



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

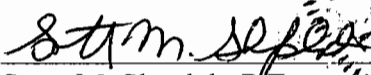
P.E. Certification Statement

Permittee:
Ocean Spray Cranberries, Inc.

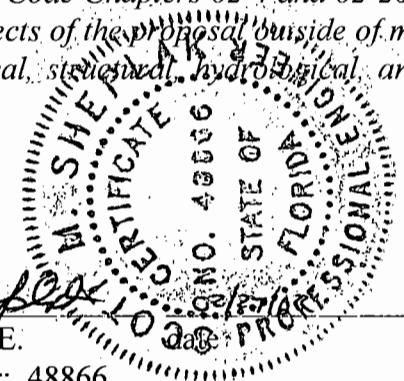
DRAFT Permit No.: 0610021-009-AC
DRAFT Permit No.: 0610021-010-AV

Project type: Air Construction (Modification)/Title V Revision

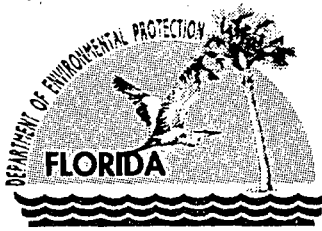
I HEREBY CERTIFY that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through 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, and geological features).



Scott M. Sheplak, P.E.
Registration Number: 48866



Permitting Authority:
Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/921-9532
Fax: 850/922-6979



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

David B. Struhs
Secretary

February 27, 2002

Mr. Mark Smidebush
Plant Manager
Ocean Spray Cranberries, Inc.
925 74th Avenue, Southwest
Vero Beach, Florida 32968-9702

Re: DRAFT Title V Operation Permit Revision No.: 0610021-010-AV
Draft Air Construction Permit No.: 0610021-009-AC
Vero Beach Facility

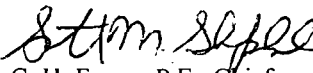
Dear Mr. Smidebush:

Enclosed is one copy of the Technical Evaluation and Preliminary Determination and associated combined Air Construction Permit/Title V DRAFT Operation Permit Revision, for the Vero Beach Facility located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The Department's "INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" and the "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" are also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION" must be published one time only, as soon as possible, the legal advertising section of a newspaper of general circulation in the area affected, pursuant to the requirements of Chapter 50, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the Department's Bureau of Air Regulation office within 7 (seven) days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit modification.

Please submit any written comments you wish to have considered concerning the Department's proposed action to Scott Sheplak, P.E., Administrator, Title V Section at the above letterhead address. If you have any questions, please call Mr. Edward J. Svec at 850/921-8985.

Sincerely,


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

CHF/es

Enclosures

U.S. EPA, Region 4 (INTERNET E-mail Memorandum)

"More Protection, Less Process"

Printed on recycled paper.

In the Matter of an
Application for Permit by:

Mr. Mark Smidebush
Plant Manager
Ocean Spray Cranberries, Inc.
925 74th Avenue, Southwest
Vero Beach, Florida 32968-9702

Air Construction Permit No. 0610021-009-AC
Title V Operation Permit Revision 0610021-010-AV
Additional Operating Hours
Vero Beach Facility
Indian River County

INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined Air Construction Permit/ Title V Operation Permit Revision (copy of the combined Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision is attached) for the proposed project, detailed in the application specified above and the attached Technical Evaluation and Preliminary Determination, for the reasons stated below.

The applicant, Ocean Spray Cranberries, Inc., applied on November 26, 2001, to the Department to increase the plant's allowable operating hours of the peel dryers and pellet cooler which is accomplished through a cap in total fruit processing of 6.4 million boxes in a 12-month period at the Vero Beach Facility in Indian River County.

The Department has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-212, 62-213, and 62-214. The Department has determined that a combined Air Construction Permit/ Title V Operation Permit Revision is required in order to: increase the allowable operating hours through a cap in total fruit processed in a 12-month period by the current Title V operating permit.

The Department intends to issue this combined Air Construction Permit/ Title V Operation Permit Revision based on the belief that reasonable assurances have been provided to indicate that operation of the Title V source will not adversely impact air quality, and the Title V source will comply with all appropriate provisions of Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1., F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION." The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. Where there is more than one newspaper of general circulation in the county, the newspaper used must be one with significant circulation in the area that may be affected by the permit. If you are uncertain that a newspaper meets these requirements, please contact the Department at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 850/488-0114; Fax 850/ 922-6979). The Department suggests that you publish the notice within thirty days of receipt of this letter. You must provide proof of publication within seven days of publication, pursuant to Rule 62-110.106(5), F.A.C. No permitting action for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in section 50.051, F.S. to the office of the Department issuing the permit or other authorization. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rules 62-110.106(9) & (11), F.A.C.

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

The Department will accept written comments concerning the proposed permit issuance action for a period of thirty (30) days from the date of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V OPERATION PERMIT REVISION." Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change to this combine Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision, the Department shall issue a combined Revised Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision and require, if applicable, another Public Notice.

The Department will issue the Air Construction Permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 F.S., before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

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

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above. Mediation is not available in this proceeding.

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

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000. The petition must specify the following information: (a) The name, address, and telephone number of the petitioner; (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any; (c) Each rule or portion of a rule from which a variance or waiver is requested; (d) The citation to the statute underlying (implemented by) the rule identified in (c) above; (e) The type of action requested; (f) The specific facts that would justify a variance or waiver for the petitioner; (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

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

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

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

Executed in Tallahassee, Florida.

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

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE A COMBINED AIR CONSTRUCTION/TITLE V OPERATION PERMIT REVISION (including the combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision) and all copies were sent by certified mail before the close of business on 2/28/02 to the person(s) listed:

Mark Smidebush, Plant Manager, Ocean Spray Cranberries, Inc.

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE A COMBINED AIR CONSTRUCTION/TITLE V OPERATION PERMIT REVISION (including the combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision) were sent by U.S. mail on the same date to the person(s) listed:

Larry Stuart, P.E., Bottorf Associates, Inc.

Leonard Kpzlov, P.E., CD

2/28/02
cc - Ed Inec
NSRS - Patty Adams
Reading File
Clerk Stamp

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

Barbara J. Friday

(Clerk) 2/28/02
(Date)

**PUBLIC NOTICE OF INTENT TO ISSUE A COMBINED AIR CONSTRUCTION PERMIT/TITLE V
OPERATION PERMIT REVISION**

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Construction Permit No. 0610021-009-AC
Title V Operation Permit Revision No.: 0610021-010-AV

Ocean Spray Cranberries, Inc.
Vero Beach Facility
Indian River County

The Department of Environmental Protection (Department) gives notice of its intent to issue a combined Air Construction Permit/Title V Operation Permit Revision to Ocean Spray Cranberries, Inc. for the Vero Beach Facility located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The applicant's name and address are Ocean Spray Cranberries, Inc., 925 74th Avenue, Southwest, Vero Beach, Florida 32968-9702.

The Department will issue the combined Draft Air Construction Permit/Title V PROPOSED Operation Permit Revision, and subsequent combined Final Air Construction Permit/ Title V FINAL Operation Permit Revision, in accordance with the conditions of the attached Draft Air Construction Permit/ Title V DRAFT Operation Permit Revision unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions. The Department has determined that a combined Air Construction Permit/ Title V Operation Permit Revision is required in order to: increase the plant's allowable operating hours which is accomplished through a cap in total fruit processing of 6.4 million boxes in a 12-month period.

The Department will accept written comments concerning the proposed combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision for a period of thirty (30) days from the date of publication of this notice. Written comments should be provided to the Department's Bureau of Air Regulation at 2600 Blair Stone Road, Mail Station #5505, Tallahassee, FL 32399-2400. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, the Department shall issue a combined Revised Draft Air Construction Permit/Title V DRAFT Operation Permit Revision and require, if applicable, another Public Notice.

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

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner, the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination; (c) A statement of how and when petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and (f) A demand for relief.

A petition that does not dispute the material facts upon which the Department'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 Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

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

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

Department of Environmental Protection
Bureau of Air Regulation
111 S. Magnolia Drive, Suite 4
Tallahassee, Florida, 32301
Telephone: 850/488-1344
Fax: 850/922-6979

Department of Environmental Protection
Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803
Telephone: 407/894-7555
Fax: 407/897-5963

The complete project file includes the application, the Technical Evaluation and Preliminary Determination, combined Draft Air Construction Permit/Title V DRAFT Operation Permit Revision, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the Administrator, Title V Section at 111 South Magnolia Drive, Suite 4, Tallahassee, Florida 32301, or call 850/488-0114, for additional information.

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Mr. Mark Smidebush
 Plant Manager
 Ocean Spray Cranberries, Inc.
 925 74th Avenue, Southwest
 Vero Beach, Florida 32968-9702

2. Article Number (Copy from service label)

7000 0520 0020 9371 3308

PS Form 3800, February 2000

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

N. H. NIKELY 3-7-02

C. Signature

X Nelson Nikely

 Agent AddresseeD. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

 Yes

PS Form 3800, February 2000

12595-00-M-0952

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0020 9371 3308

Mr. Mark Smidebush

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Mr. Mark Smidebush

Street, Apt. No.; or PO Box No.

925 74th Avenue, Southwest

City, State, ZIP+4

Vero Beach, Florida 32968-9702

PS Form 3800, February 2000

See Reverse for Instructions

TECHNICAL EVALUATION AND DETERMINATION

1 APPLICANT NAME AND ADDRESS

Ocean Spray Cranberries, Inc.
925 74th Avenue, Southwest
Vero Beach, Florida 32968-9702

Authorized Representative: Mark Smidebush, Plant Manager

2 FACILITY DESCRIPTION, PROJECT DETAILS AND RULE APPLICABILITY

The facility is an existing citrus juice processing facility. The project is a request for additional operation hours for the peel dryers and pellet cooler. The applicant did not seek any relaxation in currently enforceable conditions for its other existing emissions units.

The emissions units addressed by this permit are Citrus Peel Dryer No. 1, I.D. 004, Citrus Peel Dryer No. 2, I.D. 006, and, Pellet Cooler, I.D. 005.

The emissions increases associated with this project were estimated as follows in tons per year. No offsetting emissions were assumed in this estimate.

Pollutant	Net Increase ¹	PSD Significance	Subject to PSD?
PM/ PM ₁₀	3.38/3.38	25/15	No
SO ₂	3.76	40	No
NO _x	1.06	40	No
CO	5.02	100	No
VOC	39.14	40	No

¹ Potential emissions (shown as net increase) were estimated by the Department from allowable natural gas, no. 2 fuel oil usage and AP-42 emission factors (tables 1.3-1 and 1.3-3 for fuel oil, tables 1.4-1 and 1.4-2 for natural gas), assuming a heat content of 1000 Btu/scf of natural gas and 138 million Btu/1000 gallons of distillate fuel oil, given a design heat input capacity of 70 mmBtu/hour, and the fuel use limits of the permit.

The proposed project is subject to preconstruction review requirements under the provisions of Chapter 403, F.S., and Chapters 62-4, 62-204, 62-210, 62-212 and 62-297, F.A.C. The existing facility is located in an area designated, in accordance with Rule 62-204.340, F.A.C., as attainment or unclassifiable for the criteria pollutants ozone, PM₁₀, carbon monoxide, SO₂, nitrogen dioxide and lead. This facility is classified as a Major or Title V Source of air pollution because emissions of at least one regulated air pollutant exceeds 100 tons per year (TPY). The Department has previously found that citrus juice processing facilities such as this facility have potential emissions of VOC exceeding 250 TPY.

This facility is not within an industry included in the list of the 28 Major Facility Categories per Table 212.400-1 of Chapter 62-212, F.A.C. Because emissions are greater than 250 TPY for at least one criteria pollutant (VOC), the facility is also an existing Major Facility with respect to Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD). The net increase in emissions of PM/PM₁₀, NO_x, SO₂, CO and VOC do not exceed the PSD significance levels of Table 212.400-2 of Chapter 62-212, F.A.C. Therefore the project is not subject to PSD requirements of Rule 62-212.400, F.A.C., for these pollutants.

The applicant stated that this facility is not a major source of hazardous air pollutants (HAPs). This project is not subject to a case-by-case MACT determination, per Rule 62-204.800(10)(d)2, F.A.C., because it does not result in the construction or reconstruction of a major source of HAP emissions. This project is not subject to any requirements under the National Emissions Standards for Hazardous Air Pollutants, 40 CFR 61 or 63.

3 SOURCE IMPACT ANALYSIS

An impact analysis was not required for this project because it is not subject to the requirements of PSD.

4 EXCESS EMISSIONS

Excess emissions for this emissions unit are specified in Section II of the permit. This permitting action does not change any authorization for excess emissions provided by other Department permits for other emissions units

5 LIMITS AND COMPLIANCE REQUIREMENTS

The permit limits the total fruit processed by the plant in a 12-month period as the method of limiting emissions. Additional specific emission limits were not imposed because the potential emissions are well below the PSD significance criteria. The operating limits and the compliance requirements are detailed in Section III of the permit.

6 PRELIMINARY DETERMINATION

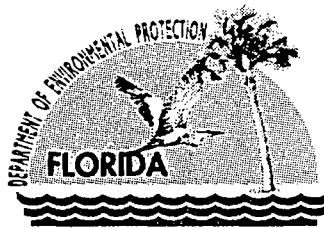
Based on the foregoing technical evaluation of the application and additional information submitted by the applicant and other available information, the Department has made a preliminary determination that the proposed project will comply with all applicable state and federal air pollution regulations. The Department's preliminary determination is to issue the draft permit to allow sufficient operating hours for the two peel dryers and pellet cooler to process 6.4 million boxes of citrus fruit in any consecutive 12 month period which can be accomplished in an estimated 3,737 hours, subject to the terms and conditions of the draft permit.

7 FINAL DETERMINATION

^DRAFT (This section will be revised when a final permit is issued for this project.)

DETAILS OF THIS ANALYSIS MAY BE OBTAINED BY CONTACTING:

Edward J. Svec, Engineer IV
Department of Environmental Protection
Bureau of Air Regulation
Mail Station #5505
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
Telephone: 850/488-0114



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

PERMITTEE

Ocean Spray Cranberries, Inc.
925 74th Avenue, Southwest
Vero Beach, Florida 32968-9702

Permit No.	0610021-009-AC
Project	Additional Operating Hours
SIC No.	2037
Expires:	^DRAFT

Authorized Representative:

Mark Smidebush, Plant Manager

PROJECT AND LOCATION

This permit authorizes Ocean Spray Cranberries, Inc., to increase hours of operation necessary to process 6.4 million boxes of fruit in a 12-month period through the existing Peel Dryers and Pellet Mill.

This facility is located at 925 74th Avenue, Southwest, Vero Beach, Indian River County. The UTM coordinates are: Zone 17; 550.7 km E and 3051.3 km N.

STATEMENT OF BASIS

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

APPENDICES

The attached appendix is a part of this permit:

Appendix GC General Permit Conditions

DRAFT

Howard L. Rhodes, Director
Division of Air Resources
Management

AIR CONSTRUCTION PERMIT
SECTION I. FACILITY INFORMATION

FACILITY AND PROJECT DESCRIPTION

This facility consists of two citrus peel dryers (nos. 1 and 2) equipped with a waste heat evaporator and an integral scrubber to control particulate emissions; one pellet cooler equipped with a cyclone to control particulate emissions; and three steam boilers (nos. 1, 2, and 3).

The applicant is requesting sufficient operating hours to process a maximum 6.4 million boxes of fruit per year. The applicant did not seek any relaxation in currently enforceable conditions in its other existing emissions units.

The emissions increases associated with this project were estimated as follows in tons per year. No offsetting emissions were assumed in this estimate.

Pollutant	Net Increase ¹	PSD Significance	Subject to PSD?
PM/ PM ₁₀	3.38/3.38	25/15	No
SO ₂	3.76	40	No
NOx	1.06	40	No
CO	5.02	100	No
VOC	39.14	40	No

¹ Potential emissions (shown as net increase) were estimated by the Department from allowable natural gas, no. 2 fuel oil usage and AP-42 emission factors (tables 1.3-1 and 1.3-3 for fuel oil, tables 1.4-1 and 1.4-2 for natural gas), assuming a heat content of 1000 Btu/scf of natural gas and 138 million Btu/1000 gallons of distillate fuel oil, given a design heat input capacity of 70 mmBtu/hour, and the fuel use limits of the permit.

The facility information, project scope, emissions and rule applicability are described in detail in the Department's Technical Evaluation and Determination.

REVIEWING AND PROCESS SCHEDULE

November 26, 2001	Received permit application (no application fee required)
December 11, 2001	Application complete
^DRAFT	Distributed Notice of Intent to Issue and supporting documents
^DRAFT	Notice of Intent published in ^DRAFT

RELEVANT DOCUMENTS

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

- Permit application
- Department's Technical Evaluation and Determination
- Department's Intent to Issue

AIR CONSTRUCTION PERMIT
SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

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

ADMINISTRATIVE

1. Regulating Agencies: All documents related to applications for permits to construct, operate or modify an emissions unit should be submitted to the Bureau of Air Regulation (BAR), Florida Department of Environmental Protection at Mail Station #5505, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, phone number 850/488-0114. All documents related to reports, tests, minor modifications and notifications shall be submitted to the Department's Central District office at 3319 Maguire Blvd., Suite 232, Orlando, Florida 32803, and phone number 407/894-7555.
2. General Conditions: The owner and operator is subject to and shall operate under the attached General Permit Conditions G.1 through G.15 listed in Appendix GC of this permit. General Permit Conditions are binding and enforceable pursuant to Chapter 403, F.S. [Rule 62-4.160, F.A.C.]
3. Terminology: The terms used in this permit have specific meanings as defined in the corresponding chapters of the Florida Administrative Code.
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise indicated in this permit, the construction and operation of the subject emissions unit shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of Chapter 403, F.S.; Chapters 62-4, 62-110, 62-204, 62-212, 62-213, 62-296, 62-297, F.A.C.; and, the Code of Federal Regulations Title 40, Part 60, adopted by reference in the F.A.C. regulations. The permittee shall use the applicable forms listed in Rule 62-210.900, F.A.C. and follow the application procedures in Chapter 62-4, F.A.C. Issuance of this permit does not relieve the facility owner or operator from compliance with any applicable federal, state, or local permitting or regulations. [Rules 62-204.800, 62-210.300 and 62-210.900, F.A.C.]
5. New or Additional Conditions: Pursuant to Rule 62-4.080, F.A.C., for good cause shown and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions, and on application of the permittee, the Department may grant additional time. [Rule 62-4.080, F.A.C.]
6. Expiration: This air construction permit shall expire on ^DRAFT. The permittee, for good cause, may request that this construction permit be extended. Such a request shall be submitted to the Department's Bureau of Air Regulation prior to 60 days before the expiration of the permit. [Rules 62-210.300(1), 62-4.070(4), 62-4.080, and 62-4.210, F.A.C.]
7. Modifications: No emissions unit or facility subject to this permit shall be constructed or modified without obtaining an air construction permit from the Department. Such permit must be obtained prior to the beginning of construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
8. Title V Operation Permit Required: This permit authorizes construction and/or installation of the permitted emissions unit and initial operation to determine compliance with Department rules. A revision to the Title V operation permit is required for regular operation of the permitted emissions unit. The owner or operator shall apply for a Title V operation permit at least ninety days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a

AIR CONSTRUCTION PERMIT

SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the Department's Central District office. [Rules 62-4.030, 62-4.050, 62-4.220, and Chapter 62-213, F.A.C.]

OPERATIONAL REQUIREMENTS

9. Plant Operation - Problems: If temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department's Central District office. The notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. [Rule 62-4.130, F.A.C.]
10. 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.]
11. Excess Emissions: This permit does not change any authorization for excess emissions provided by other Department permits for other emissions units. The following excess emissions provisions of state rule apply to these emissions units (emissions unit I.D. 004, 005, and 006) as specified below.
 - (a) Excess emissions resulting from start-up and shutdown are 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.
 - (b) Excess emissions resulting from malfunction of this 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.
 - (c) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during start-up, shutdown, or malfunction shall be prohibited.

[Rules 62-210.700(1), (4) and (5), F.A.C.]

COMPLIANCE MONITORING AND TESTING REQUIREMENTS

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

AIR CONSTRUCTION PERMIT
SECTION II. FACILITY-WIDE SPECIFIC CONDITIONS

with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

REPORTING AND RECORD KEEPING REQUIREMENTS

13. Duration of Record Keeping: Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule. [Rules 62-4.160(14)(a)&(b) and 62-213.440(1)(b)2.b., F.A.C.]
14. Excess Emissions Report: In case of excess emissions resulting from malfunction, the owner or operator shall notify the Department's Central District office within one working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. A full written report on the malfunctions shall be submitted in a quarterly report if requested by the Department. [Rules 62-4.130 and 62-210.700(6), F.A.C.]
15. Annual Operating Report for Air Pollutant Emitting Facility: The Annual Operating Report for Air Pollutant Emitting Facility shall be completed each year and shall be submitted to the Department's Central District office and, if applicable, the appropriate local program by March 1 of the following year. [Rule 62-210.370(3), F.A.C.]

AIR CONSTRUCTION PERMIT

SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

The following specific conditions apply to the following emissions units after construction.

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-004	Citrus Peel Dryer No. 1
-006	Citrus Peel Dryer No. 2
-005	Pellet Cooler

Citrus peel dryers (nos. 1 and 2) are equipped with a waste heat evaporator and an integral scrubber to control particulate emissions. The pellet cooler is equipped with a cyclone to control particulate emissions.

These emissions units are regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards.

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

Essential Potential to Emit (PTE) Parameters

1. Capacity.

- a. The maximum process input rate (wet peel) to peel dryer no. 1 shall not exceed 95,256 tons per twelve consecutive months.
- b. The maximum process input rate (wet peel) to peel dryer no. 2 shall not exceed 127,008 tons per twelve consecutive months.
- c. The maximum process rate, which includes moisture, for the pellet cooler shall not exceed 48,686 tons per twelve consecutive months.
- d. The maximum process input rate (wet peel) to both dryers shall not exceed 127,008 tons per twelve consecutive months.

[Rules 62-4.160(2), F.A.C. and 62-210.200, (PTE), F.A.C. and construction permit 0610021-005-AC]

2. Fruit Throughput Limited: The owner or operator shall not process more than 6.4 million boxes of citrus fruit in any consecutive 12 month period. For purposes of this permit, a box of citrus fruit shall be defined to contain 90 pounds of oranges or 85 pounds of grapefruit. The owner or operator shall make and maintain monthly and rolling 12 month records of fruit processing rates to demonstrate compliance with this limitation. Such records shall be made from daily processing records and shall be completed no later than the 10th day of each following month. [Rule 62-4.070(3), F.A.C. and 0610021-009-AC]

3. Methods of Operation - (i.e., Fuels).

The fuel used by the peel dryers shall be limited to natural gas, propane, or new no. 2 fuel oil with a sulfur content not to exceed 0.5% S by weight. The maximum fuel usage rate for the two citrus peel dryers shall not exceed 1,265,494 gallons (combined total) per twelve consecutive months.

[Rules 62-210.200, (PTE), F.A.C. and 62-4.160(2), F.A.C., and construction permit 0610021-005-AC]

4. Hours of Operation. For emission calculations, the hours of operation for these emissions units are estimated not to exceed 3,737 hours per year.

AIR CONSTRUCTION PERMIT
SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

*Dryers No. 1 and 2 shall not operate simultaneously.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-009-AC]

EMISSION LIMITATIONS AND STANDARDS

5. Peel dryers no. 1 and 2 are subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 27.0 tons/hour (dryer no. 1) and 36.0 tons/hour (dryer no. 2) and, as requested by the applicant, the emission rate is capped at 17.3 pounds per hour from each dryer and annual emissions are capped at a total of 32.32 tons per any consecutive twelve month period from both dryers since both dryers can not be operated simultaneously.

[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

6. The pellet cooler is subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 13.8 tons/hour and, as requested by the applicant, the emission rate is capped at 15.0 pounds per hour and annual emissions are capped at 28.03 tons per any consecutive twelve month period. For lower process rates, i.e. those below 10.0 tons per hour, the process weight rule equation limitation will be the more stringent limitation.

[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

7. Visible emissions from each emission unit shall not be equal to or greater than 20% opacity.

[Rule 62-296.320(4)(b)(1), F.A.C.]

8. Emissions of sulfur dioxide (SO₂) from peel dryers no. 1 and 2 shall not exceed 44.93 tons per twelve consecutive months (combined total), as requested by the applicant.

[Construction permit 0610021-005-AC]

Test Methods and Procedures

9. Each peel dryer shall be tested for visible emissions for a 30 minute period annually on, or during the 60 day period prior to January 30. Each peel dryer shall be tested for particulate matter emissions prior to permit renewal. (Note that peel dryer no. 2 shall be tested within 30 days after being placed in operation.) Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of each units process input rate and the fuel type and heat input rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

10. The pellet cooler shall be tested for visible emissions for a 30 minute period annually on or during the 60 day period prior to January 30. The pellet cooler shall be tested for particulate matter emissions prior to permit renewal. (Note that the pellet cooler shall be tested within 30 days after being placed in operation at its higher permitted capacity.) Testing of emissions must be conducted when the emission

AIR CONSTRUCTION PERMIT

SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of the units process rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

11. Compliance with the emission limitations shall be determined using EPA Methods 1, 2, 3, 4, 5, 9, 10, and 25A or Method 25A in conjunction with Method 18 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60 Appendix A.

[Rule 62-297, F.A.C. and Alternate Sampling Procedure Order No. 97-G-01]

12. The permittee shall demonstrate compliance with the liquid fuel sulfur limit by the vendor providing a fuel analysis upon each fuel delivery or on analysis of as-received samples taken at the facility.

[Rules 62-213.440 and 62-296.406(3), F.A.C.]

13. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions.

[Rules 62-213.440, 62-296.406(3), 62-070(3), and 62-297.440, F.A.C.]

14. The maximum permitted process rates during compliance testing are as follows:

- a) peel dryer no. 1 - 27.0 tons/hr. wet peel input
- b) peel dryer no. 2 - 36.0 tons/hr. wet peel input
- c) pellet cooler - 13.8 tons/hr.

[Construction permit 0610021-005-AC]

15. Compliance Schedule. The applicant shall provide a construction permit application to reduce the potential to emit which are currently based upon construction permit 0610021-005-AC. **The revised construction permit shall be received within thirty days after issuance of the Final permit and will make federally enforceable the lowering of the potential to emit of VOC emissions.** In accordance with the following compliance schedule the emission units shall be in compliance with the following requirements within the specified time after issuance of this permit. The applicant shall notify the Department in writing, within 15 days after the date specified for each milestone, to include the achievement of compliance, of progress achieved, requirements met, requirements not met, corrective measures adopted and an explanation of any measures not met by the completion date for the milestone or for compliance. All reports shall be accompanied by a certification, signed by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

<u>Referenced Standard</u>	<u>Task Description</u>	<u>Following Permit Issuance</u>
62-213.420(1)(b)2., F.A.C.	Submit updated CO & VOC potential to emit estimates and provide a PSD applicability	90 days

AIR CONSTRUCTION PERMIT

SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

determination.

62-213.420(1)(b)2., F.A.C. Submit a proposed compliance procedure to determine VOC emissions, including parametric monitoring to provide a regular compliance demonstration between emission tests, such as measured oil recovery rates, etc. 90 days

62-297.310(6)(d)1. & 2, F.A.C. Increase stack test platform width to 3 feet. 180 days

[Rule 62-213.440(2), F.A.C. and Title V application received June 12, 1996]

Monitoring of Operations

16. Determination of Process Variables.

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

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

[Rule 62-297.310(5), F.A.C.]

Recordkeeping and Reporting Requirements

17. In order to demonstrate compliance with conditions no. A1, A2, A3, A4, A5, A7, and A8, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

- a) month
 - fuel type and no. 2 fuel oil sulfur content
- b) consecutive 12 month total of:
 - process rates
 - hours of operation

AIR CONSTRUCTION PERMIT

SECTION III. EMISSIONS UNITS SPECIFIC CONDITIONS

- particulate emissions
- SO2 emissions
- gallons no. 2 fuel oil fired

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C.]

18. Compliance with the SO2 emission limitation shall be demonstrated by calculations based on keeping of records of the fuel oil sulfur content and fuel oil consumption for each combustion emission unit. Calculation of emissions shall be done each month and on a rolling twelve month total basis and shall be completed no later than 10 days following the end of each month. These records shall be recorded in a permanent form suitable for inspection by the Department upon request.

[Rule 62-4.070(3), F.A.C.]

EMISSION LIMITING STANDARDS

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

REPORTING AND RECORD KEEPING REQUIREMENTS

20. Records of Operating Hours Required: The owner or operator shall make and maintain records of hours of operation of this emissions unit in units of hours per month and hours per consecutive 12 month period, to demonstrate compliance with the limit of condition 1 of this section. Records shall be made from daily operation records and shall be completed no later than the 10th day of each following month. [Rule 62-4.070(3), F.A.C., required to monitor compliance with the limitation on potential to emit]

21. Records of Input Rate Required: The owner or operator shall make and maintain records of the average rate of pressed peel input to the dryer, to demonstrate compliance with the requirements of condition 2 of this section. Records shall be made each day by dividing that day's total input rate of peel by that day's hours of operation of the dryer. [Rule 62-4.070(3), F.A.C., required to monitor compliance with the limitation on potential to emit]

22. Records of Operation of Dryer Bypass Stack Required: The owner or operator shall make records of the number of hours each day that the dryer is operated with emissions directed in total or in part through the bypass stack. The number of hours of bypass stack operation recorded each calendar quarter shall be reported to the Department's Central District office no later than the 10th day following each calendar quarter. [Rule 62-4.070(3), F.A.C.]

[Note: Excess emissions are limited by Rule 62-210.700, F.A.C., and previous Department permits. Those limitations are not changed by this permit.]

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

- G.1 The terms, conditions, requirements, limitations, and restrictions set forth in this permit are "Permit Conditions" and are binding and enforceable pursuant to Sections 403.161, 403.727, or 403.859 through 403.861, Florida Statutes. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
- G.2 This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings or exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- G.3 As provided in Subsections 403.087(6) and 403.722(5), Florida Statutes, the issuance of this permit does not convey and vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit is not a waiver or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.
- G.4 This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- G.5 This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
- G.6 The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- G.7 The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at a reasonable time, access to the premises, where the permitted activity is located or conducted to:
- (a) Have access to and copy and records that must be kept under the conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit, and,
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.
- Reasonable time may depend on the nature of the concern being investigated.
- G.8 If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of non-compliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

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

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

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

STATEMENT OF BASIS

Ocean Spray Cranberries, Inc.
Vero Beach Facility
Facility ID No.: 0610021
Indian River County

Title V Air Operation Permit Revision
DRAFT Title V Permit Revision No.: 0610021-010-AV

The initial Title V air operation permit went final and effective on July 20, 1999. This Title V air operation permit with revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit revision is to allow sufficient operating hours to process a maximum 6.4 million boxes of fruit per year. To accomplish this, the following Facility-wide condition was added:

25. Fruit Throughput Limited: The owner or operator shall not process more than 6.4 million boxes of citrus fruit in any consecutive 12 month period. For purposes of this permit, a box of citrus fruit shall be defined to contain 90 pounds of oranges or 85 pounds of grapefruit. The owner or operator shall make and maintain monthly and rolling 12 month records of fruit processing rates to demonstrate compliance with this limitation. Such records shall be made from daily processing records and shall be completed no later than the 10th day of each following month. [Rule 62-4.070(3), F.A.C. and 0610021-009-AC]

In addition, the following conditions were changed:

From:

A3. Hours of Operation. The hours of operation for these emissions unit shall not exceed the following hours per twelve consecutive months.

- a. peel dryer no. 1 - 3528 hours*
- b. peel dryer no. 2 - 3528 hours*
- c. pellet cooler - 3528 hours
- d. total of peel dryers no. 1 and no. 2 - 3528 hours*

*Dryers No. 1 and 2 shall not operate simultaneously.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-005-AC]

A4. Peel dryers no. 1 and 2 are subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. For process weight rates up to 30 tons per hour, P, the respective allowable emission rates, E in pounds per hour is given below:

$$E = 3.59 (P^{0.62})$$

The maximum process weight is 27.0 tons/hour (dryer no. 1) and 36.0 tons/hour (dryer no. 2) and, as requested by the applicant, the emission rate is capped at 17.3 pounds per hour from each dryer and annual emissions are capped at a total of 30.52 tons per any consecutive twelve month period from both dryers

since both dryers can not be operated simultaneously. For lower process rates, i.e. those below 12.6 tons per hour, the process weight rule equation limitation will be the more stringent limitation.
[Construction permit 0610021-005-AC and Rule 62-296.320(4)(a), F.A.C.]

A5. The pellet cooler is subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. For process weight rates up to 30 tons per hour, P, the respective allowable emission rates, E in pounds per hour is given below:

$$E = 3.59 (P^{0.62})$$

The maximum process weight is 13.8 tons/hour and, as requested by the applicant, the emission rate is capped at 15.0 pounds per hour and annual emissions are capped at 26.46 tons per any consecutive twelve month period. For lower process rates, i.e. those below 10.0 tons per hour, the process weight rule equation limitation will be the more stringent limitation.
[Construction permit 0610021-005-AC and Rule 62-296.320(4)(a), F.A.C.]

To:

A3. Hours of Operation. For emission calculations, the hours of operation for these emissions units are estimated not to exceed 3,737 hours per year.

*Dryers No. 1 and 2 shall not operate simultaneously.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-009-AC]

A4. Peel dryers no. 1 and 2 are subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 27.0 tons/hour (dryer no. 1) and 36.0 tons/hour (dryer no. 2) and, as requested by the applicant, the emission rate is capped at 17.3 pounds per hour from each dryer and annual emissions are capped at a total of 32.32 tons per any consecutive twelve month period from both dryers since both dryers can not be operated simultaneously.
[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

A5. The pellet cooler is subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 13.8 tons/hour and, as requested by the applicant, the emission rate is capped at 15.0 pounds per hour and annual emissions are capped at 28.03 tons per any consecutive twelve month period. For lower process rates, i.e. those below 10.0 tons per hour, the process weight rule equation limitation will be the more stringent limitation.
[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

Ocean Spray Cranberries, Inc.

Facility ID No.: 0610021

Indian River County

Title V Operation Permit Revision

DRAFT Permit No.: 0610021-010-AV

Permitting Authority:

State of Florida

Department of Environmental Protection

Division of Air Resources Management

Bureau of Air Regulation

Title V Section

Mail Station #5505

2600 Blair Stone Road

Tallahassee, Florida 32399-2400

Telephone: 850/488-1344

Fax: 850/922-6979

Compliance Authority:

Florida Department of Environmental Protection

Central District

3319 Maguire Blvd., Suite 232

Orlando, FL 32803

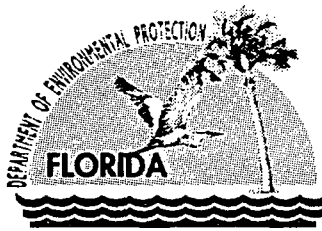
Telephone: 407/894-7555

Fax: 407/897-5963

Title V Air Operation Permit Revision
DRAFT Permit No.: 0610021-010-AV

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Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

Permittee:

Ocean Spray Cranberries, Inc.
925 74th Avenue, Southwest
Vero Beach, FL 32968-9702

DRAFT Permit Revision No.: 0610021-010-AV

Facility ID No.: 0610021

SIC Nos.: 20, 2033, 2037, 2048

Project: Title V Air Operation Permit Revision

Attn: Mark Smidebush, Plant Manager

This permit revision is being issued for the purpose of allowing sufficient operating hours to process a maximum 6.4 million boxes of fruit per year and is located at the existing Vero Beach Facility. This facility is located at 925 74th Avenue, Southwest, Vero Beach, Indian River County; UTM Coordinates: Zone 17, 550.7 km East and 3051.3 km North; Latitude: 27° 35' 10" North and Longitude: 80° 28' 55" West.

STATEMENT OF BASIS: This Title V Air Operation Permit Revision is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:

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

APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/7/96)

APPENDIX TV-4, TITLE V CONDITIONS (version dated 2/12/02)

TABLE 297.310-1, CALIBRATION SCHEDULE (version dated 10/7/96)

Effective Date: July 20, 1999

Title V Permit Revision Effective Date:

Renewal Application Due Date: December 31, 2003

Expiration Date: June 30, 2004

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/sms/ejs

"More Protection, Less Process"

Printed on recycled paper.

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of two citrus peel dryers (nos. 1 and 2) equipped with a waste heat evaporator and an integral scrubber to control particulate emissions; one pellet cooler equipped with a cyclone to control particulate emissions; and three steam boilers (nos. 1, 2, and 3).

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

Based on the initial Title V permit application received June 12, 1996, this facility is not a major source of hazardous air pollutants (HAPs).

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

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-004	Citrus Peel Dryer No. 1
-006	Citrus Peel Dryer No. 2
-005	Pellet Cooler
-002	Steam Boiler No. 1
-003	Steam Boiler No. 2
-001	Steam Boiler No. 3

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

Subsection C. Relevant Documents.

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

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

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

Appendix H-1: Permit History

These documents are on file with the permitting authority:

Initial Title V Air Operation Permit issued July 20, 1999

Application for a Title V Air Operation Permit Revision received November 26, 2001

Additional Information received December 11, 2001

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX TV-4, TITLE V CONDITIONS (version 2/12/02), is a part of this permit. APPENDIX TV-4, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.

2. **Not federally enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

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

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

[Rule 62-296.320(4)(b)1., F.A.C.]

4. Prevention of Accidental Releases (Section 112(r) of CAA). If required by 40 CFR 68, the permittee shall submit to the implementing agency:

- a. a risk management plan (RMP) when, and if, such requirement becomes applicable; and
- b. certification forms and/or RMPs according to the promulgated rule schedule.

[40 CFR 68]

5. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

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

6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.

[Rule 62-213.440(1), 62-213.440(6), and 62-4.040(1)(b), F.A.C.]

7. **Not Federally Enforceable.** Reasonable precautions shall be taken to prevent and control the generation of unconfined emissions of particulate matter. These provisions are applicable to any source, including but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrial related activities such as loading, unloading, storing and handling. These precautions shall include good work practices such as the use of water to keep roadways and work areas damp to control dust and windborne emissions.

[Rule 62-296.320(4)(c)2., F.A.C.]

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

9. Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted providing (1) best operational practices to minimize emissions are adhered to (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.]

{Permitting Note: This rule is not applicable to sources subject to PSD, NSPS, NESHAP regulations.}

10. 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.]

11. A statement that 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).

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

Test Methods and Procedures

12. Compliance with the monitoring requirements of this permit for monitoring equipment not previously installed prior to issuance of this permit shall commence on the date of the next required compliance test after issuance of this permit.

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

13. The requirements for stack sampling facilities, source sampling and reporting, shall be in accordance with Chapter 62-297, F.A.C., *Stationary Sources - Emission Monitoring*.

[Rule 62-297.401, F.A.C.]

14. The visible emissions test shall be conducted by a certified observer and be a minimum of thirty minutes in duration, unless otherwise specified within. The test observation period shall include the period during which the highest opacity can reasonably be expected to occur.

[Rule 62-297.310(4)(a)2, F.A.C.]

15. Testing of emissions shall be conducted with the source operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum operating rate allowed by the permit. If it is impracticable to test at permitted capacity, then sources may be tested at less than capacity; in this case subsequent source operation is limited to 110 percent of the test load until a new test is conducted. Once the unit is so limited, then operation at higher capacities is allowed for no more than 30 consecutive days for the purposes of additional compliance testing to regain the permitted capacity in the permit.

[Rules 62-297.310, and 62-4.070(3), F.A.C.]

Recordkeeping and Reporting Requirements

16. The permittee shall notify the Air Compliance Section of the Central District Office of 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 contact person who will be responsible for coordinating and having such test conducted.

[Rule 62-297.310(7)(a)9, F.A.C.]

17. The permittee shall submit to the Air Compliance Section of Central District Office of the Department each calendar year, on or before March 1, a completed DEP Form 62-213.900 (5), an "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year containing the following information pursuant to Subsection 403.061(13), F.S.:

- a. Annual amount of materials and/or fuels utilized;
- b. Annual emissions (note calculation basis);
- c. Hours of operation;
- d. Any changes in the information contained in the permit.

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

18. Test Reports

a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Air Compliance Section of Central District Office of the Department, and the applicable local program(s) 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 or with the operating permit application, whichever is earlier.

c. The report shall provide sufficient detail on the emissions unit tested (at a minimum, the "Project", "Facility ID" and "Point ID"), the test procedures used to allow the Department to determine if the test report was properly conducted and the test results properly computed. Testing procedures shall be consistent with the requirements of Rule 62-297.310(7), F.A.C.

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

1. 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.
2. The normal operating parameters of air pollution control devices installed on each emission unit (e.g., pressure drop, scrubber liquid flow rate, scrubber liquid pressure, total current, etc.), and the operating parameters of air pollution control devices during each test run.

[Rules 62-297.310(8), F.A.C., and 62-4.070(3), F.A.C.]

19. Hours of Operation - Unless otherwise noted, all emission units are allowed to operate continuously, i.e., 8760 hours per year.

[Rule 62-4.070(3), F.A.C.]

20. At a minimum, all records and logs required by this permit shall be updated monthly. (Also reference appendix TV-4, items 12.(14)(b) and (c) and 42.)

[Rule 62-4.070(3), F.A.C.]

21. When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one.

[Rule 62-213.440, F.A.C.]

22. The permittee shall submit all compliance related notifications and reports required of this permit to:

Department of Environmental Protection
Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803
Telephone: 407/894-7555
Fax: 407/897-5963

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

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air and EPCRA Enforcement Branch
Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303-8960
Telephone: 404/562-9155; Fax: 404/562-9163

24. At least 180 days prior to the expiration date of this operation permit, the permittee shall submit to this office four copies of an air permit application, DEP Form No. 62-210.900(1).

[Rule 62-4.090(1), F.A.C., Reference Appendix TV-4, item 5]

25. Fruit Throughput Limited: The owner or operator shall not process more than 6.4 million boxes of citrus fruit in any consecutive 12 month period. For purposes of this permit, a box of citrus fruit shall be defined to contain 90 pounds of oranges or 85 pounds of grapefruit. The owner or operator shall make and maintain monthly and rolling 12 month records of fruit processing rates to demonstrate compliance with this limitation. Such records shall be made from daily processing records and shall be completed no later than the 10th day of each following month. [Rule 62-4.070(3), F.A.C. and 0610021-009-AC]

Section III. Emissions Unit(s) and Conditions.

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

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-004	Citrus Peel Dryer No. 1
-006	Citrus Peel Dryer No. 2
-005	Pellet Cooler

Citrus peel dryers (nos. 1 and 2) are equipped with a waste heat evaporator and an integral scrubber to control particulate emissions. The pellet cooler is equipped with a cyclone to control particulate emissions.

These emissions units are regulated under Rule 62-296.320, F.A.C., General Pollutant Emission Limiting Standards.

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

Essential Potential to Emit (PTE) Parameters

A1. Capacity.

- a. The maximum process input rate (wet peel) to peel dryer no. 1 shall not exceed 95,256 tons per twelve consecutive months.
- b. The maximum process input rate (wet peel) to peel dryer no. 2 shall not exceed 127,008 tons per twelve consecutive months.
- c. The maximum process rate, which includes moisture, for the pellet cooler shall not exceed 48,686 tons per twelve consecutive months.
- d. The maximum process input rate (wet peel) to both dryers shall not exceed 127,008 tons per twelve consecutive months.

[Rules 62-4.160(2), F.A.C. and 62-210.200, (PTE), F.A.C. and construction permit 0610021-005-AC]

A2. Methods of Operation - (i.e., Fuels).

The fuel used by the peel dryers shall be limited to natural gas, propane, or new no. 2 fuel oil with a sulfur content not to exceed 0.5% S by weight. The maximum fuel usage rate for the two citrus peel dryers shall not exceed 1,265,494 gallons (combined total) per twelve consecutive months.

[Rules 62-210.200, (PTE), F.A.C. and 62-4.160(2), F.A.C., and construction permit 0610021-005-AC]

A3. Hours of Operation. For emission calculations, the hours of operation for these emissions units are estimated not to exceed 3,737 hours per year.

*Dryers No. 1 and 2 shall not operate simultaneously.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-009-AC]

Emission Limitations and Standards

A4. Peel dryers no. 1 and 2 are subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 27.0 tons/hour (dryer no. 1) and 36.0 tons/hour (dryer no. 2) and, as requested by the applicant, the emission rate is capped at 17.3 pounds per hour from each dryer and annual emissions are capped at a total of 32.32 tons per any consecutive twelve month period from both dryers since both dryers can not be operated simultaneously.
[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

A5. The pellet cooler is subject to Rule 62-296.320(4)(a) Process Weight Table 296.320-1, F.A.C. The maximum process weight is 13.8 tons/hour and, as requested by the applicant, the emission rate is capped at 15.0 pounds per hour and annual emissions are capped at 28.03 tons per any consecutive twelve month period. For lower process rates, i.e. those below 10.0 tons per hour, the process weight rule equation limitation will be the more stringent limitation.
[Construction permit 0610021-009-AC and Rule 62-296.320(4)(a), F.A.C.]

A6. Visible emissions from each emission unit shall not be equal to or greater than 20% opacity.
[Rule 62-296.320(4)(b)(1), F.A.C.]

A7. Emissions of sulfur dioxide (SO₂) from peel dryers no. 1 and 2 shall not exceed 44.93 tons per twelve consecutive months (combined total), as requested by the applicant.
[Construction permit 0610021-005-AC]

Test Methods and Procedures

A8. Each peel dryer shall be tested for visible emissions for a 30 minute period annually on, or during the 60 day period prior to January 30. Each peel dryer shall be tested for particulate matter emissions prior to permit renewal. (Note that peel dryer no. 2 shall be tested within 30 days after being placed in operation.) Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of each units process input rate and the fuel type and heat input rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

A9. The pellet cooler shall be tested for visible emissions for a 30 minute period annually on or during the 60 day period prior to January 30. The pellet cooler shall be tested for particulate matter emissions prior to permit renewal. (Note that the pellet cooler shall be tested within 30 days after being placed in operation at its higher permitted capacity.) Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of the units process rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

A10. Compliance with the emission limitations shall be determined using EPA Methods 1, 2, 3, 4, 5, 9, 10, and 25A or Method 25A in conjunction with Method 18 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60 Appendix A.

[Rule 62-297, F.A.C. and Alternate Sampling Procedure Order No. 97-G-01]

A11. The permittee shall demonstrate compliance with the liquid fuel sulfur limit by the vendor providing a fuel analysis upon each fuel delivery or on analysis of as-received samples taken at the facility.

[Rules 62-213.440 and 62-296.406(3), F.A.C.]

A12. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions.

[Rules 62-213.440, 62-296.406(3), 62-070(3), and 62-297.440, F.A.C.]

A13. The maximum permitted process rates during compliance testing are as follows:

- a) peel dryer no. 1 - 27.0 tons/hr. wet peel input
- b) peel dryer no. 2 - 36.0 tons/hr. wet peel input
- c) pellet cooler - 13.8 tons/hr.

[Construction permit 0610021-005-AC]

A14. Compliance Schedule. The applicant shall provide a construction permit application to reduce the potential to emit which are currently based upon construction permit 0610021-005-AC. The conditions, which the applicant wants reduced, are conditions A1 and A3. **The revised construction permit shall be received within thirty days after issuance of the Final permit and will make federally enforceable the lowering of the potential to emit of VOC emissions.** In accordance with the following compliance schedule the emission units shall be in compliance with the following requirements within the specified time after issuance of this permit. The applicant shall notify the Department in writing, within 15 days after the date specified for each milestone, to include the achievement of compliance, of progress achieved, requirements met, requirements not met, corrective measures adopted and an explanation of any measures not met by the completion date for the milestone or for compliance. All reports shall be accompanied by a certification, signed by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

<u>Referenced Standard</u>	<u>Task Description</u>	<u>Following Permit Issuance</u>
62-213.420(1)(b)2., F.A.C.	Submit updated CO & VOC potential to emit estimates and provide a PSD applicability determination.	90 days
62-213.420(1)(b)2., F.A.C.	Submit a proposed compliance procedure to determine VOC emissions, including parametric monitoring to provide a regular compliance demonstration between emission tests, such as measured oil recovery rates, etc.	90 days
62-297.310(6)(d)1. & 2, F.A.C.	Increase stack test platform width to 3 feet.	180 days

[Rule 62-213.440(2), F.A.C. and Title V application received June 12, 1996]

Monitoring of Operations

A15. Determination of Process Variables.

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

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

[Rule 62-297.310(5), F.A.C.]

Recordkeeping and Reporting Requirements

A16. In order to demonstrate compliance with conditions no. A1, A2, A3, A4, A5, A7, and A8, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

- a) month
 - fuel type and no. 2 fuel oil sulfur content
- b) consecutive 12 month total of:
 - process rates
 - hours of operation
 - particulate emissions
 - SO₂ emissions
 - gallons no. 2 fuel oil fired

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C.]

A17. Compliance with the SO₂ emission limitation shall be demonstrated by calculations based on keeping of records of the fuel oil sulfur content and fuel oil consumption for each combustion emission unit. Calculation of emissions shall be done each month and on a rolling twelve month total basis and shall be completed no later than 10 days following the end of each month. These records shall be recorded in a permanent form suitable for inspection by the Department upon request.

[Rule 62-4.070(3), F.A.C.]

Subsection B. This section addresses the following emissions unit(s).

E.U. ID

<u>No.</u>	<u>Brief Description</u>
-002	Steam Boiler No. 1
-003	Steam Boiler No. 2
-001	Steam Boiler No. 3

Steam Boiler No. 1 is a Cleaver Brooks, Model CB500; Steam Boiler No. 2 is a Johnston, Model 534; and Steam Boiler No. 3 is a Johnston, Model 530.

These emission units are regulated under Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with less than 250 Million Btu per Hour Heat Input, New and Existing Units.

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

Essential Potential to Emit (PTE) Parameters

B1. Methods of Operation - (i.e., Fuels).

The fuel used by the boilers shall be limited to natural gas, propane, or new no. 2 fuel oil with a sulfur content not to exceed 0.5% sulfur by weight. The maximum fuel usage rate for each boiler shall not exceed 478,900 gallons per twelve consecutive months.

[Rules 62-210.200, (PTE), F.A.C. and 62-4.160(2), F.A.C., and construction permit 0610021-005-AC]

B2. Hours of Operation. The hours of operation for these emissions unit shall not exceed the following hours per twelve consecutive months.

- a. steam boiler no. 1 - 8760 hours
- b. steam boiler no. 2 - 6336 hours
- c. steam boiler no. 3 - 7728 hours

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C. and construction permit 0610021-005-AC]

Emission Limitations and Standards

B3. Visible emissions from each boiler shall not exceed 20% opacity, except for one two-minute period per hour during which opacity shall not exceed 40%.

[Rule 62-296.406(1), F.A.C.]

B4. Emissions of sulfur dioxide (SO₂) from each boiler shall not exceed 17.0 tons per twelve consecutive months, as requested by the applicant.

[Construction permit 0610021-005-AC]

B5. BACT Determined by DEP:

The amount of particulate and sulfur dioxide emissions from each boiler will be limited by the firing of natural gas, propane, or new no. 2 fuel oil only having a sulfur content not to exceed 0.5 percent, by weight. The term "new" means an oil which has been refined from crude oil and has not been used.

[Rule 62-296.406(2)&(3), F.A.C. and construction permit 0610021-005-AC]

Test Methods and Procedures

B6. Each boiler shall be tested for visible emissions for a 60 minute period annually on, or during the 60 day period prior to January 30. Testing of emissions must be conducted when the emission unit being tested is in operation and the test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. A statement of each units fuel type and heat input rate shall be included with all test reports.

[Rules 62-297.310(7)(a), F.A.C. and 62-4.070(3), F.A.C.]

B7. Compliance with the visible emission limitation shall be determined using EPA Method 9 contained in 40 CFR 60, Appendix A and adopted by reference in Rule 62-297, F.A.C. The minimum requirements for stationary point source emission test procedures and reporting shall be in accordance with Rule 62-297, F.A.C. and 40 CFR 60 Appendix A.

[Rule 62-297, F.A.C.]

B8. The permittee shall demonstrate compliance with the liquid fuel sulfur limit by the vendor providing a fuel analysis upon each fuel delivery or on analysis of as-received samples taken at the facility.

[Rules 62-213.440 and 62-296.406(3), F.A.C.]

B9. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using one of ASTM D2622-94, ASTM D4294-90(95), ASTM 1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 or latest editions.

[Rules 62-213.440, 62-296.406(3), 62-070(3), and 62-297.440, F.A.C.]

Monitoring of Operations

B10. Determination of Process Variables.

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

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

[Rule 62-297.310(5), F.A.C.]

Recordkeeping and Reporting Requirements

B11. In order to demonstrate compliance with conditions no. B1, B2, B4, and B5, the permittee shall maintain a log at the facility for a period of at least 5 years from the date the data is recorded. The log at a minimum shall contain the following:

Monthly

- a) month
 - fuel type and no. 2 fuel oil sulfur content
- b) consecutive 12 month total of:
 - hours of operation
 - particulate emissions
 - SO2 emissions
 - gallons no. 2 fuel oil fired

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C.]

B12. Compliance with the SO2 emission limitation shall be demonstrated by calculations based on keeping of records of the fuel oil sulfur content and fuel oil consumption for each combustion emission unit. Calculation of emissions shall be done each month and on a rolling twelve month total basis and shall be completed no later than 10 days following the end of each month. These records shall be recorded in a permanent form suitable for inspection by the Department upon request.

[Rule 62-4.070(3), F.A.C.]

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

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

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

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

(c) Sampling Ports.

1. All sampling ports shall have a minimum inside diameter of 3 inches.

2. The ports shall be capable of being sealed when not in use.

3. The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.

4. For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.

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

(d) Work Platforms.

1. Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.

2. On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the stack.

3. On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.

4. All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toeboard, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.

(e) Access to Work Platform.

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

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

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

(f) Electrical Power.

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

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

(g) Sampling Equipment Support.

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

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

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

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

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

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

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

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

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

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

Chapter 62-4, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Modification of Permit Conditions.

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

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

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

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

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

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

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

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

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

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

6. Suspension and Revocation.

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

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

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

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

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

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

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

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

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

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

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

8. Transfer of Permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Records of monitoring information shall include:

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

(15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
[Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]

13. Construction Permits.

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

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

(b) An engineering report covering:

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 62-204, F.A.C.

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

Chapter 62-210, F.A.C.

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

(1) Air Construction Permits.

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

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

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

a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;

b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(10)(d)2., Rule 62-212.400, or Rule 62-212.500, F.A.C., as appropriate.

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

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

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

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

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.
3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.

b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

- (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
- (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
- (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.

d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.

4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

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

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

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

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

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

20. Emissions Unit Reclassification.

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

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

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

21. Transfer of Air Permits.

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

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

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

22. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

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

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

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

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

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

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

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

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

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pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.) and all other materials available to the Department that are relevant to the permit decision;

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

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

23. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) A change requiring more frequent monitoring or reporting by the permittee;
- (d) A change in ownership or operational control of a facility, subject to the following provisions:
 1. The Department determines that no other change in the permit is necessary;
 2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
 3. The new permittee has notified the Department of the effective date of sale or legal transfer.
- (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (f) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and,
- (g) Any other similar minor administrative change at the source.

(2) Upon receipt of any such notification the Department shall within 60 days correct the permit and provide a corrected copy to the owner.

(3) After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.

(4) For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

(5) The Department shall incorporate requirements resulting from issuance of a new or revised construction permit into an existing Title V source permit, if the construction permit or permit revision incorporates requirements of federally enforceable preconstruction review, and if the applicant requests at the time of application that all of the requirements of Rule 62-213.430(1), F.A.C., be complied with in conjunction with the processing of the construction permit application.

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

24. Reports.

(3) Annual Operating Report for Air Pollutant Emitting Facility.

(a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.

(c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

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

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

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

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

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

- (a) Acid Rain Part (Phase II), Form and Instructions (Effective 04/16/2001).
1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995).
 2. New Unit Exemption, Form and Instructions (Effective 04/16/2001).
 3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001).
 4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998).
 5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998).

(b) Reserved.

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

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

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

Chapter 62-213, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Constitutes a modification;
- (b) Violates any applicable requirement;
- (c) Exceeds the allowable emissions of any air pollutant from any unit within the source;
- (d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;
- (e) Requires a case-by-case determination of an emission limitation or other standard or a source specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapters 62-212 or 62-296, F.A.C.;
- (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
- (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;

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(h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;

(i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1),(2), or (3),(b)(1) or (b)(3), hereby incorporated by reference;

(j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;

(k) Is a request for industrial-utility unit exemption pursuant to Rule 62-214.340, F.A.C.

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

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

(1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;

(2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;

(a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;

(b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.; and,

(c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;

(3) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;

(a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;

(b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;

(4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

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

34. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision in accordance with this section, provided the change:

(a) Does not violate any applicable requirement;

(b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;

(c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;

(d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.

(2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.

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

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

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

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

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

35. Permit Applications.

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

(a) Timely Application.

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

(b) Complete Application.

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

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

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

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

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

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

36. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (also, see Condition No. 50.)

[Rule 62-213.420(2), F.A.C.]

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

[Rule 62-213.420(3), F.A.C.]

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

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

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

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

(i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).

(ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and
- b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.

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

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

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

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

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

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

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

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

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

Chapter 62-256, F.A.C.

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

[Chapter 62-256, F.A.C.]

Chapter 62-281, F.A.C.

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

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

Chapter 62-296, F.A.C.

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

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

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

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

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

3. Reasonable precautions include the following:

- a. Paving and maintenance of roads, parking areas and yards.
- b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.

- c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities.
 - d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
 - e. Landscaping or planting of vegetation.
 - f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
 - g. Confining abrasive blasting where possible.
 - h. Enclosure or covering of conveyor systems.
4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.
[Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

[electronic file name: tv-4.doc]

TABLE 297.310-1
CALIBRATION SCHEDULE

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

Memorandum

Florida Department of Environmental Protection

TO: Clair Fancy

THRU: Scott Sheplak *SS*

FROM: Edward Svec *ES*

DATE: February 26, 2002

SUBJECT: Ocean Spray Cranberries, Inc.
Additional Operating Hours
0610021-009-AC/0610021-010-AV

Attached for approval and signature is an intent to issue a combined air construction permit and Title V permit revision for the increase hours of operation necessary to process 6.4 million boxes of fruit in a 12-month period through the existing Peel Dryers and Pellet Mill. The applicant did not seek any relaxation in currently enforceable conditions in its other existing emissions units. There will be no emission increases due to this project.

The applicant did not seek any relaxation in currently enforceable conditions in its other existing emissions units.

This project is not subject to PSD because the associated emissions increases are not significant for PSD.

February 26, 2002 is day 77 of the 90 day timeclock.

Attachments

/es