable date specified in §60.8(a). Thereafter, you must conduct each subsequent performance test within 12 calendar months of the date of the prior performance test. You must conduct each performance test according to the requirements in §60.8 using the test methods and procedures in §60.50Da.
- (2) You must monitor the performance of each electrostatic precipitator or fabric filter (baghouse) operated to comply with the applicable PM emissions limit in §60.42Da(c)(2) or (d) using a continuous opacity monitoring system (COMS) according to the requirements in paragraphs (o)(2)(i) through (vi) unless you elect to comply with one of the alternatives provided in paragraphs (o)(3) and (o)(4) of this section, as applicable to your control device.
  - (i) Each COMS must meet Performance Specification 1 in 40 CFR part 60, appendix B.
  - (ii) You must comply with the quality assurance requirements in paragraphs (o)(4)(ii)(A) through (E) of this section.
    - (A) You must automatically (intrinsic to the opacity monitor) check the zero and upscale (span) calibration drifts at least once daily. For a particular COMS, the acceptable range of zero and upscale calibration materials is as defined in the applicable version of Performance Specification 1 in 40 CFR part 60, appendix B.
    - (B) You must adjust the zero and span whenever the 24-hour zero drift or 24-hour span drift exceeds 4 percent opacity. The COMS must allow for the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified. The optical surfaces exposed to the effluent gases must be cleaned prior to performing the zero and span drift adjustments, except for systems using automatic zero adjustments. For systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.
    - (C) You must apply 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. All procedures applied must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.
    - (D) Except during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments, the COMS must be in continuous operation and must 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.
    - (E) You must reduce all data from the COMS to 6-minute averages. Six-minute opacity averages must be calculated from 36 or more data points equally spaced over each 6-minute period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages. An arithmetic or integrated average of all data may be used.
  - (iii) During each performance test conducted according to paragraph (o)(1) of this section, you must establish an opacity baseline level. The value of the opacity baseline level is determined by averaging all of the 6-minute average opacity values (reported to the nearest 0.1 percent opacity) from the COMS measurements recorded during each of the test run intervals conducted for the performance test, and then adding 2.5 percent opacity to your calculated average opacity value for all of the test runs. If your calculated average opacity value for all of the test runs is less than 5.0 percent, then the opacity baseline level is set at 5.0 percent.
  - (iv) You must evaluate the preceding 24-hour average opacity level measured by the COMS each boiler operating day excluding periods of affected source startup, shutdown, or malfunction. If the measured 24-hour average opacity emission level is greater than the baseline opacity level determined in paragraph (o)(2)(iii) of this section, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of the high opacity incident and take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to reduce the measured 24-hour average opacity to a level below the baseline opacity level.
  - (v) You must record the opacity measurements, calculations performed, and any corrective actions taken. The record of corrective action taken must include the date and time during which the measured 24-hour average opacity was greater than baseline opacity level, and the date, time, and description of the corrective action.

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- (vi) If the measured 24-hour average opacity for your affected source remains at a level greater than the opacity baseline level after 7 days, then you must conduct a new PM performance test according to paragraph (o)(1) of this section and establish a new opacity baseline value according to paragraph (o)(2) of this section. This new performance test must be conducted within 60 days of the date that the measured 24-hour average opacity was first determined to exceed the baseline opacity level unless a waiver is granted by the appropriate delegated permitting authority.
- (3) As an alternative to complying with the requirements of paragraph (o)(2) of this section, an owner or operator may elect to monitor the performance of an electrostatic precipitator (ESP) operated to comply with the applicable PM emissions limit in §60.42Da(c)(2) or (d) using an ESP predictive model developed in accordance with the requirements in paragraphs (o)(3)(i) through (v) of this section.
- (i) You must calibrate the ESP predictive model with each PM control device used to comply with the applicable PM emissions limit in §60.42Da(c)(2) or (d) operating under normal conditions. In cases when a wet scrubber is used in combination with an ESP to comply with the PM emissions limit, the daily average liquid-to-gas flow rate for the wet scrubber must be maintained at 90 percent of average ratio measured during all test run intervals for the performance test conducted according to paragraph (o)(1) of this section.
- (ii) You must develop a site-specific monitoring plan that includes a description of the ESP predictive model used, the model input parameters, and the procedures and criteria for establishing monitoring parameter baseline levels indicative of compliance with the PM emissions limit. You must submit the site-specific monitoring plan for approval by the appropriate delegated permitting authority. For reference purposes in preparing the monitoring plan, see the OAQPS "Compliance Assurance Monitoring (CAM) Protocol for an Electrostatic Precipitator (ESP) Controlling Particulate Matter (PM) Emissions from a Coal-Fired Boiler." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality Planning and Standards; Sector Policies and Programs Division; Measurement Policy Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Continuous Emission Monitoring .
- (iii) You must run the ESP predictive model using the applicable input data each boiler operating day and evaluate the model output for the preceding boiler operating day excluding periods of affected source startup, shutdown, or malfunction. If the values for one or more of the model parameters exceed the applicable baseline levels determined according to your approved site-specific monitoring plan, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of a model parameter deviation and, take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to return the model output to within the applicable baseline levels.
- (iv) You must record the ESP predictive model inputs and outputs and any corrective actions taken. The record of corrective action taken must include the date and time during which the model output values exceeded the applicable baseline levels, and the date, time, and description of the corrective action.
- (v) If after 7 consecutive days a model parameter continues to exceed the applicable baseline level, then you must conduct a new PM performance test according to paragraph (o)(1) of this section. This new performance test must be conducted within 60 days of the date that the model parameter was first determined to exceed its baseline level unless a waiver is granted by the appropriate delegated permitting authority.
- (4) As an alternative to complying with the requirements of paragraph (o)(2) of this section, an owner or operator may elect to monitor the performance of a fabric filter (baghouse) operated to comply with the applicable PM emissions limit in §60.42Da(c)(2) or (d) by using a bag leak detection system according to the requirements in paragraphs (o)(4)(i) through (v) of this section.
- (i) Each bag leak detection system must meet the specifications and requirements in paragraphs (o)(4)(i)(A) through (H) of this section.
- (A) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.

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- (B) The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator must continuously record the output from the bag leak detection system using electronic or other means ( *e.g.* , using a strip chart recorder or a data logger.)
  - (C) The bag leak detection system must be equipped with an alarm system that will react when the system detects an increase in relative particulate loading over the alarm set point established according to paragraph (o)(4)(i)(D) of this section, and the alarm must be located such that it can be noticed by the appropriate plant personnel.
  - (D) In the initial adjustment of the bag leak detection system, you must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.
  - (E) Following initial adjustment, you must not adjust the averaging period, alarm set point, or alarm delay time without approval from the appropriate delegated permitting authority except as provided in paragraph (d)(1)(vi) of this section.
  - (F) Once per quarter, you may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph (o)(4)(ii) of this section.
  - (G) You must install the bag leak detection sensor downstream of the fabric filter and upstream of any wet scrubber.
  - (H) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.
- (ii) You must develop and submit to the appropriate delegated permitting authority for approval a site-specific monitoring plan for each bag leak detection system. You must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the items in paragraphs (o)(4)(ii)(A) through (F) of this section.
- (A) Installation of the bag leak detection system;
  - (B) Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;
  - (C) Operation of the bag leak detection system, including quality assurance procedures;
  - (D) How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;
  - (E) How the bag leak detection system output will be recorded and stored; and
  - (F) Corrective action procedures as specified in paragraph (o)(4)(iii) of this section. In approving the site-specific monitoring plan, the appropriate delegated permitting authority may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.
- (iii) For each bag leak detection system, you must initiate procedures to determine the cause of every alarm within 1 hour of the alarm. Except as provided in paragraph (o)(4)(ii)(F) of this section, you must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:
- (A) Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;
  - (B) Sealing off defective bags or filter media;
  - (C) Replacing defective bags or filter media or otherwise repairing the control device;
  - (D) Sealing off a defective fabric filter compartment;

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- (E) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or
  - (F) Shutting down the process producing the particulate emissions.
- (iv) You must maintain records of the information specified in paragraphs (o)(4)(iv)(A) through (C) of this section for each bag leak detection system.
- (A) Records of the bag leak detection system output;
  - (B) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and
  - (C) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm.
- (v) Of after any period of composed of 30 boiler operating days during which the alarm rate exceeds 5 percent of the process operating time (excluding control device or process startup, shutdown, and malfunction), then you must conduct a new PM performance test according to paragraph (o)(1) of this section. This new performance test must be conducted within 60 days of the date that the alarm rate was first determined to exceed 5 percent limit unless a wavier is granted by the appropriate delegated permitting authority.
- (5) An owner or operator of a modified affected source electing to meet the emission limitations in §.42Da(d) shall determine the percent reduction in PM by using the emission rate for PM determined by the performance test conducted according to the requirements in paragraph (o)(1) of this section and the ash content on a mass basis of the fuel burned during each performance test run as determined by analysis of the fuel as fired.
- (p) As an alternative to meeting the compliance provisions specified in paragraph (o) of this section, an owner or operator may elect to install, certify, maintain, and operate a CEMS measuring PM emissions discharged from the affected facility to the atmosphere and record the output of the system as specified in paragraphs (p)(1) through (p)(8) of this section.
- (1) The owner or operator shall submit a written notification to the Administrator of intent to demonstrate compliance with this subpart by using a CEMS measuring PM. This notification shall be sent at least 30 calendar days before the initial startup of the monitor for compliance determination purposes. The owner or operator may discontinue operation of the monitor and instead return to demonstration of compliance with this subpart according to the requirements in paragraph (o) of this section by submitting written notification to the Administrator of such intent at least 30 calendar days before shutdown of the monitor for compliance determination purposes.
  - (2) Each CEMS shall be installed, certified, operated, and maintained according to the requirements in §60.49Da(v).
  - (3) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the affected facility, as specified under §60.8 of subpart A of this part or within 180 days of the date of notification to the Administrator required under paragraph (p)(1) of this section, whichever is later.
  - (4) Compliance with the applicable emissions limit shall be determined based on the 24-hour daily (block) average of the hourly arithmetic average emissions concentrations using the continuous monitoring system outlet data. The 24-hour block arithmetic average emission concentration shall be calculated using EPA Reference Method 19 of appendix A of this part, section 4.1.
  - (5) At a minimum, valid CEMS hourly averages shall be obtained for 75 percent of all operating hours on a 30-day rolling average basis. Beginning on January 1, 2012, valid CEMS hourly averages shall be obtained for 90 percent of all operating hours on a 30-day rolling average basis.
    - (i) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.
    - (ii) [Reserved]
  - (6) The 1-hour arithmetic averages required shall be expressed in ng/J, MMBtu/hr, or lb/MWh and shall be used to calculate the boiler operating day daily arithmetic average emission concentrations. The 1-hour arithmetic averages shall be calculated using the data points required under §60.13(e)(2) of subpart A of this part.



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- (7) All valid CEMS data shall be used in calculating average emission concentrations even if the minimum CEMS data requirements of paragraph (j)(5) of this section are not met.
- (8) When PM emissions data are not obtained because of CEMS breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by the Administrator or EPA Reference Method 19 of appendix A of this part to provide, as necessary, valid emissions data for a minimum of 90 percent (only 75 percent is required prior to January 1, 2012) of all operating hours per 30-day rolling average.

**§ 60.49Da Emission monitoring.**

- (a) Except as provided for in paragraphs (t) and (u) of this section, the owner or operator of an affected facility, shall install, calibrate, maintain, and operate a CEMS, and record the output of the system, for measuring the opacity of emissions discharged to the atmosphere. If opacity interference due to water droplets exists in the stack (for example, from the use of an FGD system), the opacity is monitored upstream of the interference (at the inlet to the FGD system). If opacity interference is experienced at all locations (both at the inlet and outlet of the SO<sub>2</sub> control system), alternate parameters indicative of the PM control system's performance and/or good combustion are monitored (subject to the approval of the Administrator).
- (b) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a CEMS, and record the output of the system, for measuring SO<sub>2</sub> emissions, except where natural gas is the only fuel combusted, as follows:
  - (1) Sulfur dioxide emissions are monitored at both the inlet and outlet of the SO<sub>2</sub> control device.
  - (2) For a facility that qualifies under the numerical limit provisions of §60.43Da(d), (i), (j), or (k) SO<sub>2</sub> emissions are only monitored as discharged to the atmosphere.
  - (3) An "as fired" fuel monitoring system (upstream of coal pulverizers) meeting the requirements of Method 19 of appendix A of this part may be used to determine potential SO<sub>2</sub> emissions in place of a continuous SO<sub>2</sub> emission monitor at the inlet to the SO<sub>2</sub> control device as required under paragraph (b)(1) of this section.
  - (4) If the owner or operator has installed and certified a SO<sub>2</sub> continuous emissions monitoring system (CEMS) according to the requirements of §75.20(c)(1) of this chapter and appendix A to part 75 of this chapter, and is continuing to meet the ongoing quality assurance requirements of §75.21 of this chapter and appendix B to part 75 of this chapter, that CEMS may be used to meet the requirements of this section, provided that:
    - (i) A CO<sub>2</sub> or O<sub>2</sub> continuous monitoring system is installed, calibrated, maintained and operated at the same location, according to paragraph (d) of this section; and
    - (ii) For sources subject to an SO<sub>2</sub> emission limit in lb/MMBtu under §60.43Da:
      - (A) When relative accuracy testing is conducted, SO<sub>2</sub> concentration data and CO<sub>2</sub>(or O<sub>2</sub>) data are collected simultaneously; and
      - (B) In addition to meeting the applicable SO<sub>2</sub>and CO<sub>2</sub>(or O<sub>2</sub>) relative accuracy specifications in Figure 2 of appendix B to part 75 of this chapter, the relative accuracy (RA) standard in section 13.2 of Performance Specification 2 in appendix B to this part is met when the RA is calculated on a lb/MMBtu basis; and
    - (iii) The reporting requirements of §60.51Da are met. The SO<sub>2</sub> and CO<sub>2</sub> (or O<sub>2</sub>) data reported to meet the requirements of §60.51Da shall not include substitute data values derived from the missing data procedures in subpart D of part 75 of this chapter, nor shall the SO<sub>2</sub> data have been bias adjusted according to the procedures of part 75 of this chapter.
- (c)(1) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a CEMS, and record the output of the system, for measuring NO<sub>x</sub> emissions discharged to the atmosphere; or
- (2) If the owner or operator has installed a NO<sub>x</sub> emission rate CEMS to meet the requirements of part 75 of this chapter and is continuing to meet the ongoing requirements of part 75 of this chapter, that CEMS may be used to meet the requirements of this section, except that the owner or operator shall also meet the requirements of §60.51Da. Data reported to meet the requirements of §60.51Da shall not include data substituted using the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.

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- (d) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a CEMS, and record the output of the system, for measuring the O<sub>2</sub> or carbon dioxide (CO<sub>2</sub>) content of the flue gases at each location where SO<sub>2</sub> or NO<sub>x</sub> emissions are monitored. For affected facilities subject to a lb/MMBtu SO<sub>2</sub> emission limit under §60.43Da, if the owner or operator has installed and certified a CO<sub>2</sub> or O<sub>2</sub> monitoring system according to §75.20(c) of this chapter and Appendix A to part 75 of this chapter and the monitoring system continues to meet the applicable quality-assurance provisions of §75.21 of this chapter and appendix B to part 75 of this chapter, that CEMS may be used together with the part 75 SO<sub>2</sub> concentration monitoring system described in paragraph (b) of this section, to determine the SO<sub>2</sub> emission rate in lb/MMBtu. SO<sub>2</sub> data used to meet the requirements of §60.51Da shall not include substitute data values derived from the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.
- (e) The CEMS under paragraphs (b), (c), and (d) of this section are operated and data recorded during all periods of operation of the affected facility including periods of startup, shutdown, malfunction or emergency conditions, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments.
- (f)
- (1) For units that began construction, reconstruction, or modification on or before February 28, 2005, the owner or operator shall obtain emission data for at least 18 hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement cannot be met with CEMS, the owner or operator shall supplement emission data with other monitoring systems approved by the Administrator or the reference methods and procedures as described in paragraph (h) of this section.
- (2) For units that began construction, reconstruction, or modification after February 28, 2005, the owner or operator shall obtain emission data for at least 90 percent of all operating hours for each 30 successive boiler operating days. If this minimum data requirement cannot be met with a CEMS, the owner or operator shall supplement emission data with other monitoring systems approved by the Administrator or the reference methods and procedures as described in paragraph (h) of this section.
- (g) The 1-hour averages required under paragraph §60.13(h) are expressed in ng/J (lb/MMBtu) heat input and used to calculate the average emission rates under §60.48Da. The 1-hour averages are calculated using the data points required under §60.13(h)(2).
- (h) When it becomes necessary to supplement CEMS data to meet the minimum data requirements in paragraph (f) of this section, the owner or operator shall use the reference methods and procedures as specified in this paragraph. Acceptable alternative methods and procedures are given in paragraph (j) of this section.
- (1) Method 6 of appendix A of this part shall be used to determine the SO<sub>2</sub> concentration at the same location as the SO<sub>2</sub> monitor. Samples shall be taken at 60-minute intervals. The sampling time and sample volume for each sample shall be at least 20 minutes and 0.020 dscm (0.71 dscf). Each sample represents a 1-hour average.
- (2) Method 7 of appendix A of this part shall be used to determine the NO<sub>x</sub> concentration at the same location as the NO<sub>x</sub> monitor. Samples shall be taken at 30-minute intervals. The arithmetic average of two consecutive samples represents a 1-hour average.
- (3) The emission rate correction factor, integrated bag sampling and analysis procedure of Method 3B of appendix A of this part shall be used to determine the O<sub>2</sub> or CO<sub>2</sub> concentration at the same location as the O<sub>2</sub> or CO<sub>2</sub> monitor. Samples shall be taken for at least 30 minutes in each hour. Each sample represents a 1-hour average.
- (4) The procedures in Method 19 of appendix A of this part shall be used to compute each 1-hour average concentration in ng/J (lb/MMBtu) heat input.
- (i) The owner or operator shall use methods and procedures in this paragraph to conduct monitoring system performance evaluations under §60.13(c) and calibration checks under §60.13(d). Acceptable alternative methods and procedures are given in paragraph (j) of this section.
- (1) Methods 3B, 6, and 7 of appendix A of this part shall be used to determine O<sub>2</sub>, SO<sub>2</sub>, and NO<sub>x</sub> concentrations, respectively.
- (2) SO<sub>2</sub> or NO<sub>x</sub> (NO), as applicable, shall be used for preparing the calibration gas mixtures (in N<sub>2</sub>, as applicable) under Performance Specification 2 of appendix B of this part.

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- (3) For affected facilities burning only fossil fuel, the span value for a CEMS for measuring opacity is between 60 and 80 percent. Span values for a CEMS measuring NO<sub>x</sub> shall be determined using one of the following procedures:
- (i) Except as provided under paragraph (i)(3)(ii) of this section, NO<sub>x</sub> span values shall be determined as follows:

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Fossil fuel	Span values for NO <sub>x</sub> (ppm)
Gas	500.
Liquid	500.
Solid	1,000.
Combination	500 (x + y) + 1,000z.

Where:

- x = Fraction of total heat input derived from gaseous fossil fuel,
- y = Fraction of total heat input derived from liquid fossil fuel, and
- z = Fraction of total heat input derived from solid fossil fuel.

(ii) As an alternative to meeting the requirements of paragraph (i)(3)(i) of this section, the owner or operator of an affected facility may elect to use the NO<sub>x</sub> span values determined according to section 2.1.2 in appendix A to part 75 of this chapter.

- (4) All span values computed under paragraph (i)(3)(i) of this section for burning combinations of fossil fuels are rounded to the nearest 500 ppm. Span values computed under paragraph (i)(3)(ii) of this section shall be rounded off according to section 2.1.2 in appendix A to part 75 of this chapter.
- (5) For affected facilities burning fossil fuel, alone or in combination with non-fossil fuel and determining span values under paragraph (i)(3)(i) of this section, the span value of the SO<sub>2</sub> CEMS at the inlet to the SO<sub>2</sub> control device is 125 percent of the maximum estimated hourly potential emissions of the fuel fired, and the outlet of the SO<sub>2</sub> control device is 50 percent of maximum estimated hourly potential emissions of the fuel fired. For affected facilities determining span values under paragraph (i)(3)(ii) of this section, SO<sub>2</sub> span values shall be determined according to section 2.1.1 in appendix A to part 75 of this chapter.
- (j) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
  - (1) For Method 6 of appendix A of this part, Method 6A or 6B (whenever Methods 6 and 3 or 3B of appendix A of this part data are used) or 6C of appendix A of this part may be used. Each Method 6B of appendix A of this part sample obtained over 24 hours represents 24 1-hour averages. If Method 6A or 6B of appendix A of this part is used under paragraph (i) of this section, the conditions under §60.48Da(d)(1) apply; these conditions do not apply under paragraph (h) of this section.
  - (2) For Method 7 of appendix A of this part, Method 7A, 7C, 7D, or 7E of appendix A of this part may be used. If Method 7C, 7D, or 7E of appendix A of this part is used, the sampling time for each run shall be 1 hour.
  - (3) For Method 3 of appendix A of this part, Method 3A or 3B of appendix A of this part may be used if the sampling time is 1 hour.
  - (4) For Method 3B of appendix A of this part, Method 3A of appendix A of this part may be used.
- (k) The procedures specified in paragraphs (k)(1) through (3) of this section shall be used to determine gross output for sources demonstrating compliance with the output-based standard under §60.44Da(d)(1).
  - (1) The owner or operator of an affected facility with electricity generation shall install, calibrate, maintain, and operate a wattmeter; measure gross electrical output in MWh on a continuous basis; and record the output of the monitor.
  - (2) The owner or operator of an affected facility with process steam generation shall install, calibrate, maintain, and operate meters for steam flow, temperature, and pressure; measure gross process steam output in joules per hour (or Btu per hour) on a continuous basis; and record the output of the monitor.

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- (3) For affected facilities generating process steam in combination with electrical generation, the gross energy output is determined from the gross electrical output measured in accordance with paragraph (k)(1) of this section plus 75 percent of the gross thermal output (measured relative to ISO conditions) of the process steam measured in accordance with paragraph (k)(2) of this section.
- (l) The owner or operator of an affected facility demonstrating compliance with an output-based standard under §60.42Da, §60.43Da, §60.44Da, or §60.45Da shall install, certify, operate, and maintain a continuous flow monitoring system meeting the requirements of Performance Specification 6 of appendix B of this part and the CD assessment, RATA and reporting provisions of procedure 1 of appendix F of this part, and record the output of the system, for measuring the volumetric flow rate of exhaust gases discharged to the atmosphere; or
- (m) Alternatively, data from a continuous flow monitoring system certified according to the requirements of §75.20(c) of this chapter and appendix A to part 75 of this chapter, and continuing to meet the applicable quality control and quality assurance requirements of §75.21 of this chapter and appendix B to part 75 of this chapter, may be used. Flow rate data reported to meet the requirements of §60.51Da shall not include substitute data values derived from the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.
- (n) Gas-fired and oil-fired units. The owner or operator of an affected unit that qualifies as a gas-fired or oil-fired unit, as defined in 40 CFR 72.2, may use, as an alternative to the requirements specified in either paragraph (l) or (m) of this section, a fuel flow monitoring system certified and operated according to the requirements of appendix D of part 75 of this chapter.
- (o) The owner or operator of a duct burner, as described in §60.41Da, which is subject to the NO<sub>x</sub> standards of §60.44Da(a)(1), (d)(1), or (e)(1) is not required to install or operate a CEMS to measure NO<sub>x</sub> emissions; a wattmeter to measure gross electrical output; meters to measure steam flow, temperature, and pressure; and a continuous flow monitoring system to measure the flow of exhaust gases discharged to the atmosphere.
- (p) The owner or operator of an affected facility demonstrating compliance with an Hg limit in §60.45Da shall install and operate a CEMS to measure and record the concentration of Hg in the exhaust gases from each stack according to the requirements in paragraphs (p)(1) through (p)(3) of this section. Alternatively, for an affected facility that is also subject to the requirements of subpart I of part 75 of this chapter, the owner or operator may install, certify, maintain, operate and quality-assure the data from a Hg CEMS according to §75.10 of this chapter and appendices A and B to part 75 of this chapter, in lieu of following the procedures in paragraphs (p)(1) through (p)(3) of this section.
- (1) The owner or operator must install, operate, and maintain each CEMS according to Performance Specification 12A in appendix B to this part.
- (2) The owner or operator must conduct a performance evaluation of each CEMS according to the requirements of §60.13 and Performance Specification 12A in appendix B to this part.
- (3) The owner or operator must operate each CEMS according to the requirements in paragraphs (p)(3)(i) through (iv) of this section.
- (i) As specified in §60.13(e)(2), each CEMS must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.
- (ii) The owner or operator must reduce CEMS data as specified in §60.13(h).
- (iii) The owner or operator shall use all valid data points collected during the hour to calculate the hourly average Hg concentration.
- (iv) The owner or operator must record the results of each required certification and quality assurance test of the CEMS.
- (4) Mercury CEMS data collection must conform to paragraphs (p)(4)(i) through (iv) of this section.
- (i) For each calendar month in which the affected unit operates, valid hourly Hg concentration data, stack gas volumetric flow rate data, moisture data (if required), and electrical output data (i.e., valid data for all of these parameters) shall be obtained for at least 75 percent of the unit operating hours in the month.

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- (ii) Data reported to meet the requirements of this subpart shall not include hours of unit startup, shutdown, or malfunction. In addition, for an affected facility that is also subject to subpart I of part 75 of this chapter, data reported to meet the requirements of this subpart shall not include data substituted using the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.
- (iii) If valid data are obtained for less than 75 percent of the unit operating hours in a month, you must discard the data collected in that month and replace the data with the mean of the individual monthly emission rate values determined in the last 12 months. In the 12-month rolling average calculation, this substitute Hg emission rate shall be weighted according to the number of unit operating hours in the month for which the data capture requirement of §60.49Da(p)(4)(i) was not met.
- (iv) Notwithstanding the requirements of paragraph (p)(4)(iii) of this section, if valid data are obtained for less than 75 percent of the unit operating hours in another month in that same 12-month rolling average cycle, discard the data collected in that month and replace the data with the highest individual monthly emission rate determined in the last 12 months. In the 12-month rolling average calculation, this substitute Hg emission rate shall be weighted according to the number of unit operating hours in the month for which the data capture requirement of §60.49Da(p)(4)(i) was not met.
- (q) As an alternative to the CEMS required in paragraph (p) of this section, the owner or operator may use a sorbent trap monitoring system (as defined in §72.2 of this chapter) to monitor Hg concentration, according to the procedures described in §75.15 of this chapter and appendix K to part 75 of this chapter.
- (r) For Hg CEMS that measure Hg concentration on a dry basis or for sorbent trap monitoring systems, the emissions data must be corrected for the stack gas moisture content. A certified continuous moisture monitoring system that meets the requirements of §75.11(b) of this chapter is acceptable for this purpose. Alternatively, the appropriate default moisture value, as specified in §75.11(b) or §75.12(b) of this chapter, may be used.
- (s) The owner or operator shall prepare and submit to the Administrator for approval a unit-specific monitoring plan for each monitoring system, at least 45 days before commencing certification testing of the monitoring systems. The owner or operator shall comply with the requirements in your plan. The plan must address the requirements in paragraphs (s)(1) through (6) of this section.
  - (1) Installation of the CEMS sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of the exhaust emissions ( e.g. , on or downstream of the last control device);
  - (2) Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer, and the data collection and reduction systems;
  - (3) Performance evaluation procedures and acceptance criteria ( e.g., calibrations, relative accuracy test audits (RATA), etc.);
  - (4) Ongoing operation and maintenance procedures in accordance with the general requirements of §60.13(d) or part 75 of this chapter (as applicable);
  - (5) Ongoing data quality assurance procedures in accordance with the general requirements of §60.13 or part 75 of this chapter (as applicable); and
  - (6) Ongoing recordkeeping and reporting procedures in accordance with the requirements of this subpart.
- (t) The owner or operator of an affected facility demonstrating compliance with the output-based emissions limitation under §60.42Da(c)(1) shall install, certify, operate, and maintain a CEMS for measuring PM emissions according to the requirements of paragraph (v) of this section. An owner or operator of an affected source demonstrating compliance with the input-based emission limitation under §60.42Da(c)(2) may install, certify, operate, and maintain a CEMS for measuring PM emissions according to the requirements of paragraph (v) of this section.
- (u) An owner or operator of an affected source that meets the conditions in either paragraph (u)(1), (2) or (3) of this section is exempted from the continuous opacity monitoring system requirements in paragraph (a) of this section and the monitoring requirements in §60.48Da(o).

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- (1) A CEMS for measuring PM emissions is used to demonstrate continuous compliance on a boiler operating day average with the emissions limitations under §60.42Da(a)(1) or §60.42Da(c)(2) and is installed, certified, operated, and maintained on the affected source according to the requirements of paragraph (v) of this section; or
- (2) The affected source burns only gaseous fuels and does not use a post-combustion technology to reduce emissions of SO<sub>2</sub> or PM; or
- (3) The affected source does not use post-combustion technology (except a wet scrubber) for reducing PM, SO<sub>2</sub>, or carbon monoxide (CO) emissions, burns only natural gas, gaseous fuels, or fuel oils that contain less than or equal to 0.30 weight percent sulfur, and is operated such that emissions of CO to the atmosphere from the affected source are maintained at levels less than or equal to 1.4 lb/MWh on a boiler operating day average basis. Owners and operators of affected sources electing to comply with this paragraph must demonstrate compliance according to the procedures specified in paragraphs (u)(3)(i) through (iv) of this section.
  - (i) You must monitor CO emissions using a CEMS according to the procedures specified in paragraphs (u)(3)(i)(A) through (D) of this section.
    - (A) The CO CEMS must be installed, certified, maintained, and operated according to the provisions in §60.58b(i)(3) of subpart Eb of this part.
    - (B) Each 1-hour CO emissions average is calculated using the data points generated by the CO CEMS expressed in parts per million by volume corrected to 3 percent oxygen (dry basis).
    - (C) At a minimum, valid 1-hour CO emissions averages must be obtained for at least 90 percent of the operating hours on a 30-day rolling average basis. At least two data points per hour must be used to calculate each 1-hour average.
    - (D) Quarterly accuracy determinations and daily calibration drift tests for the CO CEMS must be performed in accordance with procedure 1 in appendix F of this part.
  - (ii) You must calculate the 1-hour average CO emissions levels for each boiler operating day by multiplying the average hourly CO output concentration measured by the CO CEMS times the corresponding average hourly flue gas flow rate and divided by the corresponding average hourly useful energy output from the affected source. The 24-hour average CO emission level is determined by calculating the arithmetic average of the hourly CO emission levels computed for each boiler operating day.
  - (iii) You must evaluate the preceding 24-hour average CO emission level each boiler operating day excluding periods of affected source startup, shutdown, or malfunction. If the 24-hour average CO emission level is greater than 1.4 lb/MWh, you must initiate investigation of the relevant equipment and control systems within 24 hours of the first discovery of the high emission incident and, take the appropriate corrective action as soon as practicable to adjust control settings or repair equipment to reduce the 24-hour average CO emission level to 1.4 lb/MWh or less.
  - (iv) You must record the CO measurements and calculations performed according to paragraph (u)(3) of this section and any corrective actions taken. The record of corrective action taken must include the date and time during which the 24-hour average CO emission level was greater than 1.4 lb/MWh, and the date, time, and description of the corrective action.
  - (v) The owner or operator of an affected facility using a CEMS measuring PM emissions to meet requirements of this subpart shall install, certify, operate, and maintain the CEMS as specified in paragraphs (v)(1) through (v)(3).
- (1) The owner or operator shall conduct a performance evaluation of the CEMS according to the applicable requirements of §60.13, Performance Specification 11 in appendix B of this part, and procedure 2 in appendix F of this part.
- (2) During each relative accuracy test run of the CEMS required by Performance Specification 11 in appendix B of this part, PM and O<sub>2</sub> (or CO<sub>2</sub>) data shall be collected concurrently (or within a 30-to 60-minute period) by both the CEMS and conducting performance tests using the following test methods.
  - (i) For PM, EPA Reference Method 5, 5B, or 17 of appendix A of this part shall be used.

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- (ii) For O<sub>2</sub> (or CO<sub>2</sub>), EPA Reference Method 3, 3A, or 3B of appendix A of this part, as applicable shall be used.
- (3) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 2 in appendix F of this part. Relative Response Audit's must be performed annually and Response Correlation Audits must be performed every 3 years.
- (w)
- (1) Except as provided for under paragraphs (w)(2), (w)(3), and (w)(4) of this section, the SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, and O<sub>2</sub> CEMS required under paragraphs (b) through (d) of this section shall be installed, certified, and operated in accordance with the applicable procedures in Performance Specification 2 or 3 in appendix B to this part or according to the procedures in appendices A and B to part 75 of this chapter. Daily calibration drift assessments and quarterly accuracy determinations shall be done in accordance with Procedure 1 in appendix F to this part, and a data assessment report (DAR), prepared according to section 7 of Procedure 1 in appendix F to this part, shall be submitted with each compliance report required under §60.51Da., the owner or operator may elect to implement the following alternative data accuracy assessment procedures:
- (2) As an alternative to meeting the requirements of paragraph (w)(1) of this section, an owner or operator may elect to may elect to implement the following alternative data accuracy assessment procedures. For all required CO<sub>2</sub> and O<sub>2</sub> CEMS and for SO<sub>2</sub> and NO<sub>x</sub> CEMS with span values greater than 100 ppm, the daily calibration error test and calibration adjustment procedures described in sections 2.1.1 and 2.1.3 of appendix B to part 75 of this chapter may be followed instead of the CD assessment procedures in Procedure 1, section 4.1 of appendix F of this part. If this option is selected, the data validation and out-of-control provisions in sections 2.1.4 and 2.1.5 of appendix B to part 75 of this chapter shall be followed instead of the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part. For the purposes of data validation under this subpart, the excessive CD and out-of-control criteria in Procedure 1, section 4.3 of appendix F to this part shall apply to SO<sub>2</sub> and NO<sub>x</sub> span values less than 100 ppm;
- (3) As an alternative to meeting the requirements of paragraph (w)(1) of this section, an owner or operator may elect to may elect to implement the following alternative data accuracy assessment procedures. For all required CO<sub>2</sub> and O<sub>2</sub> CEMS and for SO<sub>2</sub> and NO<sub>x</sub> CEMS with span values greater than 30 ppm, quarterly linearity checks may be performed in accordance with section 2.2.1 of appendix B to part 75 of this chapter, instead of performing the cylinder gas audits (CGAs) described in Procedure 1, section 5.1.2 of appendix F to this part. If this option is selected: The frequency of the linearity checks shall be as specified in section 2.2.1 of appendix B to part 75 of this chapter; the applicable linearity specifications in section 3.2 of appendix A to part 75 of this chapter shall be met; the data validation and out-of-control criteria in section 2.2.3 of appendix B to part 75 of this chapter shall be followed instead of the excessive audit inaccuracy and out-of-control criteria in Procedure 1, section 5.2 of appendix F to this part; and the grace period provisions in section 2.2.4 of appendix B to part 75 of this chapter shall apply. For the purposes of data validation under this subpart, the cylinder gas audits described in Procedure 1, section 5.1.2 of appendix F to this part shall be performed for SO<sub>2</sub> and NO<sub>x</sub> span values less than or equal to 30 ppm;
- (4) As an alternative to meeting the requirements of paragraph (w)(1) of this section, an owner or operator may elect to may elect to implement the following alternative data accuracy assessment procedures. For SO<sub>2</sub>, CO<sub>2</sub>, and O<sub>2</sub> CEMS and for NO<sub>x</sub> CEMS, RATAs may be performed in accordance with section 2.3 of appendix B to part 75 of this chapter instead of following the procedures described in Procedure 1, section 5.1.1 of appendix F to this part. If this option is selected: The frequency of each RATA shall be as specified in section 2.3.1 of appendix B to part 75 of this chapter; the applicable relative accuracy specifications shown in Figure 2 in appendix B to part 75 of this chapter shall be met; the data validation and out-of-control criteria in section 2.3.2 of appendix B to part 75 of this chapter shall be followed instead of the excessive audit inaccuracy and out-of-control criteria in Procedure 1, section 5.2 of appendix F to this part; and the grace period provisions in section 2.3.3 of appendix B to part 75 of this chapter shall apply. For the purposes of data validation under this subpart, the relative accuracy specification in section 13.2 of Performance Specification 2 in appendix B to this part shall be met on a lb/MMBtu basis for SO<sub>2</sub> (regardless of the SO<sub>2</sub> emission level during the RATA), and for NO<sub>x</sub> when the average NO<sub>x</sub> emission rate measured by the reference method during the RATA is less than 0.100 lb/MMBtu;
- (5) If the owner or operator elects to implement the alternative data assessment procedures described in paragraphs (w)(2) through (w)(4) of this section, each data assessment report shall include a summary of the results of all of the



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RATAs, linearity checks, CGAs, and calibration error or drift assessments required by paragraphs (w)(2) through (w)(4) of this section.

**§ 60.50Da Compliance determination procedures and methods.**

- (a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the methods in appendix A of this part or the methods and procedures as specified in this section, except as provided in §60.8(b). Section 60.8(f) does not apply to this section for SO<sub>2</sub> and NO<sub>x</sub>. Acceptable alternative methods are given in paragraph (e) of this section.
- (b) The owner or operator shall determine compliance with the PM standards in §60.42Da as follows:
- (1) The dry basis F factor (O<sub>2</sub>) procedures in Method 19 of appendix A of this part shall be used to compute the emission rate of PM.
  - (2) For the particular matter concentration, Method 5 of appendix A of this part shall be used at affected facilities without wet FGD systems and Method 5B of appendix A of this part shall be used after wet FGD systems.
    - (i) The sampling time and sample volume for each run shall be at least 120 minutes and 1.70 dscm (60 dscf). The probe and filter holder heating system in the sampling train may be set to provide an average gas temperature of no greater than 160±14 °C (320±25 °F).
    - (ii) For each particulate run, the emission rate correction factor, integrated or grab sampling and analysis procedures of Method 3B of appendix A of this part shall be used to determine the O<sub>2</sub> concentration. The O<sub>2</sub> sample shall be obtained simultaneously with, and at the same traverse points as, the particulate run. If the particulate run has more than 12 traverse points, the O<sub>2</sub> traverse points may be reduced to 12 provided that Method 1 of appendix A of this part is used to locate the 12 O<sub>2</sub> traverse points. If the grab sampling procedure is used, the O<sub>2</sub> concentration for the run shall be the arithmetic mean of the sample O<sub>2</sub> concentrations at all traverse points.
  - (3) Method 9 of appendix A of this part and the procedures in §60.11 shall be used to determine opacity.
- (c) The owner or operator shall determine compliance with the SO<sub>2</sub> standards in §60.43Da as follows:
- (1) The percent of potential SO<sub>2</sub> emissions (%Ps) to the atmosphere shall be computed using the following equation:

$$\%P_s = \frac{(100 - \%R_f)(100 - \%R_g)}{100}$$

Where:

- %Ps = Percent of potential SO<sub>2</sub> emissions, percent;  
 %Rf = Percent reduction from fuel pretreatment, percent; and  
 %Rg = Percent reduction by SO<sub>2</sub> control system, percent.

- (2) The procedures in Method 19 of appendix A of this part may be used to determine percent reduction (%R<sub>f</sub>) of sulfur by such processes as fuel pretreatment (physical coal cleaning, hydrodesulfurization of fuel oil, etc.), coal pulverizers, and bottom and fly ash interactions. This determination is optional.
  - (3) The procedures in Method 19 of appendix A of this part shall be used to determine the percent SO<sub>2</sub> reduction (%R<sub>g</sub>) of any SO<sub>2</sub> control system. Alternatively, a combination of an "as fired" fuel monitor and emission rates measured after the control system, following the procedures in Method 19 of appendix A of this part, may be used if the percent reduction is calculated using the average emission rate from the SO<sub>2</sub> control device and the average SO<sub>2</sub> input rate from the "as fired" fuel analysis for 30 successive boiler operating days.
  - (4) The appropriate procedures in Method 19 of appendix A of this part shall be used to determine the emission rate.
  - (5) The CEMS in §60.49Da(b) and (d) shall be used to determine the concentrations of SO<sub>2</sub> and CO<sub>2</sub> or O<sub>2</sub>.
- (d) The owner or operator shall determine compliance with the NO<sub>x</sub> standard in §60.44Da as follows:

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- (1) The appropriate procedures in Method 19 of appendix A of this part shall be used to determine the emission rate of NO<sub>x</sub>.
- (2) The continuous monitoring system in §60.49Da(c) and (d) shall be used to determine the concentrations of NO<sub>x</sub> and CO<sub>2</sub> or O<sub>2</sub>.
- (e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
  - (1) For Method 5 or 5B of appendix A of this part, Method 17 of appendix A of this part may be used at facilities with or without wet FGD systems if the stack temperature at the sampling location does not exceed an average temperature of 160 °C (320 °F). The procedures of §§2.1 and 2.3 of Method 5B of appendix A of this part may be used in Method 17 of appendix A of this part only if it is used after wet FGD systems. Method 17 of appendix A of this part shall not be used after wet FGD systems if the effluent is saturated or laden with water droplets.
  - (2) The F<sub>c</sub> factor (CO<sub>2</sub>) procedures in Method 19 of appendix A of this part may be used to compute the emission rate of PM under the stipulations of §60.46(d)(1). The CO<sub>2</sub> shall be determined in the same manner as the O<sub>2</sub> concentration.
- (f) Electric utility combined cycle gas turbines are performance tested for PM, SO<sub>2</sub>, and NO<sub>x</sub> using the procedures of Method 19 of appendix A of this part. The SO<sub>2</sub> and NO<sub>x</sub> emission rates from the gas turbine used in Method 19 of appendix A of this part calculations are determined when the gas turbine is performance tested under subpart GG of this part. The potential uncontrolled PM emission rate from a gas turbine is defined as 17 ng/J (0.04 lb/MMBtu) heat input.
- (g) For the purposes of determining compliance with the emission limits in §60.45Da, the owner or operator of an electric utility steam generating unit which is also a cogeneration unit shall use the procedures in paragraphs (g)(1) and (2) of this section to calculate emission rates based on electrical output to the grid plus 75 percent of the equivalent electrical energy (measured relative to ISO conditions) in the unit's process stream.
  - (1) All conversions from Btu/hr unit input to MW unit output must use equivalents found in 40 CFR 60.40(a)(1) for electric utilities ( *i.e.* , 250 MMBtu/hr input to an electric utility steam generating unit is equivalent to 73 MW input to the electric utility steam generating unit); 73 MW input to the electric utility steam generating unit is equivalent to 25 MW output from the boiler electric utility steam generating unit; therefore, 250 MMBtu input to the electric utility steam generating unit is equivalent to 25 MW output from the electric utility steam generating unit).
  - (2) Use the Equation 5 in this section to determine the cogeneration Hg emission rate over a specific compliance period.

$$ER_{\text{cogen}} = \frac{M}{(V_{\text{grid}} + 0.75 \times V_{\text{process}})} \quad (\text{Eq. 5})$$

Where:

ER<sub>cogen</sub> = Cogeneration Hg emission rate over a compliance period in lb/MWh;

E = Mass of Hg emitted from the stack over the same compliance period (lb);

V<sub>grid</sub> = Amount of energy sent to the grid over the same compliance period (MWh); and

V<sub>process</sub> = Amount of energy converted to steam for process use over the same compliance period (MWh).

- (h) The owner or operator shall determine compliance with the Hg limit in §60.45Da according to the procedures in paragraphs (h)(1) through (3) of this section.
  - (1) The initial performance test shall be commenced by the applicable date specified in §60.8(a). The required CEMS must be certified prior to commencing the test. The performance test consists of collecting hourly Hg emission data (lb/MWh) with the CEMS for 12 successive months of unit operation (excluding hours of unit startup, shutdown and malfunction). The average Hg emission rate is calculated for each month, and then the weighted, 12-month average Hg emission rate is calculated according to paragraph (h)(2) or (h)(3) of this section, as applicable. If, for any month in the initial performance test, the minimum data capture requirement in §60.49Da(p)(4)(i) is not met, the owner or operator shall report a substitute Hg emission rate for that month, as follows. For the first such month, the substitute monthly Hg emission rate shall be the arithmetic average of all valid hourly Hg emission rates recorded to date. For any subsequent month(s) with insufficient data capture, the substitute monthly Hg emission rate shall be the highest valid hourly Hg emission rate recorded to date. When the 12-month average Hg emission rate for the initial

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performance test is calculated, for each month in which there was insufficient data capture, the substitute monthly Hg emission rate shall be weighted according to the number of unit operating hours in that month. Following the initial performance test, the owner or operator shall demonstrate compliance by calculating the weighted average of all monthly Hg emission rates (in lb/MWh) for each 12 successive calendar months, excluding data obtained during startup, shutdown, or malfunction.

(2) If a CEMS is used to demonstrate compliance, follow the procedures in paragraphs (h)(2)(i) through (iii) of this section to determine the 12-month rolling average.

(i) Calculate the total mass of Hg emissions over a month (M), in lb, using either Equation 6 in paragraph (h)(2)(i)(A) of this section or Equation 7 in paragraph (h)(2)(i)(B) of this section, in conjunction with Equation 8 in paragraph (h)(2)(i)(C) of this section.

(A) If the Hg CEMS measures Hg concentration on a wet basis, use Equation 6 below to calculate the Hg mass emissions for each valid hour:

$$E_h = KC_h Q_h t_h \quad (\text{Eq. 6})$$

Where:

$E_h$  = Hg mass emissions for the hour, (lb);

$K$  = Units conversion constant,  $6.24 \times 10^{-11}$  lb-scm/ $\mu$ gm-scf;

$C_h$  = Hourly Hg concentration, wet basis, ( $\mu$ gm/scm);

$Q_h$  = Hourly stack gas volumetric flow rate, (scfh); and

$t_h$  = Unit operating time, i.e., the fraction of the hour for which the unit operated. For example,  $t_h = 0.50$  for a half-hour of unit operation and 1.00 for a full hour of operation.

(B) If the Hg CEMS measures Hg concentration on a dry basis, use Equation 7 below to calculate the Hg mass emissions for each valid hour:

$$E_h = KC_h Q_h t_h (1 - B_{ws}) \quad (\text{Eq. 7})$$

Where:

$E_h$  = Hg mass emissions for the hour, (lb);

$K$  = Units conversion constant,  $6.24 \times 10^{-11}$  lb-scm/ $\mu$ gm-scf;

$C_h$  = Hourly Hg concentration, dry basis, ( $\mu$ gm/dscm);

$Q_h$  = Hourly stack gas volumetric flow rate, (scfh);

$t_h$  = Unit operating time, i.e., the fraction of the hour for which the unit operated; and

$B_{ws}$  = Stack gas moisture content, expressed as a decimal fraction (e.g., for 8 percent H<sub>2</sub>O,  $B_{ws} = 0.08$ ).

(C) Use Equation 8, below, to calculate M, the total mass of Hg emitted for the month, by summing the hourly masses derived from Equation 6 or 7 (as applicable):

$$M = \sum_{h=1}^n E_h \quad (\text{Eq. 8})$$

Where:

$M$  = Total Hg mass emissions for the month, (lb);

$E_h$  = Hg mass emissions for hour "h", from Equation 6 or 7 of this section, (lb); and

$n$  = Number of unit operating hours in the month with valid CE and electrical output data, excluding hours of unit startup, shutdown and malfunction.

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- (ii) Calculate the monthly Hg emission rate on an output basis (lb/MWh) using Equation 9, below. For a cogeneration unit, use Equation 5 in paragraph (g) of this section instead.

$$ER = \frac{M}{P} \quad (\text{Eq 9})$$

Where:

ER = Monthly Hg emission rate, (lb/MWh);

M = Total mass of Hg emissions for the month, from Equation 8, above, (lb); and

P = Total electrical output for the month, for the hours used to calculate M, (MWh).

- (iii) Until 12 monthly Hg emission rates have been accumulated, calculate and report only the monthly averages. Then, for each subsequent calendar month, use Equation 10 below to calculate the 12-month rolling average as a weighted average of the Hg emission rate for the current month and the Hg emission rates for the previous 11 months, with one exception. Calendar months in which the unit does not operate (zero unit operating hours) shall not be included in the 12-month rolling average.

$$E_{avg} = \frac{\sum_{i=1}^{12} (ER_i \times n_i)}{\sum_{i=1}^{12} n_i} \quad (\text{Eq 10})$$

Where:

$E_{avg}$  = Weighted 12-month rolling average Hg emission rate, (lb/MWh);

$ER_i$  = Monthly Hg emission rate, for month "i", (lb/MWh); and

n = Number of unit operating hours in month "i" with valid CEM and electrical output data, excluding hours of unit startup, shutdown, and malfunction.

- (3) If a sorbent trap monitoring system is used in lieu of a Hg CEMS, as described in §75.15 of this chapter and in appendix K to part 75 of this chapter, calculate the monthly Hg emission rates using Equations 7 through 9 of this section, except that for a particular pair of sorbent traps,  $C_h$  in Equation 7 shall be the flow-proportional average Hg concentration measured over the data collection period.
- (i) Daily calibration drift (CD) tests and quarterly accuracy determinations shall be performed for Hg CEMS in accordance with Procedure 1 of appendix F to this part. For the CD assessments, you may use either elemental mercury or mercuric chloride ( $Hg^0$   $HgCl_2$ ) standards. The four quarterly accuracy determinations shall consist of one RATA and three measurement error (ME) tests using  $HgCl_2$  standards, as described in section 8.3 of Performance Specification 12-A in appendix B to this part (note:  $Hg^0$  standards may be used if the Hg monitor does not have a converter). Alternatively, the owner or operator may implement the applicable daily, weekly, quarterly, and annual quality assurance (QA) requirements for Hg CEMS in appendix B to part 75 of this chapter, in lieu of the QA procedures in appendices B and F to this part. Annual RATA of sorbent trap monitoring systems shall be performed in accordance with appendices A and B to part 75 of this chapter, and all other quality assurance requirements specified in appendix K to part 75 of this chapter shall be met for sorbent trap monitoring systems.

**§ 60.51Da Reporting requirements.**

- (a) For  $SO_2$ ,  $NO_x$ , PM, and Hg emissions, the performance test data from the initial and subsequent performance test and from the performance evaluation of the continuous monitors (including the transmissometer) are submitted to the Administrator.
- (b) For  $SO_2$  and  $NO_x$  the following information is reported to the Administrator for each 24-hour period.
- (1) Calendar date.

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- (2) The average SO<sub>2</sub> and NO<sub>x</sub> emission rates (ng/J or lb/MMBtu) for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the emission standards; and, description of corrective actions taken.
  - (3) Percent reduction of the potential combustion concentration of SO<sub>2</sub> for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the standard; and, description of corrective actions taken.
  - (4) Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least 75 percent of the hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.
  - (5) Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, malfunction (NO<sub>x</sub> only), emergency conditions (SO<sub>2</sub> only), or other reasons, and justification for excluding data for reasons other than startup, shutdown, malfunction, or emergency conditions.
  - (6) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.
  - (7) Identification of times when hourly averages have been obtained based on manual sampling methods.
  - (8) Identification of the times when the pollutant concentration exceeded full span of the CEMS.
  - (9) Description of any modifications to CEMS which could affect the ability of the CEMS to comply with Performance Specifications 2 or 3.
- (c) If the minimum quantity of emission data as required by §60.49Da is not obtained for any 30 successive boiler operating days, the following information obtained under the requirements of §60.48Da(h) is reported to the Administrator for that 30-day period:
- (1) The number of hourly averages available for outlet emission rates (n<sub>o</sub>) and inlet emission rates (n<sub>i</sub>) as applicable.
  - (2) The standard deviation of hourly averages for outlet emission rates (s<sub>o</sub>) and inlet emission rates (s<sub>i</sub>) as applicable.
  - (3) The lower confidence limit for the mean outlet emission rate (E<sub>o</sub>\*) and the upper confidence limit for the mean inlet emission rate (E<sub>i</sub>\*) as applicable.
  - (4) The applicable potential combustion concentration.
  - (5) The ratio of the upper confidence limit for the mean outlet emission rate (E<sub>o</sub>\*) and the allowable emission rate (E<sub>std</sub>) as applicable.
- (d) If any standards under §60.43Da are exceeded during emergency conditions because of control system malfunction, the owner or operator of the affected facility shall submit a signed statement:
- (1) Indicating if emergency conditions existed and requirements under §60.48Da(d) were met during each period, and
  - (2) Listing the following information:
    - (i) Time periods the emergency condition existed;
    - (ii) Electrical output and demand on the owner or operator's electric utility system and the affected facility;
    - (iii) Amount of power purchased from interconnected neighboring utility companies during the emergency period;
    - (iv) Percent reduction in emissions achieved;
    - (v) Atmospheric emission rate (ng/J) of the pollutant discharged; and
    - (vi) Actions taken to correct control system malfunction.
- (e) If fuel pretreatment credit toward the SO<sub>2</sub> emission standard under §60.43Da is claimed, the owner or operator of the affected facility shall submit a signed statement:
- (1) Indicating what percentage cleaning credit was taken for the calendar quarter, and whether the credit was determined in accordance with the provisions of §60.50Da and Method 19 of appendix A of this part; and

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- (2) Listing the quantity, heat content, and date each pretreated fuel shipment was received during the previous quarter; the name and location of the fuel pretreatment facility; and the total quantity and total heat content of all fuels received at the affected facility during the previous quarter.
- (f) For any periods for which opacity, SO<sub>2</sub> or NO<sub>x</sub> emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.
- (g) For Hg, the following information shall be reported to the Administrator:
  - (1) Company name and address;
  - (2) Date of report and beginning and ending dates of the reporting period;
  - (3) The applicable Hg emission limit (lb/MWh); and
  - (4) For each month in the reporting period:
    - (i) The number of unit operating hours;
    - (ii) The number of unit operating hours with valid data for Hg concentration, stack gas flow rate, moisture (if required), and electrical output;
    - (iii) The monthly Hg emission rate (lb/MWh);
    - (iv) The number of hours of valid data excluded from the calculation of the monthly Hg emission rate, due to unit startup, shutdown and malfunction; and
    - (v) The 12-month rolling average Hg emission rate (lb/MWh); and
  - (5) The data assessment report (DAR) required by appendix F to this part, or an equivalent summary of QA test results if the QA of part 75 of this chapter are implemented.
- (h) The owner or operator of the affected facility shall submit a signed statement indicating whether:
  - (1) The required CEMS calibration, span, and drift checks or other periodic audits have or have not been performed as specified.
  - (2) The data used to show compliance was or was not obtained in accordance with approved methods and procedures of this part and is representative of plant performance.
  - (3) The minimum data requirements have or have not been met; or, the minimum data requirements have not been met for errors that were unavoidable.
  - (4) Compliance with the standards has or has not been achieved during the reporting period.
- (i) For the purposes of the reports required under §60.7, periods of excess emissions are defined as all 6-minute periods during which the average opacity exceeds the applicable opacity standards under §60.42Da(b). Opacity levels in excess of the applicable opacity standard and the date of such excesses are to be submitted to the Administrator each calendar quarter.
- (j) The owner or operator of an affected facility shall submit the written reports required under this section and subpart A to the Administrator semiannually for each six-month period. All semiannual reports shall be postmarked by the 30th day following the end of each six-month period.
- (k) The owner or operator of an affected facility may submit electronic quarterly reports for SO<sub>2</sub> and/or NO<sub>x</sub> and/or opacity and/or Hg in lieu of submitting the written reports required under paragraphs (b), (g), and (i) of this section. The format of each quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of this subpart was achieved during the reporting period. Before submitting reports in the electronic format, the owner or operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format.

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***§ 60.52Da Recordkeeping requirements.***

The owner or operator of an affected facility subject to the emissions limitations in §60.45Da shall provide notifications in accordance with §60.7(a) and shall maintain records of all information needed to demonstrate compliance including performance tests, monitoring data, fuel analyses, and calculations, consistent with the requirements of §60.7(f).

***Federal Regulations Adopted by Reference***

*In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.*

Federal Revision Date: October 17, 2000

Rule Effective Date: June 21, 2002

Standardized Conditions Revision Date: July 1, 2008

**40 CFR Part 60, Subpart OOO - Standards of Performance for Nonmetallic Mineral Processing Plants**

**Source:** 51 FR 31337, Aug. 1, 1985, unless otherwise noted.

**§ 60.670 *Applicability and designation of affected facility.***

(a)

- (1) Except as provided in paragraphs (a)(2), (b), (c), and (d) of this section, the provisions of this subpart are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.
- (2) The provisions of this subpart do not apply to the following operations: All facilities located in underground mines; and stand-alone screening operations at plants without crushers or grinding mills.

(b) An affected facility that is subject to the provisions of subpart F or I or that follows in the plant process any facility subject to the provisions of subparts F or I of this part is not subject to the provisions of this subpart.

(c) Facilities at the following plants are not subject to the provisions of this subpart:

- (1) Fixed sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 23 megagrams per hour (25 tons per hour) or less;
- (2) Portable sand and gravel plants and crushed stone plants with capacities, as defined in §60.671, of 136 megagrams per hour (150 tons per hour) or less; and
- (3) Common clay plants and pumice plants with capacities, as defined in §60.671, of 9 megagrams per hour (10 tons per hour) or less.

(d)

- (1) When an existing facility is replaced by a piece of equipment of equal or smaller size, as defined in §60.671, having the same function as the existing facility, the new facility is exempt from the provisions of §§60.672, 60.674, and 60.675 except as provided for in paragraph (d)(3) of this section.
- (2) An owner or operator complying with paragraph (d)(1) of this section shall submit the information required in §60.676(a).
- (3) An owner or operator replacing all existing facilities in a production line with new facilities does not qualify for the exemption described in paragraph (d)(1) of this section and must comply with the provisions of §§60.672, 60.674 and 60.675.

(e) An affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after August 31, 1983 is subject to the requirements of this part.

(f) Table 1 of this subpart specifies the provisions of subpart A of this part 60 that apply and those that do not apply to owners and operators of affected facilities subject to this subpart.



**APPENDIX NSPS SUBPART OOO**

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**Table 1—Applicability of Subpart A to Subpart OOO**

<b>Subpart A reference</b>	<b>Applies to Subpart OOO</b>	<b>Comment</b>
60.1, Applicability	Yes	
60.2, Definitions	Yes	
60.3, Units and abbreviations	Yes	
60.4, Address:		
(a)	Yes	
(b)	Yes	
60.5, Determination of construction or modification	Yes	
60.6, Review of plans	Yes	
60.7, Notification and recordkeeping	Yes	Except in (a)(2) report of anticipated date of initial startup is not required (§60.676(h)).
60.8, Performance tests	Yes	Except in (d), after 30 days notice for an initially scheduled performance test, any rescheduled performance test requires 7 days notice, not 30 days (§60.675(g)).
60.9, Availability of information	Yes	
60.10, State authority	Yes	
60.11, Compliance with standards and maintenance requirements	Yes	Except in (b) under certain conditions (§§60.675 (c)(3) and (c)(4)), Method 9 observation may be reduced from 3 hours to 1 hour. Some affected facilities exempted from Method 9 tests (§60.675(h)).
60.12, Circumvention	Yes	
60.13, Monitoring requirements	Yes	
60.14, Modification	Yes	
60.15, Reconstruction	Yes	
60.16, Priority list	Yes	
60.17, Incorporations by reference	Yes	
60.18, General control device	No	Flares will not be used to comply with the emission limits.

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**STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS**

60.19, General notification and reporting requirements	Yes	
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[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997]

**§ 60.671 Definitions.**

All terms used in this subpart, but not specifically defined in this section, shall have the meaning given them in the Act and in subpart A of this part.

*Bagging operation* means the mechanical process by which bags are filled with nonmetallic minerals.

*Belt conveyor* means a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

*Bucket elevator* means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

*Building* means any frame structure with a roof.

*Capacity* means the cumulative rated capacity of all initial crushers that are part of the plant.

*Capture system* means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one or more process operations to a control device.

*Control device* means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one or more process operations at a nonmetallic mineral processing plant.

*Conveying system* means a device for transporting materials from one piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: Feeders, belt conveyors, bucket elevators and pneumatic systems.

*Crusher* means a machine used to crush any nonmetallic minerals, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor.

*Enclosed truck or railcar loading station* means that portion of a nonmetallic mineral processing plant where nonmetallic minerals are loaded by an enclosed conveying system into enclosed trucks or railcars.

*Fixed plant* means any nonmetallic mineral processing plant at which the processing equipment specified in §60.670(a) is attached by a cable, chain, turnbuckle, bolt or other means (except electrical connections) to any anchor, slab, or structure including bedrock.

*Fugitive emission* means particulate matter that is not collected by a capture system and is released to the atmosphere at the point of generation.

*Grinding mill* means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used.

*Initial crusher* means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant.

*Nonmetallic mineral* means any of the following minerals or any mixture of which the majority is any of the following minerals:

- (a) Crushed and Broken Stone, including Limestone, Dolomite, Granite, Traprock, Sandstone, Quartz, Quartzite, Marl, Marble, Slate, Shale, Oil Shale, and Shell.
- (b) Sand and Gravel.
- (c) Clay including Kaolin, Fireclay, Bentonite, Fuller's Earth, Ball Clay, and Common Clay.
- (d) Rock Salt.
- (e) Gypsum.
- (f) Sodium Compounds, including Sodium Carbonate, Sodium Chloride, and Sodium Sulfate.

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- (g) Pumice.
- (h) Gilsonite.
- (i) Talc and Pyrophyllite.
- (j) Boron, including Borax, Kernite, and Colemanite.
- (k) Barite.
- (l) Fluorospar.
- (m) Feldspar.
- (n) Diatomite.
- (o) Perlite.
- (p) Vermiculite.
- (q) Mica.
- (r) Kyanite, including Andalusite, Sillimanite, Topaz, and Dumortierite.

*Nonmetallic mineral processing plant* means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670 (b) and (c).

*Portable plant* means any nonmetallic mineral processing plant that is mounted on any chassis or skids and may be moved by the application of a lifting or pulling force. In addition, there shall be no cable, chain, turnbuckle, bolt or other means (except electrical connections) by which any piece of equipment is attached or clamped to any anchor, slab, or structure, including bedrock that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the unit.

*Production line* means all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system.

*Screening operation* means a device for separating material according to size by passing undersize material through one or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens).

*Size* means the rated capacity in tons per hour of a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station; the total surface area of the top screen of a screening operation; the width of a conveyor belt; and the rated capacity in tons of a storage bin.

*Stack emission* means the particulate matter that is released to the atmosphere from a capture system.

*Storage bin* means a facility for storage (including surge bins) or nonmetallic minerals prior to further processing or loading.

*Transfer point* means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile.

*Truck dumping* means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: trucks, front end loaders, skip hoists, and railcars.

*Vent* means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one or more affected facilities.

*Wet mining operation* means a mining or dredging operation designed and operated to extract any nonmetallic mineral regulated under this subpart from deposits existing at or below the water table, where the nonmetallic mineral is saturated with water.

*Wet screening operation* means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997]

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**STANDARDS OF PERFORMANCE FOR NONMETALLIC MINERAL PROCESSING PLANTS**

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**§ 60.672 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 cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any stack emissions which:
  - (1) Contain particulate matter in excess of 0.05 g/dscm (0.022 gr/dscf); and
  - (2) Exhibit greater than 7 percent opacity, unless the stack emissions are discharged from an affected facility using a wet scrubbing control device. Facilities using a wet scrubber must comply with the reporting provisions of §60.676 (c), (d), and (e).
- (b) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.
- (c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any crusher, at which a capture system is not used, fugitive emissions which exhibit greater than 15 percent opacity.
- (d) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this section.
- (e) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:
  - (1) No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.
  - (2) No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in paragraph (a) of this section.
- (f) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.
- (g) Owners or operators of multiple storage bins with combined stack emissions shall comply with the emission limits in paragraph (a)(1) and (a)(2) of this section.
- (h) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, no owner or operator shall cause to be discharged into the atmosphere any visible emissions from:
  - (1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin.
  - (2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

[51 FR 31337, Aug. 1, 1985, as amended at 62 FR 31359, June 9, 1997; 65 FR 61778, Oct. 17, 2000]

**§ 60.673 Reconstruction.**

- (a) The cost of replacement of ore-contact surfaces on processing equipment shall not be considered in calculating either the “fixed capital cost of the new components” or the “fixed capital cost that would be required to construct a comparable

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new facility” under §60.15. Ore-contact surfaces are crushing surfaces; screen meshes, bars, and plates; conveyor belts; and elevator buckets.

- (b) Under §60.15, the “fixed capital cost of the new components” includes the fixed capital cost of all depreciable components (except components specified in paragraph (a) of this section) which are or will be replaced pursuant to all continuous programs of component replacement commenced within any 2-year period following August 31, 1983.

### § 60.674 *Monitoring of operations.*

The owner or operator of any affected facility subject to the provisions of this subpart which uses a wet scrubber to control emissions shall install, calibrate, maintain and operate the following monitoring devices:

- (a) A device for the continuous measurement of the pressure loss of the gas stream through the scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 250$  pascals  $\pm 1$  inch water gauge pressure and must be calibrated on an annual basis in accordance with manufacturer's instructions.
- (b) A device for the continuous measurement of the scrubbing liquid flow rate to the wet scrubber. The monitoring device must be certified by the manufacturer to be accurate within  $\pm 5$  percent of design scrubbing liquid flow rate and must be calibrated on an annual basis in accordance with manufacturer's instructions.

### § 60.675 *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). Acceptable alternative methods and procedures are given in paragraph (e) of this section.
- (b) The owner or operator shall determine compliance with the particulate matter standards in §60.672(a) as follows:
- (1) Method 5 or Method 17 shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5, if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter.
  - (2) Method 9 and the procedures in §60.11 shall be used to determine opacity.
- (c)
- (1) In determining compliance with the particulate matter standards in §60.672 (b) and (c), the owner or operator shall use Method 9 and the procedures in §60.11, with the following additions:
    - (i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet).
    - (ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
    - (iii) For affected facilities using wet dust suppression for particulate matter control, a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible.
  - (2) In determining compliance with the opacity of stack emissions from any baghouse that controls emissions only from an individual enclosed storage bin under §60.672(f) of this subpart, using Method 9, the duration of the Method 9 observations shall be 1 hour (ten 6-minute averages).
  - (3) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
    - (i) There are no individual readings greater than 10 percent opacity; and
    - (ii) There are no more than 3 readings of 10 percent for the 1-hour period.

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- (4) When determining compliance with the fugitive emissions standard for any crusher at which a capture system is not used as described under §60.672(c) of this subpart, the duration of the Method 9 observations may be reduced from 3 hours (thirty 6-minute averages) to 1 hour (ten 6-minute averages) only if the following conditions apply:
- (i) There are no individual readings greater than 15 percent opacity; and
  - (ii) There are no more than 3 readings of 15 percent for the 1-hour period.
- (d) In determining compliance with §60.672(e), the owner or operator shall use Method 22 to determine fugitive emissions. The performance test shall be conducted while all affected facilities inside the building are operating. The performance test for each building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.
- (e) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
- (1) For the method and procedure of paragraph (c) of this section, if emissions from two or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
    - (i) Use for the combined emission stream the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream.
    - (ii) Separate the emissions so that the opacity of emissions from each affected facility can be read.
  - (f) To comply with §60.676(d), the owner or operator shall record the measurements as required in §60.676(c) using the monitoring devices in §60.674 (a) and (b) during each particulate matter run and shall determine the averages.
  - (g) If, after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting any rescheduled performance test required in this section, the owner or operator of an affected facility shall submit a notice to the Administrator at least 7 days prior to any rescheduled performance test.
  - (h) Initial Method 9 performance tests under §60.11 of this part and §60.675 of this subpart are not required for:
    - (1) Wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to, but not including the next crusher, grinding mill or storage bin.
    - (2) Screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, that process saturated materials up to the first crusher, grinding mill, or storage bin in the production line.

[54 FR 6680, Feb. 14, 1989, as amended at 62 FR 31360, June 9, 1997]

**§ 60.676 Reporting and recordkeeping.**

- (a) Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment.
- (1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:
    - (i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and
    - (ii) The rated capacity in tons per hour of the replacement equipment.
  - (2) For a screening operation:
    - (i) The total surface area of the top screen of the existing screening operation being replaced and
    - (ii) The total surface area of the top screen of the replacement screening operation.
  - (3) For a conveyor belt:
    - (i) The width of the existing belt being replaced and
    - (ii) The width of the replacement conveyor belt.
  - (4) For a storage bin:

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- (i) The rated capacity in megagrams or tons of the existing storage bin being replaced and
- (ii) The rated capacity in megagrams or tons of replacement storage bins.
- (b) [Reserved]
- (c) During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.
- (d) After the initial performance test of a wet scrubber, the owner or operator shall submit semiannual reports to the Administrator of occurrences when the measurements of the scrubber pressure loss (or gain) and liquid flow rate differ by more than  $\pm 30$  percent from the averaged determined during the most recent performance test.
- (e) The reports required under paragraph (d) shall be postmarked within 30 days following end of the second and fourth calendar quarters.
- (f) The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b), (c), and (f), and reports of observations using Method 22 to demonstrate compliance with §60.672(e).
- (g) The owner or operator of any screening operation, bucket elevator, or belt conveyor that processes saturated material and is subject to §60.672(h) and subsequently processes unsaturated materials, shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the 10 percent opacity limit in §60.672(b) and the emission test requirements of §60.11 and this subpart. Likewise a screening operation, bucket elevator, or belt conveyor that processes unsaturated material but subsequently processes saturated material shall submit a report of this change within 30 days following such change. This screening operation, bucket elevator, or belt conveyor is then subject to the no visible emission limit in §60.672(h).
- (h) The subpart A requirement under §60.7(a)(2) for notification of the anticipated date of initial startup of an affected facility shall be waived for owners or operators of affected facilities regulated under this subpart.
- (i) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
  - (1) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
  - (2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.
- (j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

[51 FR 31337, Aug. 1, 1985, as amended at 54 FR 6680, Feb. 14, 1989; 62 FR 31360, June 9, 1997; 65 FR 61778, Oct. 17, 2000]

***Federal Regulations Adopted by Reference***

*In accordance with Rule 62-204.800, F.A.C., the following federal regulation in Title 40 of the Code of Federal Regulations (CFR) was adopted by reference. The original federal rule numbering has been retained.*

Federal Revision Date: October 17, 2000

Rule Effective Date: June 21, 2002

Standardized Conditions Revision Date: April 18, 2008

***40 CFR Part 60, Subpart Y - Standards of Performance for Coal Preparation Plants***

***§ 60.250 Applicability and designation of affected facility.***

- (a) The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 181 Mg (200 tons) per day: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.
- (b) Any facility under paragraph (a) of this section that commences construction or modification after October 24, 1974, is subject to the requirements of this subpart.

[42 FR 37938, July 25, 1977; 42 FR 44812, Sept. 7, 1977, as amended at 65 FR 61757, Oct. 17, 2000]

***§ 60.251 Definitions.***

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

- (a) *Coal preparation plant* means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.
- (b) *Bituminous coal* means solid fossil fuel classified as bituminous coal by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference—see §60.17).
- (c) *Coal* means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference—see §60.17).
- (d) *Cyclonic flow* means a spiraling movement of exhaust gases within a duct or stack.
- (e) *Thermal dryer* means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.
- (f) *Pneumatic coal-cleaning equipment* means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).
- (g) *Coal processing and conveying equipment* means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.
- (h) *Coal storage system* means any facility used to store coal except for open storage piles.
- (i) *Transfer and loading system* means any facility used to transfer and load coal for shipment.

[41 FR 2234, Jan. 15, 1976, as amended at 48 FR 3738, Jan. 27, 1983; 65 FR 61757, Oct. 17, 2000]

***§ 60.252 Standards for particulate matter.***

- (a) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any thermal dryer gases which:
  - (1) Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf).



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- (2) Exhibit 20 percent opacity or greater.
- (b) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:
  - (1) Contain particulate matter in excess of 0.040 g/dscm (0.017 gr/dscf).
  - (2) Exhibit 10 percent opacity or greater.
- (c) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

[41 FR 2234, Jan. 15, 1976, as amended at 65 FR 61757, Oct. 17, 2000]

**§ 60.253 Monitoring of operations.**

- (a) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:
  - (1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1.7^{\circ}\text{C}$  ( $\pm 3^{\circ}\text{F}$ ).
  - (2) For affected facilities that use venturi scrubber emission control equipment:
    - (i) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1$  inch water gauge.
    - (ii) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator may be consulted for approval of alternative locations.
- (b) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under §60.13(b).

[41 FR 2234, Jan. 15, 1976, as amended at 54 FR 6671, Feb. 14, 1989; 65 FR 61757, Oct. 17, 2000]

**§ 60.254 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 §60.252 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 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin.
  - (2) Method 9 and the procedures in §60.11 shall be used to determine opacity.

[54 FR 6671, Feb. 14, 1989]

**APPENDIX RR**

**FACILITY-WIDE REPORTING REQUIREMENTS**

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**RR1. Reporting Schedule.** This table summarizes information for convenience purposes only. It does not supersede any of the terms or conditions of this permit.

<b>Report</b>	<b>Reporting Deadline(s)</b>	<b>Related Condition(s)</b>
Plant Problems/Permit Deviations	Immediately upon occurrence (See RR2.d.)	RR2, RR3
Semi-Annual Monitoring Report	Every 6 months	RR4
Annual Operating Report	April 1	RR5
Annual Emissions Fee Form and Fee	March 1	RR6
Annual Statement of Compliance	Within 60 days after the end of each calendar year (or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement); and  Within 60 days after submittal of a written agreement for transfer of responsibility, or  Within 60 days after permanent shutdown.	RR7
Notification of Administrative Permit Corrections	As needed	RR8
Notification of Startup after Shutdown for More than One Year	Minimum of 60 days prior to the intended startup date or, if emergency startup, as soon as possible after the startup date is ascertained	RR9
Permit Renewal Application	225 days prior to the expiration date of permit	TV17
Test Reports	Maximum 45 days following compliance tests	TR8

{Permitting Note: See permit Section III. Emissions Units and Specific Conditions, for any additional Emission Unit-specific reporting requirements.}

**RR2. Reports of Problems.**

- a. **Plant Operation-Problems.** If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.
- b. 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:
  - (1) A description of and cause of noncompliance; and
  - (2) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

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- c. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
- d. "Immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of Rule 62-4.160(15) and 40 CFR 70.6(a)(3)(iii)(B), "promptly" or "prompt" shall have the same meaning as "immediately".  
[Rule 62-4.130, Rule 62-4.160(8), Rule 62-4.160(15), and Rule 62-213.440(1)(b), F.A.C.; 40 CFR 70.6(a)(3)(iii)(B)]

**RR3. Reports of Deviations from Permit Requirements.** The permittee shall report in accordance with the requirements of Rule 62-210.700(6), F.A.C. (below), and Rule 62-4.130, F.A.C. (condition RR2.), deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken. *Rule 62-210.700(6):* In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. (See condition RR2.). A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rules 62-213.440(1)(b)3.b., and 62-210.700(6)F.A.C.]

**RR4. Semi-Annual Monitoring Reports.** The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports. [Rule 62-213.440(1)(b)3.a., F.A.C.]

**RR5. Annual Operating Report.**

- a. The permittee shall submit to the Compliance Authority, each calendar year, on or before April 1, a completed DEP Form No 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year.
- b. Emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C.  
[Rules 62-210.370(2) & (3), and 62-213.440(3)2., F.A.C.]

**RR6. Annual Emissions Fee Form and Fee.** Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.

- a. If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to \$50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.
- b. Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.
- c. A completed DEP Form 62-213.900(1), "Major Air Pollution Source Annual Emissions Fee Form", must be submitted by a responsible official with the annual emissions fee.

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

**RR7. Annual Statement of Compliance.**

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- a. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., using DEP Form No. 62-213.900(7). Such statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C., for Title V requirements and with Rule 62-214.350, F.A.C., for Acid Rain requirements. Such statements shall be submitted (postmarked) to the Department and EPA:
  - (1) Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and
  - (2) Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.
- b. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.
- c. The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.  
[Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

**RR8. Notification of Administrative Permit Corrections.**

- a. A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:
  - (1) Typographical errors noted in the permit;
  - (2) Name, address or phone number change from that in the permit;
  - (3) A change requiring more frequent monitoring or reporting by the permittee;
  - (4) A change in ownership or operational control of a facility, subject to the following provisions:
    - (a) The Department determines that no other change in the permit is necessary;
    - (b) The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
    - (c) The new permittee has notified the Department of the effective date of sale or legal transfer.
  - (5) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
  - (6) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and
  - (7) Any other similar minor administrative change at the source.
- b. Upon receipt of any such notification, the Department shall within 60 days correct the permit and provide a corrected copy to the owner.
- c. After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.

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- d. For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

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

**RR9. Notification of Startup.** The owners or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date.

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

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

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

**RR10. Report Submission.** The permittee shall submit all compliance related notifications and reports required of this permit to the Compliance Authority. {See front of permit for address and phone number.}

**RR11. EPA Report Submission.** Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to: Air, Pesticides & Toxics Management Division, United States Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, GA 30303-8960. Phone: 404/562-9077.

**RR12. Acid Rain Report Submission.** Acid Rain Program Information shall be submitted, as necessary, to: Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #5510, Tallahassee, Florida 32399-2400. Phone: 850/488-6140. Fax: 850/922-6979.

**RR13. Report Certification.** All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C. [Rule 62-213.440(1)(b)3.c, F.A.C.]

**RR14. Certification by Responsible Official (RO).** In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information. [Rule 62-213.420(4), F.A.C.]

**RR15. Confidential Information.** Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. Any permittee may claim confidentiality of any data or other information by complying with this procedure. [Rules 62-213.420(2), and 62-213.440(1)(d)6., F.A.C.]

**RR16. Forms and Instructions.** The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, by contacting the appropriate permitting authority or by accessing the Department's web site at: <http://www.dep.state.fl.us/Air/forms.htm>.

- a. Major Air Pollution Source Annual Emissions Fee Form (Effective 01/03/2001).  
b. Statement of Compliance Form (Effective 06/02/2002).  
c. Responsible Official Notification Form (Effective 06/02/2002).

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

**APPENDIX TR**  
**FACILITY-WIDE TESTING REQUIREMENTS**  
(Version Dated 9/12/2008)

Unless otherwise specified in the permit, the following testing requirements apply to each emissions unit for which testing is required. The terms "stack" and "duct" are used interchangeably in this appendix.

- TR1. Required Number of Test Runs.** For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
- TR2. Operating Rate During Testing.** Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
- TR3. 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.]
- TR4. Applicable Test Procedures.**
- a. *Required Sampling Time.*
- (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
  - (2) **Opacity Compliance Tests.** When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
    - (a) For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
    - (b) The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.
    - (c) The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

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- b. *Minimum Sample Volume.* Unless otherwise specified in the applicable rule or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
- c. *Required Flow Rate Range.* For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
- d. *Calibration of Sampling Equipment.* Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

<b>TABLE 297.310-1 CALIBRATION SCHEDULE</b>			
<b>ITEM</b>	<b>MINIMUM CALIBRATION FREQUENCY</b>	<b>REFERENCE INSTRUMENT</b>	<b>TOLERANCE</b>
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calib. liq. in glass	5° F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5° F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/- 0.001" mean of at least three readings; Max. deviation between readings, 0.004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, when 5% change observed, annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

- e. *Allowed Modification to EPA Method 5.* When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.  
 [Rule 62-297.310(4), F.A.C.]

**TR5. 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,

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such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.

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

[Rule 62-297.310(5), F.A.C.]

**TR6. Sampling Facilities.** Permittees that are required to sample mass emissions from point sources shall install stack sampling ports and provide sampling facilities that meet the requirements of this condition. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must also comply with all applicable Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

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

- c. *Sampling Ports.*

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

- d. *Work Platforms.*

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



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below each sample port and 6 inches on either side of the sampling port.

e. *Access to Work Platform.*

- (1) Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.
- (2) Walkways over free-fall areas shall be equipped with safety rails and toe boards.

f. *Electrical Power.*

- (1) A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform within 20 feet of each sampling port.
- (2) If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.

g. *Sampling Equipment Support.*

- (1) A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.
  - (a) The bracket shall be a standard 3 inch × 3 inch × one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.
  - (b) A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.
  - (c) The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.
- (2) A complete monorail or dual rail arrangement may be substituted for the eyebolt and bracket.
- (3) When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

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

**TR7. Frequency of Compliance Tests.** The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

a. *General Compliance Testing.*

- (1) The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
- (2) For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.
- (3) The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
  - (a) Did not operate; or

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- (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.
- (4) During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
  - (a) Visible emissions, if there is an applicable standard;
  - (b) Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
  - (c) Each NESHAP pollutant, if there is an applicable emission standard.
- (5) An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.
- (6) For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.
- (7) For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to paragraph 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.
- (8) Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.
- (9) The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
- (10) An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to subsection 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to subparagraph 62-213.300(2)(a)1., A.C., or paragraph 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in paragraph 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
- c. *Waiver of Compliance Test Requirements.* If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7)(b), F.A.C., shall apply.

[Rule 62-297.310(7), F.A.C.]

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**TR8. Test Reports.**

- a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.
- b. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.
- c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information.
  - (1) The type, location, and designation of the emissions unit tested.
  - (2) The facility at which the emissions unit is located.
  - (3) The owner or operator of the emissions unit.
  - (4) The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
  - (5) The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
  - (6) The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
  - (7) A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
  - (8) The date, starting time and duration of each sampling run.
  - (9) The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
  - (10) The number of points sampled and configuration and location of the sampling plane.
  - (11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
  - (12) The type, manufacturer and configuration of the sampling equipment used.
  - (13) Data related to the required calibration of the test equipment.
  - (14) Data on the identification, processing and weights of all filters used.
  - (15) Data on the types and amounts of any chemical solutions used.
  - (16) Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
  - (17) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
  - (18) All measured and calculated data required to be determined by each applicable test procedure for each run.
  - (19) The detailed calculations for one run that relate the collected data to the calculated emission rate.
  - (20) The applicable emission standard and the resulting maximum allowable emission rate for the emissions unit plus the test result in the same form and unit of measure.
  - (21) A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

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

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**Operation**

- TV1. General Prohibition.** A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit. [Rule 62-4.030, Florida Administrative Code (F.A.C.)]
- TV2. Validity.** 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. [Rule 62-4.160(2), F.A.C.]
- TV3. Proper Operation and Maintenance.** The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules. [Rule 62-4.160(6), F.A.C.]
- TV4. Not Federally Enforceable. Health, Safety and Welfare.** To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. [Rule 62-4.050(3), F.A.C.]
- TV5. Continued Operation.** An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, applicable requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. [Rules 62-213.420(1)(b)2., F.A.C.]
- TV6. Changes Without Permit Revision.** Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:
- a. Permitted sources may change among those alternative methods of operation;
  - b. A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
    - (1) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
    - (2) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
  - c. Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.
- [Rule 62-213.410, F.A.C.]
- TV7. Circumvention.** No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

**Compliance**

- TV8. Compliance with Chapter 403, F.S., and Department Rules.** Except as provided at Rule 62-213.460, Permit Shield, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules. [Rule 62-4.070(7), F.A.C.]
- TV9. Compliance with Federal, State and Local Rules.** Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of a facility or an emissions unit from complying

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with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. [Rule 62-210.300, F.A.C.]

- TV10. Binding and enforceable.** The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions. [Rule 62-4.160(1), F.A.C.]
- TV11. Timely information.** When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly. [Rule 62-4.160(15), F.A.C.]
- TV12. Halting or reduction of source activity.** It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity. [Rule 62-213.440(1)(d)3., F.A.C.]
- TV13. Final permit action.** Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C. [Rule 62-213.440(1)(d)4., F.A.C.]
- TV14. Sudden and unforeseeable events beyond the control of the source.** A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference. [Rule 62-213.440(1)(d)5., F.A.C.]
- TV15. Permit Shield.** Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this condition or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program, the CAIR Program. [Rule 62-213.460, F.A.C.]
- TV16. Compliance With Federal Rules.** A facility or emissions unit subject to any standard or requirement of 40 CFR, Part 60, 61, 63 or 65, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall comply with such standard or requirement. Nothing in this chapter shall relieve a facility or emissions unit from complying with such standard or requirement, provided, however, that where a facility or emissions unit is subject to a standard established in Rule 62-296, F.A.C., such standard shall also apply. [Rule 62-296.100(3), F.A.C.]

**Permit Procedures**

- TV17. Permit Revision Procedures.** The permittee shall revise its permit as required by Rules 62-213.400, 62-213.412, 62-213.420, 62-213.430 & 62-4.080, F.A.C.; and, in addition, the Department shall revise permits as provided in Rule 62-4.080, F.A.C. & 40 CFR 70.7(f).
- TV18. Permit Renewal.** The permittee shall renew its permit as required by Rules 62-4.090, 62.213.420(1) and 62-213.430(3), F.A.C. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) [Application for Air Permit - Long Form], 62-213.420(3) [Required Information], 62-213.420(6) [CAIR Part Form], F.A.C. Unless a Title V source submits a timely and

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complete application for permit renewal in accordance with the requirements this rule, the existing permit shall expire and the source's right to operate shall terminate. For purposes of a permit renewal, a timely application is one that is submitted 225 days before the expiration of a permit that expires on or after June 1, 2009. No Title V permit will be issued for a new term except through the renewal process. [Rules 62-213.420 & 62-213.430, F.A.C.]

**TV19. Insignificant Emissions Units or Pollutant-Emitting Activities.** The permittee shall identify and evaluate insignificant emissions units and activities as set forth in Rule 62-213.430(6), F.A.C.

**TV20. Savings Clause.** If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect. [Rule 62-213.440(1)(d)1., F.A.C.]

**TV21. Suspension and Revocation.**

- a. Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.
- b. Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.
- c. A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:
  - (1) Submitted false or inaccurate information in his application or operational reports.
  - (2) Has violated law, Department orders, rules or permit conditions.
  - (3) Has failed to submit operational reports or other information required by Department rules.
  - (4) Has refused lawful inspection under Section 403.091, F.S.
- d. No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

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

**TV22. Not federally enforceable. Financial Responsibility.** The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules. [Rule 62-4.110, F.A.C.]

**TV23. Emissions Unit Reclassification.**

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

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

**TV24. Transfer of Permits.** Per Rule 62-4.160(11), F.A.C., this permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. The permittee shall also comply with the requirements of Rule 62-210.300(7), F.A.C., and use DEP Form No. 62-210.900(7). [Rules 62-4.160(11), 62-4.120, and 62-210.300(7), F.A.C.]

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**Rights, Title, Liability, and Agreements**

**TV25. Rights.** As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. [Rule 62-4.160(3), F.A.C.]

**TV26. Title.** 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. [Rule 62-4.160(4), (F.A.C.)]

**TV27. Liability.** This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department. [Rule 62-4.160(5), F.A.C.]

**TV28. Agreements.**

- a. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - (1) Have access to and copy any records that must be kept under conditions of the permit;
  - (2) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
  - (3) 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.
- b. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- c. 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.

[Rules 62-4.160(7), (9), and (10), F.A.C.]

**Recordkeeping and Emissions Computation**

**TV29. Permit.** The permittee shall keep this permit or a copy thereof at the work site of the permitted activity. [Rule 62-4.160(12), F.A.C.]

**TV30. Recordkeeping.**

- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include:
  - (1) The date, exact place, and time of sampling or measurements, and the operating conditions at the time of sampling or measurement;

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- (2) The person responsible for performing the sampling or measurements;
- (3) The dates analyses were performed;
- (4) The person and company that performed the analyses;
- (5) The analytical techniques or methods used;
- (6) The results of such analyses.

[Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

**TV31. Emissions Computation.** Pursuant to Rule 62-210.370, F.A.C., the following required methodologies are to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with Rule 62-210.370, F.A.C. Rule 62-210.370, F.A.C., is not intended to establish methodologies for determining compliance with the emission limitations of any air permit.

For any of the purposes specified above, the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

- a. *Basic Approach.* The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
  - (1) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
  - (2) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
  - (3) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- b. *Continuous Emissions Monitoring System (CEMS).*
  - (1) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
    - (a) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or,
    - (b) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
  - (2) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
    - (a) A calibrated flowmeter that records data on a continuous basis, if available; or
    - (b) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.



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- (3) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.
- c. *Mass Balance Calculations.*
- (1) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
- (a) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and,
- (b) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.
- (2) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
- (3) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.
- d. *Emission Factors.*
- (1) An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
- (a) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
- (b) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
- (c) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
- (2) If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
- e. *Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS.* In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.

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- f. *Accounting for Emissions During Periods of Startup and Shutdown.* In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
- g. *Fugitive Emissions.* In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.
- h. *Recordkeeping.* The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370(1) & (2), F.A.C.]

**Responsible Official**

**TV32. Designation and Update.** The permittee shall designate and update a responsible official as required by Rule 62-213.202, F.A.C.

**Prohibitions and Restrictions**

**TV33. Asbestos.** This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source. [40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

**TV34. Refrigerant Requirements.** Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Chapter 62-281, F.A.C.

**TV35. Open Burning Prohibited.** Unless otherwise authorized by Rule 62-296.320(3) or Chapter 62-256, F.A.C., open burning is prohibited.

**REFERENCED ATTACHMENTS**

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**The Following Attachments are Included for Applicant Convenience:**

Figure 1, Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance (40 CFR 60, July, 1996).

Table H, Permit History.

Table 1, Summary of Air Pollutant Standards.

Table 2, Summary of Compliance Requirements.

# FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

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

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

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

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

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

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

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

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

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

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

Emission data summary <sup>1</sup>	CMS performance summary <sup>1</sup>
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown .....	a. Monitor equipment malfunctions .....
b. Control equipment problems .....	b. Non-Monitor equipment malfunctions .....
c. Process problems .....	c. Quality assurance calibration .....
d. Other known causes .....	d. Other known causes .....
e. Unknown causes .....	e. Unknown causes .....
2. Total duration of excess emissions .....	2. Total CMS Downtime .....
3. Total duration of excess emissions x (100) / [Total source operating time] ..... % <sup>2</sup>	3. [Total CMS Downtime] x (100) / [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.

*Note: 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: \_\_\_\_\_ Date: \_\_\_\_\_

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

## Table H, Permit History

Permit History (for tracking purposes)

Permit No.	Issue Date	Expiration Date	Extended Date	Revised Dates
PSD-FL-137 PSD-FL-137(A)	03/29/91 11/23/93	replaced by PSD-FL-137(A) N/A		08/08/95, 06/04/96, 03/09/00, 11/09/01, 03/12/02, 12/20/02
0310337-011-AC (New ADS Unit 3)	09/25/06	09/25/06 (revised permit condition)		
0310337-012-AC (Revision for ADS Units 1 and 2)	04/07/06	03/01/08		
0310037-013-AV (Revision)	03/15/07	09/13/09		
0310037-014-AV (CAIR Revision)	02/19/09	09/13/09		
0310037-015-AV (CAMR Revision)				

ID Number Changes (for tracking purposes):

From: Facility ID No. 31DVL160337

To: Facility ID No. 0310337

**Table 1, Summary of Air Pollutant Standards**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

**Permit No. 0310337-016-AV**  
**Facility ID No. 0310337**

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

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
					Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
-001	Boiler A Circulating Fluidized Bed Boiler (1063 MMBtu/hour-Coal) (380 MMBtu/hour-Oil)	VE	Coal/Petcoke	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.
			Fuel Oil	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.
		PM	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		PM <sub>10</sub>	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		CO <sup>1</sup>	Coal/Petcoke	8760	0.175 lb/MMBtu	186.0	758.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		NO <sub>x</sub> <sup>2</sup>	Coal/Petcoke	8760	0.17 lb/MMBtu	180.7	736.1	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		SO <sub>2</sub> <sup>3</sup>	Coal/Petcoke	8760	0.24 lb/MMBtu	255.1	N/A	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		SO <sub>2</sub> <sup>4</sup>	Coal/Petcoke	8760	0.20 lb/MMBtu	N/A	866.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		% Sulfur	Coal	8760	1.2% annually, 1.7% on a shipment basis max. 3.2 lb/MMBtu input to CFB max. sulfur content 0.05 %, by wt.					PSD-FL-137(A)	A.7.
			Coal/Petcoke	8760							
Fuel Oil	8760										
VOC	Coal/Petcoke	8760	0.015 lb/MMBtu	16.0	65.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
H <sub>2</sub> SO <sub>4</sub> mist	Coal/Petcoke	8760	4.66*10 <sup>-4</sup> lb/MMBtu	0.5	2.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Fl	Coal/Petcoke	8760	7.44*10 <sup>-4</sup> lb/MMBtu	0.79	3.2	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Pb	Coal/Petcoke	8760	6.03*10 <sup>-5</sup> lb/MMBtu	0.06	0.26	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Hg	Coal/Petcoke	8760	2.89*10 <sup>-5</sup> lb/MMBtu	0.03	0.13	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Be	Coal/Petcoke	8760	8.70*10 <sup>-6</sup> lb/MMBtu	0.01	0.04	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
NH <sub>3</sub>	Coal/Petcoke	8760	10 ppmvd @ 100% capacity					PSD-FL-137(A)	A.8.		
	Fuel Oil	8760	30 ppmvd								

**Table 1, Summary of Air Pollutant Standards**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

Permit No. 0310337-016-AV  
Facility ID No. 0310337

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

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
					Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
-002	Boiler B Circulating Fluidized Bed Boiler (1063 MMBtu/hour-Coal) (380 MMBtu/hour-Oil)	VE	Coal/Petcoke	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.
			Fuel Oil	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.
		PM	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		PM <sub>10</sub>	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		CO <sup>1</sup>	Coal/Petcoke	8760	0.175 lb/MMBtu	186.0	758.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		NO <sub>x</sub> <sup>2</sup>	Coal/Petcoke	8760	0.17 lb/MMBtu	180.7	736.1	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		SO <sub>2</sub> <sup>3</sup>	Coal/Petcoke	8760	0.24 lb/MMBtu	255.1	N/A	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		SO <sub>2</sub> <sup>4</sup>	Coal/Petcoke	8760	0.20 lb/MMBtu	N/A	866.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
			Fuel Oil	8760							
		% Sulfur	Coal	8760	1.2% annually, 1.7% on a shipment basis max. 3.2 lb/MMBtu input to CFB max. sulfur content 0.05 %, by wt.					PSD-FL-137(A)	A.7.
			Coal/Petcoke	8760							
			Fuel Oil	8760							
		VOC	Coal/Petcoke	8760	0.015 lb/MMBtu	16.0	65.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.
Fuel Oil	8760										
H <sub>2</sub> SO <sub>4</sub> mist	Coal/Petcoke	8760	4.66*10 <sup>-4</sup> lb/MMBtu	0.5	2.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Fl	Coal/Petcoke	8760	7.44*10 <sup>-4</sup> lb/MMBtu	0.79	3.2	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Pb	Coal/Petcoke	8760	6.03*10 <sup>-5</sup> lb/MMBtu	0.06	0.26	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Hg	Coal/Petcoke	8760	2.89*10 <sup>-5</sup> lb/MMBtu	0.03	0.13	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
Be	Coal/Petcoke	8760	8.70*10 <sup>-6</sup> lb/MMBtu	0.01	0.04	N/A	N/A	PSD-FL-137(A), BACT	A.5.		
	Fuel Oil	8760									
NH <sub>3</sub>	Coal/Petcoke	8760	10 ppmvd @ 100% capacity 30 ppmvd					PSD-FL-137(A)	A.8.		
	Fuel Oil	8760									

**Table 1, Summary of Air Pollutant Standards**

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**Permit No. 0310337-016-AV**  
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This table summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of the permit.

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)	
					Standard(s)	lbs./hour	TPY	lbs./hour	TPY			
-003	Boiler C Circulating Fluidized Bed Boiler (1063 MMBtu/hour-Coal) (380 MMBtu/hour-Oil)	VE	Coal/Petcoke	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.	
			Fuel Oil	8760	20%; 27% - 1 six min. period/hr.			N/A	N/A	PSD-FL-137(A)	A.6.	
		PM	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		PM <sub>10</sub>	Coal/Petcoke	8760	0.018 lb/MMBtu	19.1	78.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		CO <sup>1</sup>	Coal/Petcoke	8760	0.175 lb/MMBtu	186.0	758.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		NO <sub>x</sub> <sup>2</sup>	Coal/Petcoke	8760	0.17 lb/MMBtu	180.7	736.1	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		SO <sub>2</sub> <sup>3</sup>	Coal/Petcoke	8760	0.24 lb/MMBtu	255.1	N/A	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		SO <sub>2</sub> <sup>4</sup>	Coal/Petcoke	8760	0.20 lb/MMBtu	N/A	866.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		% Sulfur	Coal	8760	1.2% annually, 1.7% on a shipment basis						PSD-FL-137(A)	A.7.
			Coal/Petcoke	8760	max. 3.2 lb/MMBtu input to CFB							
			Fuel Oil	8760	max. sulfur content 0.05 %, by wt.							
		VOC	Coal/Petcoke	8760	0.015 lb/MMBtu	16.0	65.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
			Fuel Oil	8760								
		H <sub>2</sub> SO <sub>4</sub> mist	Coal/Petcoke	8760	4.66*10 <sup>-4</sup> lb/MMBtu	0.5	2.0	N/A	N/A	PSD-FL-137(A), BACT	A.5.	
Fuel Oil	8760											
Fl	Coal/Petcoke	8760	7.44*10 <sup>-4</sup> lb/MMBtu	0.79	3.2	N/A	N/A	PSD-FL-137(A), BACT	A.5.			
	Fuel Oil	8760										
Pb	Coal/Petcoke	8760	6.03*10 <sup>-5</sup> lb/MMBtu	0.06	0.26	N/A	N/A	PSD-FL-137(A), BACT	A.5.			
	Fuel Oil	8760										
Hg	Coal/Petcoke	8760	2.89*10 <sup>-5</sup> lb/MMBtu	0.03	0.13	N/A	N/A	PSD-FL-137(A), BACT	A.5.			
	Fuel Oil	8760										
Be	Coal/Petcoke	8760	8.70*10 <sup>-6</sup> lb/MMBtu	0.01	0.04	N/A	N/A	PSD-FL-137(A), BACT	A.5.			
	Fuel Oil	8760										
NH <sub>3</sub>	Coal/Petcoke	8760	10 ppmvd @ 100% capacity					PSD-FL-137(A)	A.8.			
	Fuel Oil	8760	30 ppmvd									



**Table 1, Summary of Air Pollutant Standards**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

**Permit No. 0310337-016-AV**  
**Facility ID No. 0310337**

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

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)
					Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
-004	ADS Train -1	VE	Fuel Oil	8030	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8030	0.003 gr/dscf			1.1	2.2	PSD-FL-137(A,B & C)	B.5.
		% Sulfur		8030	max. sulfur content 0.05 %, by wt.					PSD-FL-137(A)	B.7.
-005	ADS Train - 2	VE	Fuel Oil	8030	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8030	0.003 gr/dscf			1.1	2.2	PSD-FL-137(A,B & C)	B.5.
		% Sulfur		8030	max. sulfur content 0.05 %, by wt.					PSD-FL-137(A)	B.7.
<u>-034</u>	<u>ADS Train - 3</u>	<u>VE</u>	<u>Fuel Oil</u>	<u>8760</u>	<u>shall not exceed 5%</u>			<u>N/A</u>	<u>N/A</u>	<u>PSD-FL-137(A,B &amp; C)</u>	<u>B.6.</u>
		<u>PM</u>		<u>8760</u>	<u>0.003 gr/dscf</u>			<u>0.45</u>	<u>1.97</u>	<u>PSD-FL-137(A,B &amp; C)</u>	<u>B.5.</u>
		<u>% Sulfur</u>		<u>8760</u>	<u>max. sulfur content 0.05 %, by wt.</u>					<u>PSD-FL-137(A)</u>	<u>B.7.</u>
-006	Coal Crusher Building	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	C.6.
		PM		8760	0.003 gr/dscf			0.11	0.47	PSD-FL-137(A,B & C)	C.5.
-007	Coal Silo Conveyor	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	C.6.
		PM		8760	0.003 gr/dscf			0.57	2.51	PSD-FL-137(A,B & C)	C.5.
-009	ADS Storage Bin	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.16	0.71	PSD-FL-137(A,B & C)	B.5.
-025	ADS Storage Bin	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.17	0.75	PSD-FL-137(A,B & C)	B.5.
-010	Bed Ash Hopper	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.016	0.071	PSD-FL-137(A,B & C)	B.5.
-011	Bed Ash Separator/Collector	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.1	0.46	PSD-FL-137(A,B & C)	B.5.
-012	Fly Ash Separator/Collector 1	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.12	0.53	PSD-FL-137(A,B & C)	B.5.
-013	Pelletizer Bed Ash Receiver Bin	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.095	0.42	PSD-FL-137(A,B & C)	B.5.
-014	Pelletizer Fly Ash Receiver Bin	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.11	0.47	PSD-FL-137(A,B & C)	B.5.
-015	Pellet Vibratory Screen	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.

**Table 1, Summary of Air Pollutant Standards**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

Permit No. 0310337-016-AV  
Facility ID No. 0310337

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

E. U. ID No.	Brief Description	Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions		Equivalent Emissions*		Regulatory Citation(s)	See Permit Condition(s)	
					Standard(s)	lbs./hour	TPY	lbs./hour			TPY
	Screen Hopper/Feed Hopper	PM		8760	0.003 gr/dscf			0.34	1.5	PSD-FL-137(A,B & C)	B.5.
-016	Pelletizing Ash Recycle Tank	VE		8760	shall not exceed 5%					PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.03	0.12	PSD-FL-137(A,B & C)	B.5.
-017	Pelletizing Recycle Hopper	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.0054	0.024	PSD-FL-137(A,B & C)	B.5.
-018	Cured Pellet Silos Discharge Belt	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.048	0.21	PSD-FL-137(A,B & C)	B.5.
-019	Pellet Recycle Conveyor	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.04	0.18	PSD-FL-137(A,B & C)	B.5.
-020	Coal Car Unloading	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	C.6.
		PM		8760	0.003 gr/dscf					PSD-FL-137(A,B & C)	C.5.
-021	Ash Pellet Hydrator	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.01 gr/dscf			1.3	5.5	PSD-FL-137(A,B & C)	B.5.
-022	Ash Pellet Curing Silo	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.01 gr/dscf			0.5	2.2	PSD-FL-137(A,B & C)	B.5.
-023	Ash Pelletizing Pan	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.01 gr/dscf			1.2	5.1	PSD-FL-137(A,B & C)	B.5.
-026	Fly Ash Separator/Collector 2	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.12	0.54	PSD-FL-137(A,B & C)	B.5.
-029	Pelletizing Rail Loadout	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.12	0.51	PSD-FL-137(A,B & C)	B.5.
-030	Dry Ash Rail Car/Truck Loadout	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.14	0.61	PSD-FL-137(A,B & C)	B.5.
-031	Pulverized Limestone Feeders (6)	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.01	0.04	PSD-FL-137(A,B & C)	B.5.
-032	Bed Ash Silo Vent	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.045	0.2	PSD-FL-137(A,B & C)	B.5.
-033	Fly Ash Silo Vent	VE		8760	shall not exceed 5%			N/A	N/A	PSD-FL-137(A,B & C)	B.6.
		PM		8760	0.003 gr/dscf			0.084	0.37	PSD-FL-137(A,B & C)	B.5.

**Notes:**

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

1. Eight-hour rolling average, except for initial and annual compliance tests and the CEM certification, when the 1-hour average applies.
2. Thirty-day rolling average
3. Three-hour rolling average
4. Twelve-month rolling average

**Table 2, Summary of Compliance Requirements**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

**Permit No. 0310337-016-AV**  
**Facility ID No. 0310337**

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

E. U. ID No	Brief Description	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time	Frequency	Min. Compliance	CMS <sup>1</sup>	See Permit Condition(s)
					Frequency	Base Date	Test Duration		
-001	Boilers A, B, and C circulating fluidized bed boiler (1063 MMBtu/hour -Oil)	VE	Coal	EPA method 9	Annually		60 Minutes	Yes	A.31.
-002			Fuel Oil		Annually		60 Minutes	Yes	A.31.
-003		PM PM <sub>10</sub>	Coal	EPA method 5 or 17 or EPA methods 201 and 201a	Annually		120 minutes	No	A.31.
			Fuel Oil		Annually		120 minutes	No	A.31.
		CO <sup>2</sup>	Coal	EPA Method 10	Annually		1 hour	Yes	A.31.
			Fuel Oil		Annually		1 hour	Yes	A.31.
		NO <sub>x</sub> <sup>3</sup>	Coal	EPA Method 7, 7A, 7C, 7D, or 7E	Annually		1 hour	Yes	A.31.
			Fuel Oil		Annually		1 hour	Yes	A.31.
		SO <sub>2</sub> <sup>4</sup>	Coal	EPA Method 6, 6B, 6C, or 8	Annually		1 hour	Yes	A.31.
			Fuel Oil		Annually		1 hour	Yes	A.31.
	SO <sub>2</sub> <sup>5</sup>	Coal	EPA Method 6, 6B, 6C, or 8	Annually		1 hour	Yes	A.31.	
		Fuel Oil		Annually		1 hour	Yes	A.31.	
	% Sulfur	Coal	ASTM D2013-72, and either ASTM D3177-75, ASTM D4239-85, ASTM D3176-74	Annually		1 hour		A.37.	
	% Sulfur	Coal/Petcoke	ASTM D2622-92, or ASTM D4294-90 or both ASTM D4057-88 and ASTM D129-91	Monthly	Composite of daily samples	1 hour		A.37.	
	% Sulfur	Fuel Oil	ASTM D2622-92, or ASTM D4294-90 or both ASTM D4057-88 and ASTM D129-91	Annually		1 hour			
	VOC	Coal Fuel Oil	EPA Method 18 or 25	Every 5 years		1 hour	No	A.31.	
				Every 5 years		1 hour	No		

**Table 2, Summary of Compliance Requirements**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

**Permit No. 0310337-016-AV**  
**Facility ID No. 0310337**

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

E. U. ID No	Brief Description	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing	Frequency	Min. Compliance	See Permit Condition(s)	
					Time Frequency	Base Date	Test Duration		CMS <sup>1</sup>
-001 -002 -003	(continued)	H <sub>2</sub> SO <sub>4</sub> mist	Coal	EPA Method 8	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
		FI	Coal	EPA Method 13A or 13B	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
		Pb <sup>6</sup>	Coal	EPA Method 12	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
		Hg <sup>6</sup>	Coal	Method 101A	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
		Be <sup>6</sup>	Coal	EPA Method 104	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
		NH <sub>3</sub>	Coal	EPA Conditional Method 27	Every 5 years		1 hour		A.31.
			Fuel Oil		Every 5 years		1 hour		A.31.
This section applies to the following emissions units: -004, -005, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, -021, -022, -023, -025, -026, -029, -030, -031, -032, -033, -034	VE		EPA Method 9	Annually		1 hour	No	B.11.	
	PM		EPA Method 5 or 17	Annually		1 hour	No	B.11.	
	% Sulfur <sup>7</sup>		ASTM D2622-92, or ASTM D4294-90 or both ASTM D4057-88 and ASTM D129-91	Annually		1 hour		B.18.	

**Table 2, Summary of Compliance Requirements**

Cedar Bay Generating Company, L. P.  
Cedar Bay Generating Plant

**Permit No. 0310337-016-AV**  
**Facility ID No. 0310337**

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E. U. ID No.	Brief Description	Pollutant Name or Parameter	Fuel(s)	Compliance Method	Testing Time Frequency	Frequency Base Date	Min. Compliance Test Duration	CMS <sup>1</sup>	See Permit Condition(s)
	This section applies to the following emissions units: -006, -007, -020	VE		EPA Method 9	Annually		1 hour	No	C.10.
		PM		EPA Method 5 or 17	Annually		1 hour	No	C.10.

Notes:

- CMS [=] continuous monitoring system used for monitoring requirement in lieu of fuel sampling and analysis if marked 'yes'.  
(Acceptable as long as CMS is maintained and calibrated as required.)
- Eight-hour rolling average, except for initial and annual compliance tests.  
and the CEM certification, when the 1-hour applies.
- Thirty-day rolling average.
- Three-hour rolling average.
- Twelve-month rolling average.
- Tests must be run every five years until three consecutive tests ( including, if succesful, the initial compliance test) are within the annual emission limits specified.
- Sulfur Content only applies to the ADS trains in this section (Units -004 & -005).

## Livingston, Sylvania

---

**From:** Livingston, Sylvania  
**Sent:** Tuesday, July 07, 2009 4:42 PM  
**To:** 'tracypatterson@cogentrix.com'  
**Cc:** 'kkosky@golder.com'; 'robinson@coj.net'; Kirts, Christopher; Halpin, Mike; 'forney.kathleen@epa.gov'; 'oquendo.ana@epa.gov'; Friday, Barbara; Gibson, Victoria; Cascio, Tom; Holtom, Jonathan; Walker, Elizabeth (AIR)  
**Subject:** CEDAR BAY COGENERATION FACILITY; 0310337-016-AV  
**Attachments:** 0310337016AVDraftProposedWrittenNotice.pdf

Dear Sir/ Madam:

Attached is the official **Written Notice of Intent to Issue Air Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

*Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).*

Click on the following link to access the permit project documents:

[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0310337.016.AV.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0310337.016.AV.D_pdf.zip)

**Attention:** Tom Cascio

**Owner/Company Name:** CEDAR BAY GENERATING COMPANY, L.P.

**Facility Name:** CEDAR BAY COGENERATION FACILITY

**Project Number:** 0310337-016-AV

**Permit Status:** DRAFT/ PROPOSED

**Permit Activity:** PERMIT RENEWAL

**Facility County:** DUVAL

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. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents that are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation.

Sylvia Livingston  
Bureau of Air Regulation  
Division of Air Resource Management (DARM)  
850/921-9506  
[sylvia.livingston@dep.state.fl.us](mailto:sylvia.livingston@dep.state.fl.us)

## Livingston, Sylvia

---

**From:** Patterson, Tracy (Cedar Bay) [TracyPatterson@Cogentrix.com]  
**Sent:** Wednesday, July 08, 2009 7:38 AM  
**To:** Livingston, Sylvia  
**Cc:** Walker, Jeff  
**Subject:** RE: CEDAR BAY COGENERATION FACILITY; 0310337-016-AV

Ms. Livingston,

This email is to acknowledge the receipt of your email notification regarding the availability of the DRAFT Title V Air Permit for the Cedar Bay Generating Facility in Jacksonville, FL. I have been able to access the electronic version of the documents using the link referenced in your email.

Thank you

*Tracy L. Patterson II*  
*General Manager*  
*Cedar Bay Generating Co.*

---

**From:** Livingston, Sylvia [mailto:Sylvia.Livingston@dep.state.fl.us]  
**Sent:** Tuesday, July 07, 2009 4:42 PM  
**To:** Patterson, Tracy (Cedar Bay)  
**Cc:** kkosky@golder.com; robinson@coj.net; Kirts, Christopher; Halpin, Mike; forney.kathleen@epa.gov; oquendo.ana@epa.gov; Friday, Barbara; Gibson, Victoria; Cascio, Tom; Holtom, Jonathan; Walker, Elizabeth (AIR)  
**Subject:** CEDAR BAY COGENERATION FACILITY; 0310337-016-AV

Dear Sir/ Madam:

Attached is the official **Written Notice of Intent to Issue Air Permit** for the project referenced below. Click on the link displayed below to access the permit project documents and send a "reply" message verifying receipt of the document(s) provided in the link; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". **We must receive verification that you are able to access the documents.** Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).

*Note: We must receive verification that you are able to access the documents. Your immediate reply will preclude subsequent e-mail transmissions to verify accessibility of the document(s).*

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0310337.016.AV.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0310337.016.AV.D_pdf.zip)

**Attention:** Tom Cascio

**Owner/Company Name:** CEDAR BAY GENERATING COMPANY, L.P.  
**Facility Name:** CEDAR BAY COGENERATION FACILITY  
**Project Number:** 0310337-016-AV  
**Permit Status:** DRAFT/ PROPOSED  
**Permit Activity:** PERMIT RENEWAL  
**Facility County:** DUVAL

## Livingston, Sylvia

---

**From:** Robinson, Richard [ROBINSON@coj.net]  
**Sent:** Wednesday, July 08, 2009 7:41 AM  
**To:** Livingston, Sylvia  
**Subject:** RE: CEDAR BAY COGENERATION FACILITY; 0310337-016-AV

Sylvia,

I was able to access the documents in the e-mail link below.

Thanks,

Richard

Richard L. Robinson, P.E.  
Environmental Engineering Manager  
Air Quality Branch  
Environmental Quality Division  
Environmental and Compliance Department  
City of Jacksonville, Florida  
117 West Duval Street, Suite 225  
Jacksonville, FL 32202  
Phone: (904) 630-4900  
Fax: (904) 630-3638  
E-Mail: [robinson@coj.net](mailto:robinson@coj.net)

### SAVE THE DATE: 2009 EPB/UNF Environmental Symposium on August 28th - "Sustainability for Jacksonville's Future"

Please note: that under Florida's very broad public records law, e-mail communications to and from City officials may be subject to public disclosure.



Please consider the environment before printing this email.

---

**From:** Livingston, Sylvia [<mailto:Sylvia.Livingston@dep.state.fl.us>]  
**Sent:** Tuesday, July 07, 2009 4:42 PM  
**To:** [tracypatterson@cogentrix.com](mailto:tracypatterson@cogentrix.com)  
**Cc:** [kkosky@golder.com](mailto:kkosky@golder.com); Robinson, Richard; Kirts, Christopher; Halpin, Mike; [forney.kathleen@epa.gov](mailto:forney.kathleen@epa.gov); [oquendo.ana@epa.gov](mailto:oquendo.ana@epa.gov); Friday, Barbara; Gibson, Victoria; Cascio, Tom; Holtom, Jonathan; Walker, Elizabeth (AIR)  
**Subject:** CEDAR BAY COGENERATION FACILITY; 0310337-016-AV

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[http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf\\_permit\\_zip\\_files/0310337.016.AV.D\\_pdf.zip](http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0310337.016.AV.D_pdf.zip)

**Attention:** Tom Cascio

**Owner/Company Name:** CEDAR BAY GENERATING COMPANY, L.P.

**Facility Name:** CEDAR BAY COGENERATION FACILITY

**Project Number:** 0310337-016-AV

**Permit Status:** DRAFT/ PROPOSED

**Permit Activity:** PERMIT RENEWAL

**Facility County:** DUVAL

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. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <http://www.dep.state.fl.us/air/eproducts/apds/default.asp>.

Permit project documents that are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation.

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