

Memorandum

Florida Department of
Environmental Protection

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

THROUGH: Scott M. Sheplak, P.E.

FROM: Cindy L. Phillips, P.E. *CLP*

RE: Draft Title V Permit No. 0870003-001-AV
Utility Board of the City of Key West - Stock Island Power Plant

DATE: September 10, 1997

I have reviewed the referenced DRAFT permit for this power plant and believe that it provides reasonable assurance of compliance with applicable rules and statutes.

Please review this DRAFT permit and, if acceptable, please sign the letter of intent and the Intent to Issue. If you would like to make any revisions, or have any questions, please let me know.

STATEMENT OF BASIS

Utility Board of the City of Key West
Stock Island Power Plant
Facility ID No.: 0870003
Monroe County

Initial Title V Air Operation Permit DRAFT Permit No.: 0870003-001-AV

This Title V air operation permit 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.

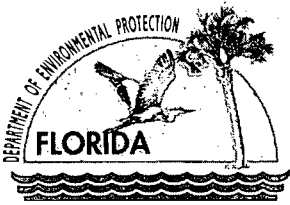
This facility consists of a 37 MW steam plant, two 8.8 MW medium speed diesel generators and a 23.5 MW simple cycle combustion turbine. Including three unregulated 2 MW peaking generators, the total plant generating capacity is 84.1 MW. There is one fossil fuel-fired steam generator, one simple cycle combustion turbine, and two medium speed diesel generators. Low sulfur fuel is the primary fuel. To reduce pollution, a combination of control techniques are used including water injection, multiple cyclones, ignition timing retardation, and low sulfur fuel.

The Ralph Garcia Steam Plant is a Zurn Model 17995 normally fired steam generator that fires low sulfur No. 2 or No. 6 fuel oil, or propane, with a maximum heat input of 515 MMBtu per hour. Sulfur dioxide emissions are controlled by limiting the sulfur content of the fuel. Particulate emissions are controlled by a multicyclone dust collector with a control efficiency of 46% for particulate matter and 37% for PM₁₀. Sulfur dioxide, carbon dioxide, nitrogen oxides, visible emissions, and gas flow rate are all continuously monitored.

Each of the two 8.8 MW (nominal) electric Fairbanks Morse diesel generators burn No. 2 distillate fuel oil and have a maximum heat input rate of 85.4 million Btu per hour. Sulfur dioxide emissions are controlled by limiting the sulfur content of the No. 2 fuel oil to 0.05% by weight. Nitrogen oxides emissions are controlled by ignition timing retard and by limiting the hours of operation. Visible emissions and NOx emissions are continuously monitored.

The General Electric (GE) Frame 5 model PG5341 combustion turbine (CT) is equipped with water injection for fuel oil firing, and has a rated capacity of 23.5 MW at ISO conditions. The GE CT will have a heat input at 59° F of 312 MMBtu per hour while burning oil. The CT will be fired with No. 2 fuel oil with a sulfur content not to exceed 0.05 % by weight. NOx emissions are controlled by a water injection system. The water to fuel ratio is continuously monitored. This turbine began operation at this location on January 1, 1996.

Also included in this permit are miscellaneous unregulated and exempt emissions units and 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).



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary


P.E. Certification Statement

Permittee:
Utility Board of the City of Key West
Stock Island Power Plant

[DRAFT] Permit No.: 0870003-001-AV]
Facility ID No.: 0870003

Project type: Initial Title V Air Operation Permit

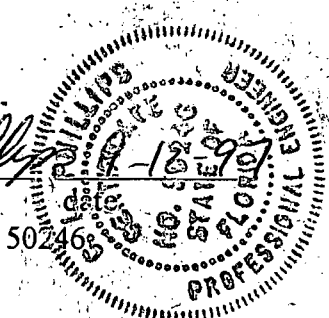
I HEREBY CERTIFY that the engineering features described in the above referenced application and subject to the proposed permit conditions provide reasonable assurance of compliance with applicable provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Chapters 62-4 and 62-204 through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

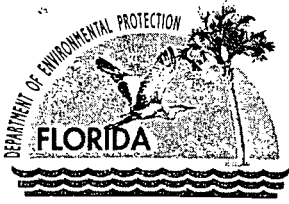

C. L. Phillips

Registration Number: 50246

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: 850/921-9534
Fax: 850/922-6979





Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

September 12, 1997

Mr. Leo Carey
Manager
Utility Board of the City of Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

Re: DRAFT Title V Permit No.: 0870003-001-AV
Stock Island Power Plant

Dear Mr. Carey:

One copy of the DRAFT Title V Air Operation Permit for the Stock Island Power Plant located at 6900 Front Street, Stock Island, Monroe County, is enclosed. The permitting authority's "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" is also included.

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" must be published as soon as possible upon receipt of this letter. This issue is important in order for you to receive your Title IV Acid Rain permit by January 1, 1998, pursuant to the Clean Air Act and Section 403.782, Florida Statutes. Proof of publication, i.e., newspaper affidavit, must be provided to the permitting authority's office within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in denial of the permit.

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Scott M. Sheplak, P.E., at the above letterhead address. If you have any other questions, please contact Steve Welsh at 850/488-1344.

Sincerely,

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

CHF/w

Enclosures

cc: Ms. Carla E. Pierce, U.S. EPA, Region 4 (INTERNET E-mail Memorandum)
Ms. Yolanda V. Adams, U.S. EPA, Region 4 (INTERNET E-Mail Memorandum)

Z 127 635 540



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Leo Carey
Manager
Utility Board of the City of
Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

4a. Article Number
2 127 635 540

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
[Signature] 9/22/97

PS Form 3811, December 1991 U.S. GPO: 1992-323-402

Thank you for using Return Receipt Service.

Send to	Mr. Leo Carey
Street and No.	P.O. Drawer 6100
P.O., State and ZIP Code	Key West, Florida 33041-6100
Postage	\$ 6100
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$

Postmark or Date (DRAFT PERMIT)
9/18/97
City of Key West - Stock
Island Power Plant
ID# 0870003-001-AV

PS



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

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SENDER:

- Complete items 1 and/or 2 for additional services.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
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I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Mr. Carl R. Jansen, Jr.
Utility Board of the City of
Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

4a. Article Number
2 127 635 541

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
[Signature] 9/22/97

PS Form 3811, December 1991 U.S. GPO: 1992-323-402

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Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$

Postmark or Date (DRAFT PERMIT)
9/18/97
City of Key West - Stock
Island Power Plant
ID# 0870003-001-AV

PS

DOMESTIC RETURN RECEIPT

In the Matter of an
Application for Permit by:
Utility Board of the City of Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

DRAFT Permit No.: 0870003-001-AV
Stock Island Power Plant
Monroe County

INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit (copy of DRAFT Permit enclosed) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Utility Board of the City of Key West, applied on June 12, 1996, to the permitting authority for a Title V air operation permit for the Stock Island Power Plant located at 6900 Front Street, Stock Island, Monroe County.

The permitting authority has permitting jurisdiction 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. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V air operation permit is required to commence or continue operations at the described facility.

The permitting authority intends to issue this Title V air operation permit based on the belief that reasonable assurances have been provided to indicate that operation of the source will not adversely impact air quality, and the 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 Sections 403.815 and 403.0872, F.S., and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." The notice shall be published one time only within 30 (thirty) days 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 permitting authority at the address or telephone number listed below. The applicant shall provide proof of publication to the Department's Bureau of Air Regulation, 2600 Blair Stone Road, Mail Station #5505, Tallahassee, Florida 32399-2400 (Telephone: 904/488-1344; Fax: 904/922-6979), 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 pursuant to Rule 62-103.150(6), F.A.C.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the enclosed Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

The permitting authority will accept written comments concerning the proposed permit issuance action for a period of 30 (thirty) days from the date of publication of "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT." Written comments should be provided to the permitting authority office. Any written comments filed shall be made available for public inspection. If written comments received result in a significant change in this DRAFT Permit, the permitting authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice.

The permitting authority will issue the permit with the attached conditions unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 850/488-9730; Fax: 850/487-4938). Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any other person must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. A petitioner must 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 (or a request for mediation, as discussed below) 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 28-5.207, F.A.C.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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

In addition to the above, a person subject to regulation has a right to apply to the Department of Environmental Protection 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 of Environmental Protection, 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.

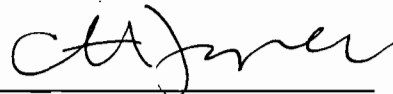
The Department will grant a variance or waiver when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in Section 120.542(2), F.S., and that the purpose of the underlying statute will 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 United States Environmental Protection Agency 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 401 M. Street, SW, Washington, D.C. 20460.

Executed in Tallahassee, Florida.

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION**



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 TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT permit) and all copies were sent by certified mail before the close of business on 9/18/97 to the persons listed:

Mr. Leo Carey, Utility Board of the City of Key West
Mr. Carl R. Jansen, Jr., Utility Board of the City of Key West

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT permit) were sent by U.S. mail on the same date to the persons listed:

Mr. Ivan Clark, P.E., R.W. Beck Engineering
South Florida District Office, FDEP, attn.: David Knowles
South Florida District Branch Office, FDEP, attn.: Jim Edds

Clerk Stamp

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

Barbara J. Pentwell 9/18/97
(Clerk) (Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Title V DRAFT Permit No.: 0870003-001-AV
Stock Island Power Plant
Monroe County

The Department of Environmental Protection (permitting authority) gives notice of its intent to issue a Title V air operation permit to Utility Board of the City of Key West for the Stock Island Power Plant located at 6900 Front Street, Stock Island, Monroe County. The applicant's name and address are: Utility Board of the City of Key West, P.O. Drawer 6100, Key West, Florida 33041-6100.

The permitting authority will issue the Title V PROPOSED Permit, and subsequent Title V FINAL Permit, in accordance with the conditions of the Title V DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms or conditions.

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

The permitting authority will issue the permit unless a timely petition for an administrative hearing is filed pursuant to Sections 120.569 and 120.57, F.S. Mediation under Section 120.573, F.S., will not be available for this proposed action.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000 (Telephone: 904/488-9730; Fax: 904/487-4938). Petitions must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of the notice of intent, whichever occurs first. A petitioner must 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 applicable 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 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Permit File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the permitting authority's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the permitting authority's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;

(e) A statement of the facts that the petitioner contends warrant reversal or modification of the permitting authority's action or proposed action;

(f) A statement identifying the rules or statutes that the petitioner contends require reversal or modification of the permitting authority's action or proposed action; and,

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the permitting authority to take with respect to the action or proposed action addressed in this notice of intent.

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

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 401 M. Street, SW, 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:

Permitting Authority:

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

Affected District:

FDEP South Florida District Office
2295 Victoria Avenue, Suite 364
Fort Myers, Florida 33901
Telephone: 941/332-6975
Fax: 813/332-6969

FDEP South Florida District Branch Office
2796 Overseas Highway, Suite 221
Marathon, Florida 33050
Telephone: 305/289-2310
Fax: 305/289-2314

The complete project file includes the DRAFT Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S.

Interested persons may contact Scott M. Sheplak, P.E., at the above address, or call 904/488-1344, for additional information.

Utility Board of the City of Key West
Stock Island Power Plant
Facility ID No.: 0870003
Monroe County

Initial Title V Air Operation Permit
DRAFT Permit No.: 0870003-001-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

September 12, 1997

[file: 0870003.doc]

Initial Title V Air Operation Permit
DRAFT Permit No.: 0870003-001-AV

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Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

Permittee:

Utility Board of the City of Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

DRAFT Permit No.: 0870003-001-AV

Facility ID No.: 0870003

SIC Nos.: 49, 4911

Project: Initial Title V Air Operation Permit

This permit is for the operation of the Stock Island Power Plant. This facility is located at 6900 Front Street, Stock Island, Monroe County; UTM Coordinates: Zone 17, 425.65 km East and 2716.67 km North; Latitude: 24° 33' 49" North and Longitude: 81° 44' 03" West.

STATEMENT OF BASIS: This Title V air operation permit 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 Utility Board of the City of Key West is authorized to operate the Stock Island Power Plant as shown in the application and approved drawings, plans, and other documents, in accordance with the terms and conditions of this permit.

Referenced attachments made a part of this permit:

Appendix U-1, List of Unregulated Emissions Units

Appendix E-1, List of Exempt Emissions Units and/or Activities

APPENDIX TV-1, TITLE V CONDITIONS (Version Dated 08/11/97)

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

TABLE 297.310-1, CALIBRATION SCHEDULE (Version Dated 10/07/96)

FIGURE 1 - SUMMARY REPORT - GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM REPORT (version dated 7/96)

Phase II Acid Rain Application received December 11, 1995

Phase II Acid Rain New Unit Exemptions issued February 7 and 9, 1995

Effective Date: January 1, 1998

Renewal Application Due Date: July 5, 2002

Expiration Date: December 31, 2002

Howard L. Rhodes, Director
Division of Air Resources
Management

HLR/clp/stw

Section I. Facility Information

Subsection A. Facility Description

This facility consists of seven emission units (including several unregulated emissions units), with a total plant generating capacity of 84.1 MW. There is one fossil fuel-fired steam generator, one simple cycle combustion turbine, and two medium speed diesel generators. Low sulfur fuel is the primary fuel. To reduce pollution, a combination of control techniques are used including water injection, multiple cyclones, ignition timing retardation, and low sulfur fuel. Also included in this permit are miscellaneous unregulated/exempt 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 Descriptions

E.U.

ID No. Brief Description

-001	Ralph Garcia Steam Plant, 37 MW [EPA ID #: 1]
-005	(2) 8.8 MW Medium Speed Diesel Generators (Unit #1 & Unit #2) [EPA ID # D-1 & D-2]
-007	Simple Cycle Combustion Turbine, 23.5 MW
-xxx	Unregulated Emissions Units (See Appendix U-1.)

Please reference the Permit No., Facility ID No., and appropriate Emissions Unit ID Nos. on all correspondence, test report submittals, applications, and other information.

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:

Table 1-1, Summary of Air Pollutant Standards and Terms

Table 2-1, Summary of Compliance Requirements

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

Appendix H-1, Permit History / ID Number Transfers

These documents are on file with permitting authority:

Initial Title V Permit Application received June 12, 1996.

Section II. Facility-wide Conditions

1. APPENDIX TV-1, TITLE V CONDITIONS (version dated 8/11/97), is a part of this permit.

{Permitting note: APPENDIX TV-1, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a 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 Chapter 62-297, F.A.C.

[Rule 62-296.320(4)(b)1. & 4., 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 or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.

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

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

[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

7. Not federally enforceable. The permittee shall take reasonable precautions to prevent emissions of unconfined particulate matter at this facility. These precautions include receiving delivery of fuel oil by barge rather than trucks, and using paved roads for the fuel trucks which deliver vehicle fuel. Additionally, watering will be used as needed to prevent emissions from unpaved areas.

[Rule 62-296.320(4)(c)2., F.A.C.; Proposed by applicant in the initial Title V permit application received June 12, 1996]

8. The permittee shall submit all compliance, annual operating reports and other correspondence required of this permit to the Department's South District and Marathon Branch offices:

Department of Environmental Protection
South District Office
2295 Victoria Avenue, Suite 364
Fort Myers, Florida, 33901
Telephone: 813/332-6975
Fax: 813/332-6969

Department of Environmental Protection
Marathon Branch Office
2796 Overseas Highway, Suite 221
Marathon Florida, 33901
Telephone: 305/289-2310
Fax: 305/289-2314

9. 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
Operating Permits Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9099
Fax: 404/562-9095

10. 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.]

Section III. Emissions Units and Conditions

Subsection A.

This section addresses the following emissions units:

E.U.

ID No. Brief Description

-001 Ralph Garcia Steam Plant, 37 MW [EPA ID #:1]

The Ralph Garcia Steam Plant is a Zurn Model 17995 normally fired steam generator that fires low sulfur No. 2 or No. 6 fuel oil, or propane, with a maximum heat input of 515 MMBtu per hour. Sulfur dioxide emissions are controlled by limiting the sulfur content of the fuel. Particulate emissions are controlled by a multicyclone dust collector with a control efficiency of 46% for particulate matter and 37% for PM₁₀. Sulfur dioxide, carbon dioxide, nitrogen oxides, visible emissions, and gas flow rate are all continuously monitored.

{Permitting notes: The emissions unit is regulated under Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input. The unit began commercial operation in December of 1972, however it was relocated to its current location in December of 1982. It is a Phase II Acid Rain Unit.}

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

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum heat input shall not exceed 515 MMBtu per hour.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE) and 62-296.405, F.A.C.]

A.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition A.22.

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

A.3. Methods of Operation - Fuels. The only fuels authorized to be burned in this unit are, new/virgin No. 6 residual fuel oil, or new/virgin No. 2 fuel oil, or propane. The sulfur content shall not exceed 2.5 percent by weight.

[Rules 62-4.160(2), 62-210.200, and 62-213.440(1), F.A.C.]

A.4. Hours of Operation. This emissions unit may operate continuously, i.e., 8,760 hours/year.

[Rule 62-210.200 (PTE), F.A.C.]

Emission Limitations and Standards

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

A.5. Visible Emissions. Visible emissions shall not exceed 20 percent opacity, except for one two-minute period per hour during which opacity shall not exceed 40 percent. Emissions units governed by this visible emissions limit shall compliance test for particulate matter emissions annually and as otherwise required by Chapter 62-297, F.A.C.

[Rule 62-296.405(1)(a), F.A.C.]

A.6. Visible Emissions - Soot Blowing and Load Change. Visible emissions shall not exceed 60 percent opacity during the 3-hours in any 24 hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.

A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.

[Rule 62-210.700(3), F.A.C.]

A.7. Particulate Matter. Particulate matter emissions shall not exceed 0.1 pound per million Btu heat input, as measured by applicable compliance methods.

[Rule 62-296.405(1)(b), F.A.C.]

A.8. Particulate Matter - Soot Blowing and Load Change. Particulate matter emissions shall not exceed an average of 0.3 pound per million Btu heat input during the 3-hours in any 24-hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.

[Rule 62-210.700(3), F.A.C.]

A.9. Sulfur Dioxide. When burning liquid fuel, sulfur dioxide emissions shall not exceed 2.75 pounds per million Btu heat input, as measured by applicable compliance methods.

[Rule 62-296.405(1)(c)1.j., F.A.C.]

A.10. Sulfur Dioxide - Sulfur Content. The fuel oil sulfur content shall not exceed 2.5 percent, by weight. See specific condition **A.20**.
[Rule 62-296.405(1)(e)3., F.A.C.; AO44-245479]

Excess Emissions

A.11. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.
[Rule 62-210.700(1), F.A.C.]

A.12. Excess emissions resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.
[Rule 62-210.700(2), F.A.C.]

A.13. 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.]

Monitoring Requirements

A.14. Sulfur Dioxide. **The permittee elected to demonstrate compliance by accepting a liquid fuel sulfur limit that will be verified with a fuel analysis provided by the vendor upon each fuel delivery.** This protocol is allowed because the emissions unit does not have an operating flue gas desulfurization device. See specific conditions **A.10., A.19. and A.20.**
[Rule 62-296.405(1)(f)1.b., F.A.C.]

A.15. 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.]

Test Methods and Procedures

{Permitting Note: The attached Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

A.16. Visible emissions. The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated according to Rule 62-297.520, F.A.C. See specific condition **A.17.**
[Rule 62-296.405(1)(e)1., F.A.C.]

A.17. DEP Method 9. The provisions of EPA Method 9 (40 CFR 60, Appendix A) are adopted by reference with the following exceptions:

1. EPA Method 9, Section 2.4, Recording Observations. Opacity observations shall be made and recorded by a certified observer at sequential fifteen second intervals during the required period of observation.

2. EPA Method 9, Section 2.5, Data Reduction. For a set of observations to be acceptable, the observer shall have made and recorded, or verified the recording of, at least 90 percent of the possible individual observations during the required observation period. For single-valued opacity standards (e.g., 20 percent opacity), the test result shall be the highest valid six-minute average for the set of observations taken. For multiple-valued opacity standards (e.g., 20 percent opacity, except that an opacity of 40 percent is permissible for not more than two minutes per hour) opacity shall be computed as follows:

- a. For the basic part of the standard (i.e., 20 percent opacity) the opacity shall be determined as specified above for a single-valued opacity standard.
- b. For the short-term average part of the standard, opacity shall be the highest valid short-term average (i.e., two-minute, three-minute average) for the set of observations taken.

In order to be valid, any required average (i.e., a six-minute or two-minute average) shall be based on all of the valid observations in the sequential subset of observations selected, and the selected subset shall contain at least 90 percent of the observations possible for the required averaging time. Each required average shall be calculated by summing the opacity value of each of the valid observations in the appropriate subset, dividing this sum by the number of valid observations in the subset, and rounding the result to the nearest whole number. The number of missing observations in the subset shall be indicated in parenthesis after the subset average value.

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

A.18. Particulate Matter. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, incorporated by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. The owner or operator may use EPA Method 5 to demonstrate compliance. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen based F-factor, computed according to EPA Method 19, is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17.
[Rules 62-296.405(1)(e)2. and 62-297.401, F.A.C.]

A.19. Sulfur Dioxide. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B, or 6C, incorporated by reference in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure is incorporated into the operation permit for the emissions unit. If the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C., the procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedences of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards. **The permittee may use the EPA test methods, referenced above, to demonstrate compliance; however, as an alternate sampling procedure authorized by permit, the permittee elected to demonstrate compliance by accepting a liquid fuel sulfur limit that will be verified with a fuel analysis provided by the vendor upon each fuel delivery.** See specific conditions A.10. and A.20.
[Rules 62-213.440, 62-296.405(1)(e)3. and 62-297.401, F.A.C. and AO44-245479.]

A.20. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using either ASTM D2622-92, ASTM D4294-90, or both ASTM D4057-88 and ASTM D129-91. If a test method is updated, the latest edition of the method may be used.
[Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.440, F.A.C.]

A.21. Operating Rate During Testing. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at

higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rules 62-297.310(2) & (2)(b), F.A.C.]

A.22. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

1. (not applicable)
2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid for more than 400 hours other than during startup.
3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
 - a. Did not operate; or
 - b. In the case of a fuel burning emissions unit, burned liquid fuel for a total of no more than 400 hours.
4. During each federal fiscal year (October 1 - September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
 - a. Visible emissions, if there is an applicable standard;
 - b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
 - c. Each NESHAP pollutant, if there is an applicable emission standard.
5. An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid fuel, other than during startup, for a total of more than 400 hours.
6. (not applicable)
7. (not applicable)
8. (not applicable)

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
10. An annual compliance test conducted for visible emissions shall not be required for units exempted from permitting at Rule 62-210.300(3)(a), F.A.C., or units permitted under the General Permit provisions at Rule 62-210.300(4), F.A.C.

(b) See Common Conditions.

(c) See Common Conditions.

[Rule 62-297.310(7), F.A.C., SIP approved]

A.23. By this permit, annual emissions compliance testing for visible emissions is not required for these emissions units while burning:

- a. only gaseous fuel(s); or
- b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or
- c. liquid fuel(s) for less than 400 hours per year.

[Rule 62-297.310(7)(a)4., F.A.C.]

A.24. Annual and permit renewal compliance testing for particular matter emissions is not required for these emissions units while burning:

- a. only gaseous fuel(s); or
- b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or
- c. liquid fuel(s) for less than 400 hours per year.

[Rule 62-297.310(7)(a)3. & 5., F.A.C., and ASP 97-B-01]

Reporting and Recordkeeping Requirements

A.25. In order to document continuing compliance with the fuel oil sulfur limit in specific condition A.3, the permittee shall keep records of the sulfur content, in percent by weight, of all the fuel burned based on either vendor provided as-shipped analyses or on analyses of as-received samples. The records shall be maintained for a minimum of two years and shall be made available to the Department upon request. The permittee shall submit a copy of the fuel oil analysis for the fuel oil burned during each compliance test with the results from the test.

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

A.26. As required by the AC permit (AC-44-61820), a report stating the quantity of fuel oil received and sulfur content of the fuel oil shall be submitted to the Department monthly.

[Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.440, F.A.C.]

A.27. In case of excess emissions resulting from malfunctions, the permittee shall notify the Department's South District Office and Marathon Branch Office in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rule 62-210.700(6), F.A.C]

A.28. The permittee shall submit to the Department's South District Office and Marathon Branch Office a written report of emissions in excess of the emission limiting standards as set forth in rule 62-296.405, F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. The report shall state the cause, period of non-compliance, steps taken for corrective action, and steps taken to prevent recurrence. The Department shall also be notified when there are no exceedances for a quarter. This report does not relieve the permittee of the legal liability for violations. All relevant records shall be maintained on file for a period of at least two years. The report shall be submitted within 30 days following each calendar quarter.

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

A.29. Malfunction Reporting. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rule 62-210.700(6), F.A.C.]

Subsection B.

This section addresses the following emissions units:

E.U.

ID No. Brief Description

-005 (2) 8.8 MW Medium Speed Diesel Generators (Unit #1 & Unit #2)
 [EPA ID #: D-1 & D-2]

Each of the two 8.8 MW (nominal) electric Fairbanks Morse diesel generators burn No. 2 distillate fuel oil and have a maximum heat input rate of 85.4 million Btu per hour. Sulfur dioxide emissions are controlled by limiting the sulfur content of the No. 2 fuel oil to 0.05% by weight. Nitrogen oxides emissions are controlled by ignition timing retard and by limiting the hours operation. Visible emissions and NOx emissions are continuously monitored.

{Rule 212.400, F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-212.400(6), F.A.C., Best Available Control Technology (BACT) Determination dated 6/5/89, AO44-207419 & PSD-FL-135}

Essential Potential to Emit (PTE) Parameters

B.1. Permitted Capacity. The maximum heat input rate to each diesel generator shall not exceed 85.4 MMBtu per hour (606 gallons per hour). The sum total consumption of fuel oil for both diesel generators combined shall not exceed 2.27 million gallons in any 12 consecutive month period.

[Rule 62-4.160(2), F.A.C. and Rule 62-210.200, F.A.C., Definitions - (PTE) and AC44-207419/PSD-FL-135]

B.2. Emissions Unit Operating Rate Limitation During and After Testing. Testing of emissions shall be conducted with the emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity

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

B.3. Methods of Operation - Fuels. The only fuel to be burned in this unit is new/virgin No. 2 fuel oil. The sulfur content shall not exceed 0.05 percent by weight.

[Rules 62-213.440(1), F.A.C.; AC44-221256/PSD-FL-135; and Acid Rain Program New Unit Exemptions.]

B.4. Hours of Operation. For both units combined, the hours of operation shall not exceed a combined total of 3,740 full load equivalent engine hours in any consecutive 12-month period.

[Rule 62-212.400(6), F.A.C.]

Emission Limitations and Standards

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

B.5. Oxides of Nitrogen: NO_x emissions shall not exceed any of the following limits:

- a. 160.9 pounds per hour from each engine;
- b. 6.0 grams per horsepower-hour from each engine;
- c. 300.9 tons in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., and AC44-221256]

B.6. Sulfur Dioxide: SO₂ emissions shall not exceed either of the following limits:

- a. 43.6 pounds per hour from each engine;
- b. 81.6 tons in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., and AC44-221256]

B.7. Particulate Matter. PM/PM₁₀ emissions shall not exceed any of the following limits:

- a. 8.5 pounds per hour from each engine;
- b. 0.1 million pound per million Btu heat input;
- c. 16.0 tons in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., and AC44-221256]

B.8. Carbon Monoxide: CO emissions shall not exceed any of the following limits:

- a. 53.6 pounds per hour from each engine;
- b. 2.0 grams per horsepower-hour from each engine;

c. 100.3 tons in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., and AC44-221256]

B.9. Volatile Organic Compounds: VOC emissions shall not exceed any of the following limits:

a. 28.6 pounds per hour from each engine;

b. 1.0 grams per horsepower-hour from each engine;

c. 50.1 tons in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., and AC44-221256]

B.10. Beryllium (Be): Beryllium emissions shall not exceed 0.00054 pounds per hour from each engine and shall not exceed 2.0 pounds in any 12 consecutive month period for the combined sum total from both engines.

[Rule 62-212.400(6), 62-212.400(1)(c), and 62-212.400(2)(d)4., F.A.C., AC44-221256]

B.11. Visible Emissions: Visible emissions shall not exceed 20 percent opacity.

[Rule 62-296.320(4)(b)1, F.A.C., AC44-221256]

B.12. Objectionable Odor: The permittee shall not discharge air pollutants which cause or contribute to an objectionable odor.

[Rule 62-296.320(1)(a)2, F.A.C., AC44-221256]

Excess Emissions

B.13. Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.

[Rule 62-210.700(1), F.A.C.]

B.14. 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.]

Monitoring Requirements

B.15. The permittee shall calibrate, maintain, and operate continuous monitoring equipment, in accordance with the manufacturer's instructions, to continuously monitor and record opacity and NOx emissions. The permittee shall maintain a complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system performance evaluations, all continuous emissions monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, recorded in an a permanent legible form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

[Rule 62-4.070(3), F.A.C. and AC44-221256/PSD-FL-135]

Test Methods and Procedures

{Permitting Note: The attached Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

B.16. The permittee shall test each diesel generator on an annual basis within 45 days of June 1 for the following pollutants. Each compliance test shall be conducted in accordance with 40 CFR 60, Appendix A, using the method indicated.

- a) Oxides of Nitrogen (NOx) - EPA Method 20.
- b) Carbon Monoxide (CO) - EPA Method 10.
- c) Beryllium (Be) - EPA Method 104.

[Rule 62-297.310(7)4., F.A.C.]

B.17. The permittee shall test each diesel generator prior to obtaining a renewed operation permit for the following pollutants. Each compliance test shall be conducted in accordance with 40 CFR 60 Appendix A, using the method indicated.

- a) Sulfur Dioxide (SO₂) - EPA Method 6 or ASTM D 2880-71 for sulfur in oil.
- b) Particulate Matter (PM/PM₁₀) - EPA Method 5.
- c) Visible Emissions - EPA Method 9.
- d) Volatile Organic Compounds (VOC) - EPA Method 25.

[Rule 62-297.310(7)3., F.A.C.]

B.18. By this permit, annual emissions compliance testing for visible emissions is not required for these emissions units while burning liquid fuel(s) for less than 400 hours per year.

[Rule 62-297.310(7)(a)4., F.A.C.]

B.19. Annual and permit renewal compliance testing for particular matter emissions is not required for these emissions units while burning liquid fuel(s) for less than 400 hours per year.

[Rule 62-297.310(7)(a)3. & 5., F.A.C.]

Reporting and Recordkeeping Requirements

B.20. In order to document compliance with the hours of operation limitation of specific condition B.4, the fuel oil consumption limit of specific condition B.1, and the annual NOx emission limit of specific condition B.5, the permittee shall keep daily records of the hours of operation, the fuel oil consumption, and the NOx emissions. At a minimum, the records shall indicate:

- (a) the daily hours of operation for each individual diesel generator,
- (b) the daily hours of operation expressed as full load equivalent engine hours (both units combined);
- (c) the daily sum total fuel oil consumption in gallons for both units combined;
- (d) the daily sum total NOx emissions in pounds for both units combined;
- (e) a cumulative total hours of operation expressed as full load equivalent engine hours for the current month;
- (f) a cumulative sum total fuel oil consumed in gallons for the current month;
- (g) a cumulative sum total NOx emissions in tons for the current month;
- (h) a rolling cumulative total hours of operation expressed as full load equivalent engine hours for the previous 12 consecutive months;
- (i) a rolling cumulative sum total fuel oil consumed in gallons for the previous 12 months; and
- (j) a rolling cumulative sum total NOx emissions in tons for the previous 12 consecutive months.

[Rule 62-4.070(3), F.A.C. and AC44-221256/PSD-FL-135]

B.21. For each calendar quarter, the permittee shall submit to the Department a written report of emissions in excess of the emission limiting standards as set forth in this permit. The report shall be postmarked by the 30th day following the end of each calendar quarter. The report shall include at least the following information:

1. The quarterly hours of operation for each individual diesel generator.
2. The magnitude of excess emissions, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.
3. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions.

4. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.

5. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

B.22. In order to document continuing compliance with the hourly SO₂ emission limit of specific condition B.6 and the fuel sulfur limit of specific condition B.3, the permittee shall keep records of the sulfur content, in percent by weight, of all the fuel burned. The records shall be based upon either vendor provided as-shipped analyses or upon analyses of as-received samples. The records shall be maintained for a minimum of two years and shall be made available to the Department upon request.

[Rule 62-4.070(3), F.A.C. and AC44-221256/PSD-FL-135]

Source Commitments

B.23. If the permittee requests relaxation of any federally enforceable limits for these units, then the Department will determine whether the NSR requirements of Rule 62-212.400, F.A.C. shall apply, as though the construction permit AC44-221256 had not been issued.

[Rule 62-4.070(3), F.A.C. and AC44-221256/PSD-FL-135]

B.24. Best Available Control Technology (BACT) will be re-evaluated if the permittee requests an increase in or exceeds the permitted hours of operation. Selective Catalytic Reduction for NO_x control will be required at a minimum for BACT if deemed technologically feasible. In no event shall the BACT control installation and compliance testing occur later than 30 months from the date that the permittee requested to exceed the permitted hours of operation or actually exceeded the permitted hours of operation.

[Rule 62-4.070(3), F.A.C. and AC44-221256/PSD-FL-135]

B.25. The three existing 16.5 MW steam units at the Key West Plant shall not operate.

[AC44-221256/PSD-FL-135 and AC44-152197]

Subsection C.

This section addresses the following emissions units:

E.U.

ID No. Brief Description

-007 Simple Cycle Combustion Turbine, 23.5 MW

Emissions unit -007 is a General Electric (GE) Frame 5 model PG5341 CT equipped with water injection for fuel oil firing. It has a rated capacity of 23.5 MW at ISO conditions. The GE CT will have a heat input of 312 MMBtu per hour (at 59° F) while burning oil. The CT will be fired with No. 2 fuel oil with a sulfur content not to exceed 0.05 % by weight. NOx emissions are controlled by a water injection system. The water to fuel ratio is continuously monitored. This turbine began operation at this location January 1, 1996.

{Permitting notes: This emissions unit is regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted and incorporated by reference in Rule 62-204.800(7)(b)38., F.A.C.; NSPS 40 CFR 60 Subpart A; Rule 212.400, F.A.C., Prevention of Significant Deterioration; PSD-FL-210; and AC44-245399. The unit is not affected by the Acid Rain Program, as it is an existing (pre-1990) simple cycle combustion turbine less than 25 MW.}

Essential Potential to Emit (PTE) Parameters

C.1. Permitted Capacity. The maximum heat input to the GE combustion turbine (CT) at an ambient temperature of 59° F shall not exceed 312 MMBtu/hr while firing fuel oil. Heat input may vary depending on ambient conditions and the CT characteristics. Manufacturer's curves or equations for correction to other temperatures shall be provided to DEP for review and approval 90 days prior to the initial compliance test. The approved manufacturer's curves shall be used to establish heat input rates over a range of temperatures for the purpose of compliance determination.
[Rule 62-210.200, F.A.C., AC44-245399/PSD-FL-210]

C.2. Methods of Operation - Fuels. The only fuel to be burned in this unit is new No. 2 fuel oil. The sulfur content shall not exceed 0.050 percent by weight.
[Rules 62-4.160(2), 62-210.200, and 62-213.440(1), F.A.C., AC44-245399/PSD-FL-210]

C.3. Hours of Operation/Fuel Consumption The maximum No. 2 fuel oil consumption allowed to be burned in the CT is 7.1 million gallons per year, which is equivalent to 2,888.5 hours per year at full-load; the CT may operate for more than this if operating at part-load.

[Rule 62-212.500(56), F.A.C., AC44-245399, PSD-FL-210]

Emission Limitations and Standards

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

Pursuant to Rule 62-212.410, F.A.C., BACT, the maximum allowable emissions from the CT, when firing No. 2 fuel oil at 15% O₂, shall not exceed:

C.4. Oxides of Nitrogen. NO_x emissions shall not exceed any of the following limits:

a. Nitrogen oxides emissions, expressed as NO_x, shall not exceed:

$$STD = 0.0075 (14.4)/Y + F$$

where:

STD=allowable NO_x emissions (percent by volume at 15 percent oxygen and on a dry basis).

Y=manufacturer's rated heat rate at manufacturer's rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour.

F=NO_x emission allowance for fuel-bound nitrogen as defined in 40 CFR 60.332(a)(3).

F shall be defined according to the nitrogen content of the fuel as follows:

<u>Fuel-bound nitrogen (% by weight)</u>	<u>F (NO_x% by volume)</u>
N ≤ 0.015.....	0
0.015 < N ≤ 0.1.....	0.04(N)
0.1 < N ≤ 0.25.....	0.004 + 0.0067(N-0.1)
N > 0.25.....	0.005

where:

N=the nitrogen content of the fuel (percent by weight);

b. 75 ppmvd, based on a 1-hour average at 15% O₂;

- c. 96 lbs./hour, based on a 1-hour average at 15% O₂;
- d. 138 TPY.

[Rule 62-212.500(56), F.A.C., AC44-245399/PSD-FL-210, 40 CFR 60.332]

C.5. Sulfur Dioxide. SO₂ emissions shall be controlled by limiting the sulfur content of the fuel to a maximum of 0.05 percent by weight.

[AC44-245399/PSD-FL-210, 40 CFR 60.333]

C.6. Particulate Matter/PM₁₀. PM/ PM₁₀ emissions shall be limited to 18 lbs./hour, based on a 1-hour average; 43 TPY.

[AC44-245399, PSD-FL-210]

C.7. Carbon Monoxide. CO shall be limited to 20 ppm at 100% load, and 136 ppm at 50% load; 64 lbs. per hour, based on a 1-hour average; 152 TPY.

[AC44-245399/PSD-FL-210]

C.8. Visible Emissions. Visible emissions shall be limited to 20 percent opacity.

[AC44-245399/PSD-FL-210]

Excess Emissions

C.9. Excess emissions from the CT resulting from start-up, shutdown, malfunction, or load change shall be acceptable 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 a longer duration.

[AC44-245399/PSD-FL-210]

Monitoring Requirements

C.10. For the simple cycle unit, the permittee shall install, operate, and maintain a continuous monitoring system (CMS) to monitor and record the fuel consumption, the ratio of water to fuel being fired in the turbine, and the electrical output in MW. The system shall be accurate to within ± 5.0 percent and shall be approved by the Department.

[AC44-245399/PSD-FL-210, 40 CFR 60.334(a)]

C.11. Operation and maintenance of the CMS shall be performed in accordance with the following protocol: Water is injected to reduce NO_x emissions. The CMS consists of water flow, fuel flow, and power (MW) measurements recorded on strip chart.

Quarterly calibrations are performed on the CMS as indicated in quarterly report submittals.

[AC44-245399/PSD-FL-210, 40 CFR 60.334(a)]

C.12. The permittee shall monitor sulfur content, nitrogen content, and the lower heating value of the fuel being fired in the turbine. The frequency of determination of these values shall be as follows:

a. If the turbine is supplied its fuel from a bulk storage tank, the values shall be determined on each occasion that fuel is transferred to the storage tank from any other source.

b. If the turbine is supplied its fuel without intermediate bulk storage, the values shall be determined and recorded daily. Owners, operators or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Department before they can be used to comply with 40 CFR 60.334(b).

[AC44-245399/PSD-FL-210, 40 CFR 60.334(b)(1)&(b)(2), 40 CFR 60.335]

C.13. For the purpose of reports required under 40 CFR 60.7(c) (see specific condition C.24.), periods of excess emissions that shall be reported are defined as follows:

a. *Nitrogen oxides.* Any one-hour period during which the average water-to-fuel ratio, as measured by the continuous monitoring system, falls below the water-to-fuel ratio determined to demonstrate compliance with 40 CFR 60.332 by the performance test required in 40 CFR 60.8 or any period during which the fuel-bound nitrogen of the fuel is greater than the maximum nitrogen content allowed by the fuel-bound nitrogen allowance used during the performance test required in 40 CFR 60.8. Each report shall include the average water-to-fuel ratio, average fuel consumption, ambient conditions, gas turbine load, and nitrogen content of the fuel during the period of excess emissions, and the graphs or figures developed under 40 CFR 60.335(a).

b. *Sulfur dioxide.* Any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.05 percent.

[40 CFR 60.334(c)(1)&(c)(2)]

Test Methods & Procedures

{Permitting Note: The attached Table 2-1, Summary of Compliance Requirements, summarizes information for convenience purposes only. This table does not supersede any of the terms or conditions of this permit.}

C.14. Compliance tests shall be performed on the CT while firing oil. Testing of emissions shall be conducted at 95-100% of the manufacturer's rated heat input based on the average ambient air temperature during the test.

Annual compliance tests shall be performed on the CT if the No. 2 fuel was used for more than 400 hours in the preceding 12-month period. Tests shall be conducted using EPA reference methods in accordance with 40 CFR 60, Appendix A, as adopted by reference in Chapter 62-297, F.A.C.:

- a. Reference Method 5B for PM.
- b. Reference Method 9 for VE.
- c. Reference Method 10 for CO.
- d. Reference Method 20 for NO_x.
- e. ASTM D4294 (or equivalent) for sulfur content of distillate oil.
Compliance with SO₂ emission limits will be demonstrated if the fuel oil analysis indicates a sulfur content of 0.05% by weight or less.
- f. Other methods may be used for compliance testing after obtaining prior Departmental approval, in writing.

[AC44-2445399]

C.15. To compute the nitrogen oxides emissions, the owner or operator shall use analytical methods and procedures that are accurate to within +5 percent and are approved by the Administrator to determine the nitrogen content of the fuel being fired.
[40 CFR 60.335(a)]

C.16. The owner or operator shall determine compliance with the NO_x standards in 40 CFR 60.332 (condition C.4) as follows:

a. The NO_x emission rate shall be computed for each run using the following equation:

$$NO_x = (NO_{x0}) (P_r/P_o)^{0.5} e^{19(H_o - 0.00633)} (288^\circ K/T_a)^{1.53}$$

where:

NO_x = emission rate of NO_x at 15 percent O₂ and ISO standard ambient conditions, volume percent.

NO_{x0} = observed NO_x concentration, ppm by volume.

P_r = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg.

P_o = observed combustor inlet absolute pressure at test, mm Hg.

H_0 = observed humidity of ambient air, g H_2O /g air.

e = transcendental constant, 2.718.

T_a = ambient temperature, °K.

[40 CFR 60.335(c)(1)]

C.17. The monitoring device of 40 CFR 60.334(a) shall be used to determine the fuel consumption and the water-to-fuel ratio necessary to comply with 40 CFR 60.332 at 30, 50, 75, and 100 percent of peak load or at four points in the normal operating range of the gas turbine, including the minimum point in the range and peak load. All loads shall be corrected to ISO conditions using the appropriate equations supplied by the manufacturer.

[40 CFR 60.335(c)(2)]

C.18. U.S. EPA. Method 20 (40 CFR 60, Appendix A) shall be used to determine nitrogen oxides and oxygen concentrations. The span values shall be 300 ppm of nitrogen oxide and 21 percent oxygen. The NO_x emissions shall be determined at each of the load conditions specified in 40 CFR 60.335(c)(2) (condition C.16).

[40 CFR 60.335(c)(3)]

C.19. The Utility Board of the City of Key West shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such facility. This includes (a) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and (b) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

2. Safe sampling platform(s).

3. Safe access to sampling platform(s).

4. Utilities for sampling and testing equipment.

[40 CFR 60.7(e)]

Reporting and Recordkeeping Requirements

C.20. To determine compliance with the fuel oil firing heat input limitation, the permittee shall maintain daily records of fuel oil consumption for the turbine and the heating value for the fuel. All records shall be maintained for a minimum of two years after the date of each record and shall be made available to representatives of the Department upon request.

[AC44-245399/PSD-FL-210]

C.21. The permittee shall follow the manufacturer's instructions during periods of start-up, shutdown, malfunction, or load change to ensure that the best operational practices to minimize emissions will be adhered to and the duration of any excess emissions will be minimized. The instructions shall be kept on file at the plant site and made available for inspection upon request by the Department.

[AC44-245399/PSD-FL-210]

C.22. The permittee shall record the occurrence and duration of any startup, shutdown, or malfunctions of the turbine and any malfunction of the air pollution control equipment or CMS. Additionally, the permittee shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

[Rule 62-210.700(6), F.A.C., and 40 CFR 60.7(b)]

C.23. The permittee shall submit a quarterly excess emissions and monitoring systems performance report. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

1. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

2. Specific identification of each period of excess emissions that occurs during startups, shutdowns and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

3. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

4. When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

[40 CFR 60.7(c)]

C.24. The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Department. One summary report form shall be submitted for each pollutant monitored.

1. If the total duration of excess emissions for the reporting period is less than one percent of the operating time for the reporting period and CMS downtime for the reporting period is less than five percent of the total operating time for the reporting

period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Department.

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

[40 CFR 60.7(d)]

C.25. (1) Notwithstanding the frequency of reporting requirements specified in 40 CFR 60.7(c), an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under this part continually demonstrate that the facility is in compliance with the applicable standard;

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in 40 CFR 60, Subpart A, and the applicable standard; and

(iii) The Department does not object to a reduced frequency of reporting for the affected facility, as provided in 40 CFR 60.7(e)(2).

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the Department in writing of his or her intention to make such a change and the Department does not object to the intended change. In deciding whether to approve a reduced frequency of reporting, the Department may review information concerning the source's entire previous performance history during the required recordkeeping period prior to the intended change, including performance test results, monitoring data, and evaluations of an owner or operator's conformance with operation and maintenance requirements. Such information may be used by the Department to make a judgment about the source's potential for noncompliance in the future. If the Department disapproves the permittee's request to reduce the frequency of reporting, the Department will notify the permittee in writing within 45 days after receiving notice of the owner or operator's intention. The notification from the Department to the permittee will specify the grounds on which the disapproval is based. In the absence of a notice of disapproval within 45 days, approval is automatically granted.

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard,

the frequency of reporting shall revert to the frequency specified in the applicable standard, and the permittee shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the permittee may again request approval from the Department to reduce the frequency of reporting for that standard as provided for in 40 CFR 60.7(e)(1) and (e)(2).

[40 CFR 60.7(e)]

C.26. The permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and, all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least **5 (five)** years following the date of such measurements, maintenance, reports, and records.

[40 CFR 60.7(f); Rule 62-213.440(1)(b)2.b., F.A.C.]

C.27. The permittee shall give written notification to the Department when there is any modification to this facility. This notice shall be submitted timely and in advance of any critical date involved to allow sufficient time for review, discussion, and revision of plans, if necessary. Such notice shall include, but not be limited to, information describing the precise nature of the change; modifications to any emission control system; production capacity of the facility before and after the change; and, the anticipated completion date of the change.

[AC44-245399, PSD-FL-210]

Subsection D. Common Conditions

The following conditions apply to all emissions units listed in Subsections A., B., and C., of Section III of this permit.

D.1. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

[Rule 62-297.310(1), F.A.C.]

D.2. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.

[Rule 62-297.310(3), F.A.C.]

D.3. Applicable Test Procedures.

(a) Required Sampling Time.

1. Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.

2. Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur.

Exceptions to these requirements are as follows:

- a. (not applicable)
- b. (not applicable)
- c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.
- (b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.
- (c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
- (d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1. (See attachment.)
- (e) Allowed Modification to EPA Method 5. When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

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

D.4. Special Compliance Tests. When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

[Rule 62-297.310(7)(b), F.A.C., SIP approved]

D.5. Waiver of Compliance Test Requirements. If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in Rule 62-297.620, F.A.C., that the compliance of the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of Rule 62-297.310(7)(b), F.A.C., shall apply.

[Rule 62-297.310(7)(c), F.A.C., SIP approved]

Section IV. Acid Rain Part

Operated by: Utility Board of the City of Key West
ORIS code: 6584

The emissions unit listed below is regulated under Acid Rain Part, Phase II.

E.U.

ID No. Description

- 001 Boiler - Ralph Garcia Steam Plant [EPA ID #:1]
- 005 (2) 8.8 MW Medium Speed Diesel Generators [EPA ID # D-1 and D-2]

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

- a. DEP Form No. 62-210.900(1)(a), effective 07/01/95, dated 12/11/95.
[Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C.]

2. The following table outlines the sulfur dioxide allowance allocations for the Ralph Garcia Steam Plant and the two medium speed diesel generators:

E.U. ID No.	EPA ID #	Year	2000	2001	2002
-001	1	SO ₂ allowances, under Table 2 of 40 CFR 73	2550*	2550*	2550*

*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the US EPA under Table 2 of 40 CFR 73.]

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

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

4. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year.

{See condition No. 51., Appendix TV-1, Title V Conditions.}
[Rule 62-214.420(11), F.A.C.]

5. Comments, notes, and justifications:

- a. Stock Island has no Phase I units/allowances.
- b. Units D-1 and D-2 received New Unit Exemptions.

Acid Rain Attachments and Relevant Documents:

Phase II Permit Application received 12/11/95.

New Unit Exemptions for Units D-1 and D-2 issued 02/09/95 and 02/07/95;
effective 01/01/95 through 12/31/99.

Appendix U-1, List of Unregulated Emissions Units and Activities

Utility Board of the City of Key West
Stock Island

DRAFT Permit No.: 0870003-001-AV

Unregulated Emissions Units and/or Activities. An emissions unit which emits no "emissions-limited pollutant" and which is subject to no unit-specific work practice standard, though it may be subject to regulations applied on a facility-wide basis (e.g., unconfined emissions, odor, general opacity) or to regulations that require only that it be able to prove exemption from unit-specific emissions or work practice standards.

The below listed emissions units and/or activities are neither 'regulated emissions units' nor 'exempt emissions units'.

E.U.

ID No. **Brief Description of Emissions Units and/or Activities**

-xxx Two No. 2 Fuel Oil Storage Tanks - 500,000 gallons each;
subject only to 40 CFR 60.116b (a) and (b)

No. 6 Fuel Oil Storage Tank - 1.9 million gallons; no applicable standards

Two No. 2 Fuel Oil Storage "day" Tanks - 16,000 gallons each

Eight Vehicular Fleet Fuel Tanks - 2,000 gallons each

Three Diesel Peaking Generators (2 MW): Units # 1, #2, #3

Appendix E-1, List of Exempt Emissions Units and Activities

Utility Board of the City of Key West
Stock Island

DRAFT Permit No.: 0870003-001-AV

The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Full Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining whether a facility containing such emissions units or activities would be subject to any applicable requirements. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., are also exempt from the permitting requirements of Chapter 62-213, F.A.C., provided such emissions units and activities also meet the exemption criteria of Rule 62-213.430(6)(b), F.A.C. The below listed emissions units and/or activities are hereby exempt pursuant to Rule 62-213.430(6), F.A.C.

Brief Description of Emissions Units and/or Activities

1. Brazing, soldering & welding.
2. One or more emergency generators located with a single facility provided:
 - a. None of the emergency generators is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.
3. Surface coating operations within a single facility if the total quantity of coatings containing greater than 5.0 percent VOC's, by volume, used is 6.0 gallons per day or less, averaged monthly, provided:
 - a. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.; and
 - b. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.
4. Fire safety equipment.
5. General Purpose Internal Combustion Engines, located withing a single facility provided:
 - a. None of the engines is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such engines within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent amount if multiple fuels are used.
6. Miscellaneous surface coating activities utilizing only coatings containing 5.0 percent or less VOC's.
7. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.

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Table 1-1, Summary of Air Pollutant Standards and Terms

Utility Board of the City of Key West
 Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -001 37 MW 515 MMBtu/hour Boiler # 1

Pollutant/Parameter	Fuel	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citations	See Permit Condition
			Standard(s)	lbs./hour	TPY	lbs./hour	TPY		
SO2	#6 oil #2 oil	8760	2.75 lbs/MMBtu			1416	6203	Rule 62-296.405(1)(c)1.j	III. A.9
PM	#6 oil #2 oil		0.1 lbs/MMBtu 0.3 lbs/MMBtu for 3hr. per 24 hours (sootblowing)			52	282**	Rule 62-296.405(1)(b) Rule 62-210.700(3)	III. A.7 III. A.8
VE	#6 oil #2 oil		20%; 40%@ 2min/hr. 60% for 3hr./24 hours (sootblowing)				n/a	Rule 62-296.405(1)(a) Rule 62-296.700(3)	III. A.5 III. A.6

Notes: ** -- Annual emissions (TPY) based on 3 hours per day at 0.3 lb/mmBtu and 21 hours per day at 0.1lb/MMBtu.
 * -- Equivalent Emissions provided for information only.

Table 1-1, Summary of Air Pollutant Standards and Terms

Utility Board of the City of Key West
 Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
 Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -005 **8.8 MW 85.4 MMBtu/hr Medium Speed Diesel Generators, Two Units**

Emission Limits are for Each Engine

Pollutant/Parameter	Fuel	Hours/Year	Allowable Emissions			Equivalent Emissions *		Regulatory Citations	See Permit Condition	
			Standard(s)	lbs/hour	TPY	lbs./hour	TPY			
SO2	#2 oil	3740 full-load equivalent engine hours	0.05% fuel	43.6	81.60			Rule 62-212.400, BACT	III. B.3, B.6	
PM	#2 oil		0.1 lbs/MMBtu	8.5	16			Rule 62-296.702	III. B.7	
VE	#2 oil		20% opacity				n/a	Rule 62-296.320(4)(b)1	III. B.11	
NOx	#2 oil		6.0 grams/hp-hour	160.9	300.9			Rule 62-212.400, BACT	III. B.5	
CO	#2 oil		2.0 grams/hp-hour	53.6	100.3			Rule 62-212.400, BACT	III. B.8	
Beryllium (Be)	#2 oil				0.00054	2			Rule 62-212.400, BACT	III. B.10
VOC	#2 oil			1.0 grams/hp-hour	28.6	50.1			Rule 62-212.400, BACT	III. B.9

Notes: ** -- Annual emissions (TPY) based on 3 hours per day at 0.3 lb/mmBtu and 21 hours per day at 0.1lb/MMBtu.
 * -- Equivalent Emissions provided for information only.

Table 1-1, Summary of Air Pollutant Standards and Terms

Utility Board of the City of Key West
 Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -007 23.5 MW 312 MMBtu/hour Simple Cycle Combustion Turbine

Pollutant/Parameter	Fuel	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citations	See Permit Condition
			Standard(s)	lbs/hour	TPY	lbs./hour	TPY		
SO2	#2 oil		0.05% fuel only						III. C.2
PM	#2 oil			18	43	51.4	225**	PSD-FL-210	III. C.6
CO	#2 oil		20/136 ppm@100/50% load	64	152			PSD-FL-210	III. C.7
NOx	#2 oil		75 ppm	96	138			PSD-FL-210	III. C.4
VE	#2 oil		20%				n/a	PSD-FL-210	III. C.8

Notes: ** -- Annual emissions (TPY) based on 3 hours per day at 0.3 lb/MMBtu and 21 hours per day at 0.1lb/MMBtu.

** -- Equivalent Emissions provided for information only.

Table 2-1, Summary of Compliance Requirements

Utility Board of the City of Key West
Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -001 37 MW 515 MMBtu/hour Steam Boiler

Pollutant/ Parameter	Fuel	Compliance Method	Frequency of Sampling	Frequency Base Date *	Min. Compliance Test Duration	CMS**	Permit Condition
SO2	#2 oil	Fuel sampling & analysis	After each fuel oil shipment	1-Oct			III. A.19
PM	#2 oil	EPA Method 5B	annual				III. A.18
VE	#2 oil	DEP Method 9	annual				III. A.16

Notes:

*Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

**CMS = continuous monitoring system

Table 2-1, Summary of Compliance Requirements

Utility Board of the City of Key West
 Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
 Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -005

8.8 MW 85.4 MMBtu/hour Two Medium Speed Diesel Generators

Pollutant/ Parameter	Fuel	Compliance Method	Frequency of Sampling	Frequency Base Date *	Min. Compliance Test Duration	CMS**	Permit Condition
CO	#2 oil	EPA Method 10	annual				III. B. 16
VE	#2 oil	DEP Method 9	annual				III. B. 17
NOx	#2 oil	EPA Method 20	annual				III. B. 16
SO2	#2 oil	EPA Method 10 or ASTM D 2880-71	annual				III. B. 17
PM	#2 oil	EPA Method 5	annual				III. B. 17
VOC	#2 oil	EPA Method 25	annual				III. B. 17
Beryllium	#2 oil	EPA Method 104	annual				III. B. 16

Notes:

*Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

**CMS = continuous monitoring system

Table 2-1, Summary of Compliance Requirements

Utility Board of the City of Key West
Stock Island Power Plant

DRAFT Permit #: 0870003-001-AV
Facility ID #: 0870003

This table summarizes information for convenience purposes only, & does not supersede any terms or conditions of this permit.

E.U. -007 23.5 MW 312 MMBtu/hour Simple Cycle Combustion Turbine

Pollutant/ Parameter	Fuel	Compliance Method	Frequency of Sampling	Frequency Base Date *	Min. Compliance Test Duration	CMS**	Permit Condition
SO2	#2 oil	Fuel sampling & analysis	After each fuel oil shipment	Per 40 CFR 60.334			III. C.14
PM	#2 oil	EPA Method 5B	annual				III. C.14
VE	#2 oil	DEP Method 9	annual				III. C.14
CO	#2 oil	EPA Method 10	annual				III. C.14
NOx	#2 oil	EPA Method 20	annual				III. C.14

Notes:

*Frequency base date established for planning purposes only; see Rule 62-297.310, F.A.C.

**CMS = continuous monitoring system

APPENDIX TV-1, TITLE V CONDITIONS (version dated 08/11/97)

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

{Permitting note: APPENDIX TV-1, 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. **General Prohibition.** Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, 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. Procedure to Obtain Permits: Application.**

(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 minor facility 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.

[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:

- (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 one hundred eighty (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(1), 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 permit holder's agent:

- (a) Submitted false or inaccurate information in 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.

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

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.

(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.

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

10. For purposes of notification to the Department pursuant to 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.

[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.]

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(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

- (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 reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
- (a) A description of and cause of 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; and,
 6. the results of such analyses.
- (15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware 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. Operation Permit for New Sources. To properly apply for an operation permit for new sources, the applicant shall submit 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.]

Chapter 62-103. 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 Rule 62-103.150 and Rule 62-210.350, F.A.C.

[Rules 62-103.150, 62-210.350 and 62-213.430(1)(b), F.A.C.]

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 Rule 61-103.155, F.A.C.

[Rule 62-103.155, 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 Part 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 any emissions unit from complying with applicable emission limiting standards or other requirements of the air pollution rules of the Department, or any other applicable requirements under federal, state, or local law.

(1) Air Construction Permits. 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 Chapters 62-210, 62-212 and 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.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification and demonstration of initial compliance with the conditions of the construction permit for any new or modified facility or emissions unit, or as otherwise provided in Chapter 62-210 or Chapter 62-213, the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation 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, Chapter 62-213, 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. Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit and which has been shut down more than one (1) year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of sixty (60) days prior to the intended startup date.

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

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

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

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. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) Notwithstanding any discretionary public notice requirements contained in Rule 62-103.150(2)(a), F.A.C., 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. A construction permit for any proposed new or modified facility or emissions unit;
2. An operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C.; or
3. An operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except 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 62-103.150, F.A.C.

(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 62-103.150, 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,

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 62-103.150, 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 62-103.150, 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 62-103.150, 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 62-103.150, 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) 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 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 Rules 62-103.150 and 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.]

22. 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) Any other similar minor administrative change at the source; and,
- (d) A change requiring more frequent monitoring or reporting by the permittee.
- (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), hereby adopted and incorporated by reference, 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), hereby adopted and incorporated by reference, 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 17-210.360(1)(e).

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

(3) For facilities subject to Chapter 62-213, F.A.C., a copy 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.

(4) The Department shall incorporate requirements resulting from issuance of new or revised construction permits into existing operation permits issued pursuant to Chapter 62-213, F.A.C., if the construction permit revisions incorporate 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.]

23. 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.]

24. 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.]

25. 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. 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.

(1) Application for Air Permit - Long Form, Form and Instructions.

- (a) Acid Rain Part (Phase II), Form and Instructions.
 - 1. Repowering Extension Plan, Form and Instructions.
 - 2. New Unit Exemption, Form and Instructions.
 - 3. Retired Unit Exemption, Form and Instructions.

(b) Reserved.

(5) Annual Operating Report (AOR) for Air Pollutant Emitting Facility, Form and Instructions.

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

Chapter 62-213, F.A.C.

26. 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 accordance with Rule 62-213.205, F.A.C., and the appropriate form and associated instructions.

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

27. 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.]

28. 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)(j), F.A.C.]

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

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

30. Air Operation Permit Fees. After December 31, 1992, 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(5), F.A.C.]

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

[Rule 62-213.400, F.A.C.]

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

[Rule 62-213.400(1), 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 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 paragraph (a) of the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to paragraph (b) of the same definition, may implement such change prior to final issuance of a permit revision in accordance with Rule 62-213.412, F.A.C., 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 that 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 Rule 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, 62-4.050(1) & (2), and 62-210.900, 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, 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.

[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. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Rule 62-213.420(4), F.A.C.]

39.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.

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 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.

(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)]

40. Permit Duration. 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 (5) 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., any 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.]

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. A 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.

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

51. Statement of Compliance. The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statement shall be submitted to the Department and EPA annually, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement. The statement of compliance shall include the identity of each term or condition of the permit for which each unit has remained in compliance during the period covered by the statement. The statement shall include identification of all methods used to demonstrate compliance and identification of each term or condition of the permit for which any unit has not remained in compliance during the period covered by the statement. For each term or condition for which the source has not remained in compliance during the period covered by the statement, the statement shall also identify each unit not in compliance and each term and condition with which the unit was not in compliance and state the inclusive dates that the source was not in compliance, the actions taken to achieve compliance and the method used to demonstrate compliance. Such statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C.

[Rule 62-213.440(3), 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 be deemed compliance with any applicable requirements in effect as of the date of permit issuance, 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 (AEF) Form.

[Rule 62-213.900(1), F.A.C.]

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. Not federally enforceable until SIP approved. 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 emissions unit whatsoever, including, but not limited to, 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 emission.

3. Reasonable precautions may include, but shall not be limited to 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 emissions units.
- d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the emissions unit 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-1.doc]

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.]

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%
		Comparison check	5%

FIGURE 1--SUMMARY REPORT--GASEOUS AND OPACITY EXCESS EMISSION AND MONITORING SYSTEM PERFORMANCE (version dated 7/96)

[Note: This form is referenced in 40 CFR 60.7, Subpart A-General Provisions]

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

Reporting period dates: From _____ to _____

Company: _____

Emission Limitation: _____

Address: _____

Monitor Manufacturer: _____

Model No.: _____

Date of Latest CMS Certification or Audit: _____

Process Unit(s) Description: _____

Total source operating time in reporting period¹: _____

Emission data summary ¹	CMS performance summary ¹
1. Duration of excess emissions in reporting period due to:	1. CMS downtime in reporting period due to:
a. Startup/shutdown	a. Monitor equipment malfunctions
b. Control equipment problems	b. Non-Monitor equipment malfunctions
c. Process problems	c. Quality assurance calibration
d. Other known causes	d. Other known causes
e. Unknown causes	e. Unknown causes
2. Total duration of excess emissions	2. Total CMS Downtime
3. Total duration of excess emissions x (100) / [Total source operating time] % ²	3. [Total CMS Downtime] x (100) / [Total source operating time] % ²

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

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

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

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

Name: _____

Signature: _____ Date: _____

Title: _____

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
(version dated 02/05/97)

Abbreviations and Acronyms:

°F: Degrees Fahrenheit
BACT: Best Available Control Technology
CFR: Code of Federal Regulations
DEP: State of Florida, Department of Environmental Protection
DARM: Division of Air Resource Management
EPA: United States Environmental Protection Agency
F.A.C.: Florida Administrative Code
F.S.: Florida Statute
ISO: International Standards Organization
LAT: Latitude
LONG: Longitude
MMBtu: million British thermal units
MW: Megawatt
ORIS: Office of Regulatory Information Systems
SOA: Specific Operating Agreement
UTM: Universal Transverse Mercator

Citations:

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

Code of Federal Regulations:

Example: [40 CFR 60.334]

Where:	40	reference to	Title 40
	CFR	reference to	Code of Federal Regulations
	60	reference to	Part 60
	60.334	reference to	Regulation 60.334

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

Example: [Rule 62-213, F.A.C.]

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

ISO: International Standards Organization refers to those conditions at 288 degrees K, 60 percent relative humidity, and 101.3 kilopascals pressure.

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
(version dated 02/05/97) (continued)

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 1050221

Where:

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

Permit Numbers:

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

Where:

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

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

Where:

PSD = Prevention of Significant Deterioration Permit
PA = Power Plant Siting Act Permit
AC = old Air Construction Permit numbering

Phase II Permit Application

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

This submission is: New Revised

STEP 1
Identify the source by plant name, State, and ORIS code from NADB

STOCK ISLAND POWER PLANT	FL	6584-Boiler 1
Plant Name	State	ORIS Code

Compliance Plan

STEP 2
Enter the boiler ID# from NADB for each affected unit, and indicate whether a repowering plan is being submitted for the unit by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e

a Boiler ID#	b Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	c Repowering Plan	d New Units Commence Operation Date	e New Units Monitor Certification Deadline
1	Yes	NO		
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			
	Yes			

STEP 3
Check the box if the response in column c of Step 2 is "Yes" for any unit

For each unit that will be repowered, the Repowering Extension Plan form is included and the Repowering Technology Petition form has been submitted or will be submitted by June 1, 1997.

Plant Name (from Step 1)

STEP 4
Read the standard requirements and certification, enter the name of the designated representative, and sign and date

Standard RequirementsPermit Requirements.

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

Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements.

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

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

Excess Emissions Requirements.

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

Recordkeeping and Reporting Requirements.

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

Plant Name (from Step 1)

Recordkeeping and Reporting Requirements (cont.)

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

Liability.

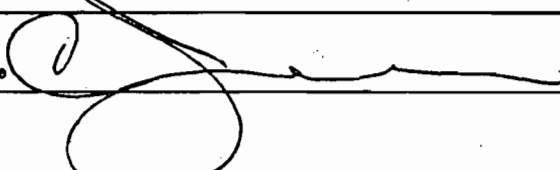
- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject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

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain part application, an Acid Rain part, or a written exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an Acid Rain source or Acid Rain unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

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

Name	CARL R. JANSEN, Jr	
Signature		Date 12-7-95



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

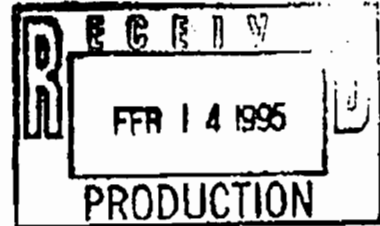
REGION 4

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

FEB 14 1995

4APT-AEB

Mr. Carl Jansen, Jr.
Utility Board of the City of Key West
Stock Island Power Plant
1001 James Street
Key West, Florida 33040



SUBJ: New Unit Exemption

Dear Mr. Jansen:

Enclosed you will find the final Acid Rain New Unit Exemptions issued by the Environmental Protection Agency (EPA) for Utility Board of the City of Key West-Stock Island Power Plant Unit D-1 and Unit D-2. The final New Unit Exemptions were issued by EPA Region 4 on February 7, 1995. The public notice of these final permit actions is scheduled for publication on February 10, 1995.

Your cooperation has been appreciated. If you have any questions, please contact Scott Davis or me at (404) 347-5014.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Beals".

Brian E. Beals
Chief
Source Evaluation Unit
Air Enforcement Branch
Air, Pesticides and Toxics
Management Division

Enclosure

cc: Tom Cascio, FDEP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA GEORGIA 30365

NEW UNIT EXEMPTION

Issued to: Stock Island Power Plant
Boiler ID#: D-2
Operated by: Utility Board of the City of Key West
Effective: January 1, 1995 to December 31, 1999

Statutory and Regulatory Authorities. In accordance with Title IV of the Clean Air Act Amendments of 1990, the U. S. Environmental Protection Agency exempts this unit from the requirements of the Acid Rain Program, except for the requirements in 40 CFR 72.1 through 72.7, and 72.10 through 72.13.

Conditions, notes and justifications that apply to the unit:

The petition for a new unit written exemption, submitted for this unit, is incorporated by reference. The requirements from which the unit is exempt during the effective period include, but are not limited to, the requirements to hold a permit (part 72), hold allowances (part 73), and monitor emissions (part 75).

Consistent with 40 CFR 72.7(d)(4), the unit shall only serve generators with a total nameplate capacity of 25 MWe or less and burn fuel with a sulfur content of 0.05 percent or less by weight.

The owners and operators shall apply the procedures under 40 CFR 72.7(d)(2) for all fuels used at any time during the period for which the unit is exempted.

The owners and operators, and to the extent applicable, the designated representative, shall comply with the requirements of the Acid Rain Program concerning all years for which the unit is not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements whether the violation occurs before or after the exemption takes effect.

Approval:

Winston A. Smith
Signature

FEB 07 1995

Date

Winston A. Smith
Director, Air, Pesticides and Toxics Management Division
U.S. Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365
Telephone: (404) 347-3043 Facsimile: (404) 347-5207



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

NEW UNIT EXEMPTION

Issued to: Stock Island Power Plant
Boiler ID#: D-1
Operated by: Utility Board of the City of Kcy West
Effective: January 1, 1995 to December 31, 1999

Statutory and Regulatory Authorities. In accordance with Title IV of the Clean Air Act Amendments of 1990, the U. S. Environmental Protection Agency exempts this unit from the requirements of the Acid Rain Program, except for the requirements in 40 CFR 72.1 through 72.7, and 72.10 through 72.13.

Conditions, notes and justifications that apply to the unit:

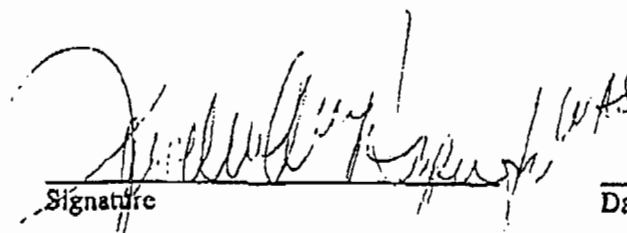
The petition for a new unit written exemption, submitted for this unit, is incorporated by reference. The requirements from which the unit is exempt during the effective period include, but are not limited to, the requirements to hold a permit (part 72), hold allowances (part 73), and monitor emissions (part 75).

Consistent with 40 CFR 72.7(d)(4), the unit shall only serve generators with a total nameplate capacity of 25 MWe or less and burn fuel with a sulfur content of 0.05 percent or less by weight.

The owners and operators shall apply the procedures under 40 CFR 72.7(d)(2) for all fuels used at any time during the period for which the unit is exempted.

The owners and operators, and to the extent applicable, the designated representative, shall comply with the requirements of the Acid Rain Program concerning all years for which the unit is not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements whether the violation occurs before or after the exemption takes effect.

Approval:


Signature 2/9/95
Date

Winston A. Smith
Director, Air, Pesticides and Toxics Management Division
U.S. Environmental Protection Agency, Region IV
345 Courtland Street, N.E.
Atlanta, Georgia 30365
Telephone: (404) 347-3043 Facsimile: (404) 347-5207