

Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

PROPOSED Permit Electronic Posting Courtesy Notification

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

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

The electronic version of the PROPOSED permit was posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review on November 9, 1999.

USEPA's review period ends on the 45th day after the permit posting date. Day 45 is December 23, 1999. If an objection (veto) is received from USEPA, the permitting authority will provide a copy of the objection to the applicant.

Provided an objection is not received from USEPA, the PROPOSED permit will become a FINAL permit by operation of law on the 55th day after the permit posting date. Day 55 is January 2, 2000.

The web site address is <http://www2.dep.state.fl.us/air>.



Department of Environmental Protection

Jeb Bush
Governor

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

David B. Struhs
Secretary

November 8, 1999

Mr. Raymond Rodriguez
General Manager
Utility Board of the City of Key West
P.O. Drawer 6100
Key West, Florida 33041-6100

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

Dear Mr. Rodriguez:

One copy of the "PROPOSED PERMIT DETERMINATION" for the Stock Island Power Plant located at 6900 Front Street, Monroe County, is enclosed. This letter is only a courtesy to inform you that the DRAFT permit has become a PROPOSED permit.

An electronic version of this determination has been posted on the Division of Air Resources Management's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review. The web site address is <http://www2.dep.state.fl.us/air>.

Pursuant to Section 403.0872(6), Florida Statutes, if no objection to the PROPOSED permit is made by the USEPA within 45 days, the PROPOSED permit will become a FINAL permit no later than 55 days after the date on which the PROPOSED permit was mailed (posted) to USEPA. If USEPA has an objection to the PROPOSED permit, the FINAL permit will not be issued until the permitting authority receives written notice that the objection is resolved or withdrawn.

If you should have any questions, please contact Ms. Cindy Phillips, P.E., at 850/921-9534.

Sincerely,

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

CHF/p
Enclosures
copy furnished to:
Mr. Carl Jansen, D.R.
Mr. Ivan Clark, P.E., R.W. Beck Engineering
Mr. Jerry Smith, FDEP - South District Office
Mr. Jim Edds, FDEP - Marathon Branch District Office
Ms. Elizabeth Bartlett, USEPA, Region 4 (INTERNET E-mail Memorandum)

11/9/99 cc: Reading File
Cindy Phillips

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

PROPOSED PERMIT DETERMINATION

I. Public Notice.

An "INTENT TO ISSUE 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, Monroe County was clerked on October 15, 1998. The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" was published in The Key West Citizen on October 25, 1998. The DRAFT Title V Air Operation Permit was available for public inspection at the FDEP South Florida District Branch Office in Marathon, the FDEP South Florida District Office in Fort Myers, and the permitting authority's office in Tallahassee. Proof of publication of the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" was received on October 29, 1998.

II. Comments.

No comments were received from the general public during the public comment period. Comments were received. Comments were received from Mr. Joe Stone, Environmental Services Supervisor for Stock Island Power Plant, on June 28, 1999. The comments were not considered significant enough to reissue the DRAFT Title V Permit and require another Public Notice. He requested that the same annual compliance test parameters in the Title V permit for the two medium speed diesel generators as were contained in the previous permit.

Response: A review of specific conditions A.15 and A.16 was made. The test parameters as shown in the draft permit were incorrect. As a result of this comment Specific Conditions A.15 and A.16 are changed:

From:

A.15. The Permittee shall conduct a compliance test for each diesel generator on an *annual basis* 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 (NO_x) - EPA Method 20.
- b) Carbon Monoxide (CO) - EPA Method 10.
- c) Beryllium (Be) - EPA Method 104.
- d) Particulate Matter (PM/PM₁₀) - EPA Method 5.

An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

[Rule 62-297.310(7)(a)4. & 5., F.A.C., AC44-152197]

A.16. The Permittee shall conduct a compliance test for each of the following pollutants *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 this requirement. 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 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 and/or solid fuel for a total of no more than 400 hours. 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) Volatile Organic Compounds (VOC) - EPA Method 25.

[Rule 62-297.310(7)(a)3., F.A.C., AC44-152197]

To:

A.15. The Permittee shall conduct a compliance test for each diesel generator on an *annual basis* 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 (NO_x) - EPA Method 20.
- b) Sulfur Dioxide (SO₂) - EPA Method 6 or ASTM D 2880-71 for sulfur in oil.
- c) Visible Emissions - EPA Method 9.
- d) Particulate Matter (PM/PM₁₀) - EPA Method 5.

An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

[Rule 62-297.310(7)(a)4. & 5., F.A.C., AC44-152197]

A.16. The Permittee shall conduct a compliance test for each of the following pollutants *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 this requirement. 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 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 and/or solid fuel for a total of no more than 400 hours. Each compliance test shall be conducted in accordance with 40 CFR 60 Appendix A, using the method indicated.

- a) Carbon Monoxide (CO) – EPA Method 10.
- b) Beryllium (Be) – EPA Method 104.
- c) Volatile Organic Compounds (VOC) - EPA Method 25.

[Rule 62-297.310(7)(a)3., F.A.C., AC44-152197]

Minor formatting changes and edits were also made, such as changing “APPENDIX TV-1, TITLE V CONDITIONS” to the “APPENDIX TV-3, TITLE V CONDITIONS” and clarifying which units must comply with the common conditions sections of the permit. In addition, the following specific condition was added to the acid rain part of the permit:

4. Where an applicable requirement of the Act is more stringent than applicable regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

[40 CFR 70.6(a)(1)(ii); and, Rule 62-210.200, F.A.C., Definitions – Applicable Requirements.]

Additional Documents on file with the permitting authority:

-Letter received June 28, 1999, from Mr. Joe Stone, Environmental Services Supervisor for Stock Island Power Plant

The enclosed PROPOSED Title V Air Operation Permit includes the aforementioned changes to the DRAFT Title V Air Operation Permit.

III. Conclusion.

The permitting authority hereby issues the PROPOSED Permit No.: 0870003-001-AV, with the changes noted above. A copy of the PROPOSED permit has been printed for the applicant.

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 (NO_x), 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 NO_x 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. NO_x 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.

This facility has an Acid Rain Retired Unit Exemption (Ralph Garcia Steam Plant) and Phase II Acid Rain New Unit Exemptions (D-1, D-2, CT-1, CT-2, & CT-3). Also included in this permit are miscellaneous unregulated and insignificant 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).

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

Initial Title V Air Operation Permit
PROPOSED 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

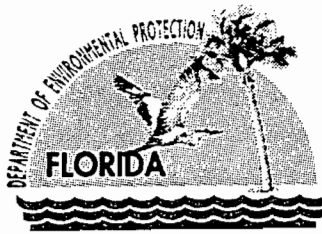
Telephone: 850/488-0114
Fax: 850/922-6979

November 8, 1999

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

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Department of Environmental Protection

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

David B. Struhs
Secretary

Permittee:

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

PROPOSED 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 I-1, List of Insignificant Emissions Units and Activities

APPENDIX TV-3, TITLE V CONDITIONS (Version Dated 12/02/97)

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)

Acid Rain Retired Unit Exemption (Ralph Garcia Steam Plant)

Phase II Acid Rain New Unit Exemptions (D-1, D-2, CT-1, CT-2, & CT-3)

Effective Date: January 1, 2000

Renewal Application Due Date: July 5, 2004

Expiration Date: December 31, 2004

Howard L. Rhodes, Director

Division of Air Resources

Management

HLR/clp/stw

Section I. Facility Information

Subsection A. Facility Description

This facility consists of five regulated emission units with a total generating capacity of 80.7 MW. There are two regulated diesel generators, three simple cycle combustion turbines, and miscellaneous unregulated units. To reduce pollution, a combination of control techniques is used including water injection, ignition timing retardation, and low sulfur fuel oil. The Ralph Garcia Steam Plant [EPA ID #1] was retired January 1, 1998. Also included in this permit are insignificant 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).

Subsection B. Summary of Emissions Units

E.U.

<u>ID No.</u>	<u>Brief Description</u>
005	8.8 MW Medium Speed Diesel Generator [Unit #1; EPA ID #D-1]
006	8.8 MW Medium Speed Diesel Generator [Unit #2; EPA ID #D-2]
007	23.5 MW Simple Cycle Combustion Turbine [CT-1]
008	19.77 MW Simple Cycle Combustion Turbine [CT-2]
009	19.77 MW Simple Cycle Combustion Turbine [CT-3]
010	Unregulated Emissions Units (See Appendix U-1.)

Emission units 002, 003, and 004 were moved to emissions unit 010.

Subsection C. Retired Acid Rain Unit

001 37 MW Ralph Garcia Steam Plant [EPA ID #1][Retired January 1998]

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 D. 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.

Letter received June 28, 1999, from Mr. Joe Stone, Environmental Services
Supervisor for Stock Island Power Plant.

Section II. Facility-wide Conditions

1. APPENDIX TV-3, TITLE V CONDITIONS (version dated 8/11/97), is a part of this permit.

{Permitting note: APPENDIX TV-3, 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.]

{**Permitting Note:** Although the Permittee is not required to perform a visible emissions compliance test to demonstrate compliance with the facility-wide limitations annually or before renewal, if the Department believes that the general visible emissions standard is being violated, the Department may require that the owner or operator perform a visible emissions compliance test per Chapter 62-297.310(7)(b), Special Compliance Tests. In addition, Department personnel who are certified to perform visible emissions tests may determine compliance with the general visible emissions standard.}

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. Insignificant Emissions Units and/or Activities. Appendix I-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: 941/332-6975
Fax: 941/332-6969

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
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, Georgia 30303
Telephone: 404/562-9155
Fax: 404/562-9163

{Permitting note: Condition no. 51 of Appendix TV-3, lists the necessary elements of a compliance certification required under 40 C.F.R. 70.6(c)(5)(iii).}

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. Two Medium Speed Diesel Generators

E.U.

<u>ID No.</u>	<u>Brief Description</u>
005	8.8 MW Medium Speed Diesel Generator [Unit #1; EPA ID #D-1]
006	8.8 MW Medium Speed Diesel Generator [Unit #2; EPA ID #D-2]

Each of the two 8.8 MW (nominal) electric Fairbanks Morse diesel generators (Model PC-2.6V) burns No. 2 distillate fuel oil and has 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. Commercial operation commenced April 1, 1991. The units are exempt from acid rain regulations by the attached New Unit Exemptions, effective January 1, 1999 through December 31, 2003.

{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

A.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 consecutive 12-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]

A.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.]

A.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.]

A.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. }

A.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 consecutive 12-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]

A.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 consecutive 12-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]

A.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 consecutive 12-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]

A.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 consecutive 12-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]

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

- a. 26.8 pounds per hour from each engine;
- b. 1.0 grams per horsepower-hour from each engine;
- c. 50.1 tons in any consecutive 12-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]

A.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 consecutive 12-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]

A.11. 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

A.12. 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.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. 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 terms or conditions of this permit. }

A.15. The Permittee shall conduct a compliance test for each diesel generator on an *annual basis* 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 (NO_x) - EPA Method 20.
- b) Sulfur Dioxide (SO₂) - EPA Method 6 or ASTM D 2880-71 for sulfur in oil.
- c) Visible Emissions - EPA Method 9.
- d) Particulate Matter (PM/PM₁₀) - EPA Method 5.

An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.

[Rule 62-297.310(7)(a)4. & 5., F.A.C., AC44-152197]

A.16. The Permittee shall conduct a compliance test for each of the following pollutants *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 this requirement. 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 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 and/or solid fuel for a total of no more than 400 hours. Each compliance test shall be conducted in accordance with 40 CFR 60 Appendix A, using the method indicated.

- a) Carbon Monoxide (CO) – EPA Method 10.
- b) Beryllium (Be) – EPA Method 104.
- c) Volatile Organic Compounds (VOC) - EPA Method 25.

[Rule 62-297.310(7)(a)3., F.A.C., AC44-152197]

A.17. By this permit, annual emissions compliance testing for visible emissions and particulate matter 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.]

A.18. The specific conditions of Subsection D, Common Conditions I, apply to these emission units.

Reporting and Recordkeeping Requirements

A.19. In order to document compliance with the hours of operation limitation of specific condition A.4, the fuel oil consumption limit of specific condition A.1, and the annual

NO_x emission limit of specific condition A.5, the Permittee shall keep daily records of the hours of operation, the fuel oil consumption, and the NO_x 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 NO_x 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 NO_x 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 NO_x emissions in tons for the previous 12 consecutive months.

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

A.20. 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.

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

A.21. In order to document compliance with the hourly SO₂ emission limit of specific condition A.6 and the fuel sulfur limit of specific condition A.3, the Permittee shall keep records of the as-fired fuel sulfur content, in percent by weight. For each shipment of fuel oil, the sulfur content shall be based on either vendor provided analysis or other analysis using ASTM D2622-94, ASTM D4294-90 (95), ASTM D1552-95, ASTM D1266-91, or both ASTM D4057-88 and ASTM D129-95 (or the latest editions). The records shall be

maintained for a minimum of five 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

A.22. 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]

A.23. 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]

A.24. 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 B. 23.5 MW Combustion Turbine

E.U. Brief Description

ID No.

007 23.5 MW Simple Cycle Combustion Turbine [CT-1]

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 has a heat input of 312 MMBtu per hour (at 59° F) while burning oil. The CT is 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 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, since it meets the requirements of 40 CFR 72.7 by serving a generator with less than 25 MW.}

Essential Potential to Emit (PTE) Parameters

B.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's characteristics. 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]

B.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]

B.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:

B.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:

Fuel-bound nitrogen (% by weight)	F (NO _x % by volume)
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.

[AC44-245399/PSD-FL-210, 40 CFR 60.332]

B.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]

B.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]

B.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]

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

[AC44-245399/PSD-FL-210]

Excess Emissions, Monitoring Requirements, and Test Methods & Procedures, and Reporting & Recordkeeping Requirements

B.9. Two copies of the results of the emission tests for the pollutants listed in conditions B.4. through B.7. shall be submitted within forty-five days of the last sampling run to the South District office in Ft. Myers. All reports shall be in a format consistent with and shall include the information in accordance with Rule 62-297.310 (8), F.A.C.

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

B.10. The specific conditions of Subsection D, Common Conditions I, and Subsection E, Common Conditions II, apply to these emissions units.

Subsection C. 19.77 MW Combustion Turbines

<u>E.U.</u>	<u>Brief Description</u>
<u>ID No.</u>	

008	19.77 MW Simple Cycle Combustion Turbine [CT-2]
009	19.77 MW Simple Cycle Combustion Turbine [CT-3]

These emissions units are two refurbished General Electric Model MS-5001R 19.77 MW combustion turbines. CT-2 had a startup date of June 1, 1998, while CT-3 had a startup date of August 1, 1998.

{Permitting notes: These emissions units are regulated under Rule 62-210.300, F.A.C., Permits Required; NSPS - 40 CFR 60, Subparts A (General Provisions) and GG, (Standards of Performance for Stationary Gas Turbines), adopted and incorporated by reference in Rule 62-204.800(7)(b)38., F.A.C.; Rule 212.400, F.A.C., Prevention of Significant Deterioration; and AC0870003-003, issued January 8, 1998. The units are not affected by the Acid Rain Program, since they meet the requirements of 40 CFR 72.7 by serving a generator with less than 25 MW.}

General Provisions

Notification and Record Keeping

C.1. A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c) shall be postmarked not less than 30 days prior to such date. The notification shall be sent to the Department's South District Office and Marathon Branch Office.

[40 CFR 60.7(a)(5)]

C.2. When it has been demonstrated that these units meet the emission limitations established in permit AC-0870003-003, a properly signed and sealed certification from the permittee's Professional Engineer shall be submitted to the offices listed in C.1. stating that 1) the construction of CT-2 and CT-3 was completed in accordance with permit AC-870003-003 and, 2) the units have been tested and are in compliance with the terms and conditions contained within permit AC-870003-003.

[Rules 62-212.400(7)(b) and 62-213.420(1)(a)5., F.A.C., AC-870003-003]

Performance Tests

C.3. Within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup, the Permittee shall conduct performance test(s) and furnish the offices listed in C.1. a written report of the results of such performance test(s).

[40 CFR 60.8(a)] {Permitting note: See Subsection E. for additional requirements.}

Essential Potential to Emit (PTE) Parameters

C.4. Hours of Operation. Each emission unit is allowed to operate 4,000 hours per year. The combined operation of both units shall also be limited to 4,000 hours per year.
[AC-870003-003].

C.5. Method of Operation - Fuels. Only No. 2 fuel oil can be fired in the combustion turbines. The maximum sulfur content of the No. 2 fuel oil shall not exceed 0.05 percent, by weight.
[AC-870003-003]

C.6. Permitted Capacity. The maximum heat input rate to each combustion turbine shall not exceed 305 million Btu per hour (MMBtu/hr).
[AC-870003-003]

C.7. Fuel Consumption. The maximum No. 2 fuel oil consumption allowed to be burned in either emission unit No. 008 or emission unit No. 009 is 8,840,000 gallons per year, which is equivalent to 4,000 hours per year of operation at full load. The combined fuel oil consumption for both units shall be limited to 8,840,000 gallons per year.
[AC-870003-003]

Emission Limitations and Standards

{Note: The emission limits of LB/hr apply to each unit, while the TPY limit apply to each unit individually and both units collectively.}

C.8. Oxides of Nitrogen. For each turbine, NO_x emissions shall not exceed any of the following limits:

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

$$\text{STD} = 0.0075(14.4)/Y + F$$

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:

Fuel-bound nitrogen (% by weight)	F (NO _x % by volume)
-----------------------------------	---------------------------------

$N \leq 0.015$	0
$0.015 < N \leq 0.1$	$0.04(N)$
$0.1 < N \leq 0.25$	$0.004 + 0.0067(N - 0.1)$
$N > 0.25$	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; and
- c. 93.8 lb./hour, based on a 1-hour average at 15% O₂; and 40 degrees F from each turbine.
- d. 172 TPY, based on an average hourly concentration of 86 pounds per hour at 85 degrees F ambient temperature from both turbines combined.
- e. no more than 4,000 hours per year of operation, from either or both turbines combined.
[40 CFR 60.332, AC-870003-003]

C.9. Sulfur Dioxide. For each turbine, SO₂ emissions shall be controlled by limiting the sulfur content of the fuel to a maximum of 0.05 percent by weight.
[40 CFR 60.333, AC-870003-003]

C.10. Particulate Matter/PM₁₀. For each turbine, PM/PM₁₀ emissions shall be limited to 16.6 lb./hour, based on a 1-hour average; PM and PM₁₀ from both turbines combined shall be limited to 55 TPY and 45 TPY, respectively.
[AC-870003-003]

C.11. Carbon Monoxide. For each turbine, CO shall be limited to 25.2 lb./hour, based on a 1-hour average; and from both turbines combined, 101 TPY.
[AC-870003-003]

C.12. Visible Emissions. Visible emissions shall be limited to 20 percent opacity.
[AC-870003-003]

Excess Emissions, Monitoring Requirements, Test Methods & Procedures, and Reporting & Recordkeeping Requirements

C.13. Two copies of the results of the emission tests for the pollutants listed in conditions C.8. through C.11. shall be submitted within forty-five days of the last sampling run to the South District office in Ft. Myers. All reports shall be in a format consistent with and shall include the information in accordance with Rule 62-297.310 (8), F.A.C.
[Rule 62-297.310(8), F.A.C.]

C.14. The specific conditions of Subsection D, Common Conditions I, and Subsection E, Common Conditions II, apply to these emissions units.

Subsection D. Common Conditions I

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

Test Methods & Procedures

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]

Subsection E. Common Conditions II

The following conditions apply only to the Combustion Turbines listed in listed in Section III, Subsections B. and C. of this permit.

Excess Emissions

E.1. 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, 0870003-003-AC]

E.2. Excess Emissions Defined. 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), 0870003-003-AC]

Monitoring Requirements

E.3. CMS Requirements. 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. Quarterly calibrations shall be performed on the CMS.

[40 CFR 60.334(a); AC44-245399/PSD-FL-210, 0870003-003-AC]

E.4. Critical Fuel Parameters. 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 Bureau of Air Regulation 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), 0870003-003-AC]

Test Methods & Procedures

E.5 Testing of emissions shall be conducted with the source operating at capacity. Capacity is defined as 95 to 100 percent of the manufacturer's rated heat input achievable for the average ambient (or conditioned) air temperature during the test. If it is impracticable to test at capacity, then sources may be tested at less than capacity. In such cases, the entire heat input versus inlet temperature curve will be adjusted by the increment equal to the difference between the design heat input value and 105 percent of the value reached during the test. Data, curves, and calculations necessary to demonstrate the heat input rate correction at both design and test conditions shall be submitted to the Department with the compliance test report.

To demonstrate compliance with federal new source performance standard Subpart GG - Standards of performance Stationary Gas Turbines, the initial test shall be conducted at four load points and corrected to ISO conditions for comparison to the NSPS allowable. *Subsequent annual compliance tests conducted to establish compliance with NOx limits that are more stringent than the NSPS standard shall not require an ISO correction or testing at four load points; rather, the testing shall be done at capacity, as defined above.* However, when testing shows that NOx emissions exceed the standard when operating at capacity, the company shall recalibrate the NOx emission control system using emission testing at four loads as required in Subpart GG.

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

E.6. Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Department (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Department's satisfaction that the affected facility is in compliance with the standard, or (3) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Department's authority to require testing under section 114 of the Act.

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

E.7. Performance tests shall be conducted under such conditions as the Department shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 CFR 60.8(c)].

E.8. 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 60.8(e)]

E.9. Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Department's approval, be determined using the arithmetic mean of the results of the two other runs.

[40 CFR 60.8(f)].

E.10. 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. Other methods may be used for compliance testing after obtaining prior Departmental approval, in writing.

[Rule 62-297.310(7)(a)(4), F.A.C., AC44-2445399, 0870003-003-AC]

E.11. Sulfur Content. The Permittee shall determine compliance with the sulfur content standard in 40 CFR 60.333(b) as follows: ASTM D 2880-96, or more recent version, shall be used to determine the sulfur content of liquid fuels and ASTM D 1072-90(94)E-1, D 3031-81(86), D 4084-94, or D 3246-92, or more recent versions, shall be used for the sulfur content of gaseous fuels (incorporated by reference-see 40 CFR 60.17). The applicable ranges of some ASTM methods mentioned above are not adequate to measure the levels of sulfur in some fuel gases. Dilution of samples before analysis (with verification of the dilution ratio) may be used, subject to the approval of the Department. [40 CFR 60.335(d)]

E.12. To compute the nitrogen oxides emissions, the Permittee shall use analytical methods and procedures that are accurate to within +-5 percent and are approved by the Department to determine the nitrogen content of the fuel being fired. [40 CFR 60.335(a)]

E.13. The NO_x emission rate shall be computed for each run using the following equation:

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

where:

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

NO_{xO} = 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_o = observed humidity of ambient air, g H₂O/g air.

e = transcendental constant, 2.718.

T_a = ambient temperature, °K. [40 CFR 60.335(c)(1)]

E.14. The owner or operator may use the following as an alternative to the reference methods and procedures specified in 40 CFR 60.335:

Instead of using the equation in paragraph 40 CFR 60.335(c)(1), manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in 40 CFR 60.8 to ISO standard day conditions. These factors are developed for each gas turbine model they manufacture in terms of combustion inlet pressure, ambient air pressure, ambient air humidity, and

ambient air temperature. They shall be substantiated with data and must be approved for use by the Department before the initial performance test required by 40 CFR 60.8. Notices of approval of custom ambient condition correction factors will be published in the Federal Register.

[40 CFR 60.335(f)(1)]

E.15. 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)]

E.16. Compliance with the allowable emission limiting standards given in Subsections B. and C. shall be determined by using EPA Reference Method 20 as described in 40 CFR 60, Appendix A (1996, version) adopted by reference in Rule 62-204.800, F.A.C. The span values shall be 300 PPM of nitrogen oxide and 21 percent oxygen. The NO_x emissions shall be determined 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. An annual compliance test shall be performed on the unit if operated for more than 400 hours in the preceding 12-month period.

[Rule 62-297.310, F.A.C. and 40 CFR 60.335(c)(3)]

E.17. In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of 40 CFR 60 or other methods and procedures as specified in this permit, except as provided for in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph 40 CFR 60.335(f).

[40 CFR 60.335(b)]

E.18. (a) For the purposes of this section, all continuous monitoring systems required under applicable subparts shall be subject to the provisions of this section upon promulgation of performance specifications for continuous monitoring systems under appendix B of 40 CFR 60 and, if the continuous monitoring system is used to demonstrate compliance with emission limits on a continuous basis, appendix F to 40 CFR 60, unless otherwise specified in an applicable subpart or by the Department. Appendix F is applicable December 4, 1987.

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

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he/she shall conduct a performance evaluation of the

COMS as specified in Performance Specification 1, appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Department under section 114 of the Act.

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

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

(d) (1) Permittee's of all continuous emission monitoring systems installed in accordance with the provisions of 40 CFR 60 shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

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

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

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

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

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

(g) When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Department. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorder during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non-reduced form (e.g., PPM pollutant and percent O₂ or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

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

E.19. After receipt and consideration of written application, the Department may approve alternatives to any monitoring procedures or requirements of 40 CFR 60 including, but not limited to the following:

(1) Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by 40 CFR 60 would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

(2) Alternative monitoring requirements when the affected facility is infrequently operated.

(3) Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

(4) Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

(5) Alternative methods of converting pollutant concentration measurements to units of the standards.

(6) Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

(7) Alternatives to the ASTM test methods or sampling procedures specified by any subpart.

(8) Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Department may require that such demonstration be performed for each affected facility.

(9) Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

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

Reporting and Recordkeeping Requirements

E.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 five years after the date of each record and shall be made available to representatives of the Department upon request.

[Rule 62-4.070(3)]

E.21. Excess Emissions Report. 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)]

E.22. Quarterly Report. 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)]

E.23. Summary Report. The summary report form shall contain the information and be in the format shown in Figure 1 of 40 CFR 60.7(d) 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)]

E.24. Reporting Frequency.

(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 40 CFR 60 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)]

E.25. Records Retention. 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.]

Additional General Provisions - 40 CFR 60 Subpart A

E.26. Department Notification.

(a) The Permittee shall provide to the Department's South District office at least 15 days prior notice of any compliance or performance test, except as specified under other subparts, to afford the District office the opportunity to have an observer present.

Test results shall be submitted to the District office no later than 45 days after completion of the test.

(b) 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.

[40 CFR 60.8(d) and Rule 62-297.310(7)(a)9., F.A.C.]

Compliance with Standards and Maintenance Requirements

E.27. Compliance with opacity standards in 40 CFR 60 shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60, any alternative method that is approved by the Department, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

[40 CFR 60.11(b)].

E.28. 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.

[40 CFR 60.11(d)]

E.29. Credible Evidence. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)].

E.30. Circumvention. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

Monitoring Requirements

E.31. An alternative to the relative accuracy test specified in Performance Specification 2 of 40 CFR 60 Appendix B, may be requested as follows:

(1) An alternative to the reference method tests for determining relative accuracy is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Department to waive the relative accuracy test in section 7 of Performance Specification 2 and substitute the procedures in section 10 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Department to waive the relative accuracy test and substitute the procedures in section 10 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the relative accuracy test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Department will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS relative accuracy test will be reviewed and may be rescinded at such time following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level of the applicable standard. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., 40 CFR 60.45(g)(2) and 40 CFR 60.45(g)(3), 40 CFR 60.73(e), and 40 CFR 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of relative accuracy testing. If this criterion is exceeded, the owner or operator must notify the Department within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Department will review the notification and may rescind the waiver and require the owner or operator

to conduct a relative accuracy test of the CEMS as specified in section 7 of Performance Specification 2.

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

Modifications

E.32. Except as provided under 40 CFR 60.14(e) and 40 CFR 60.14(f), any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act. Upon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere.

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

E.33. Emission rate shall be expressed as kg/hr (lbs./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Department shall use the following to determine emission rate:

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors", EPA Publication No. AP-42, or other emission factors determined by the Department to be superior to AP-42 emission factors, in cases where utilization of emission factors demonstrate that the emission level resulting from the physical or operational change will either clearly increase or clearly not increase.

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Department's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Department's satisfaction that there are reasonable grounds to dispute the result obtained by the Department utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Department shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

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

E.34. The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of 40 CFR 60 any other facility within that source.

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

E.35. The following shall not, by themselves, be considered modifications under 40 CFR 60:

(1) Maintenance, repair, and replacement which the Department determines to be routine for a source category, subject to the provisions of 40 CFR 60.14(c) and 40 CFR 60.15.

(2) An increase in production rate of an existing facility, if that increase can be accomplished without a capital expenditure on that facility.

(3) An increase in the hours of operation.

(4) Use of an alternative fuel or raw material if, prior to the date any standard under 40 CFR 60 becomes applicable to that source type, as provided by 40 CFR 60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

(5) The addition or use of any system or device whose primary function is the reduction of air pollutants, except when an emission control system is removed or is replaced by a system which the Department determines to be less environmentally beneficial.

(6) The relocation or change in ownership of an existing facility.

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

E.36. Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of this section.

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

E.37. Within 180 days of the completion of any physical or operational change subject to the control measures specified in 40 CFR 60.14(a), compliance with all applicable standards must be achieved.

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

Section IV. Acid Rain Part

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

The following emissions units are regulated under the Acid Rain Program:

E.U.

ID No.	Description
001	Ralph Garcia Steam Plant [EPA ID #1][Retired]
005	8.8 MW Medium Speed Diesel Generator [Unit #1; EPA ID #D-1]
006	8.8 MW Medium Speed Diesel Generator [Unit #2; EPA ID #D-2]
007	23.5 MW Simple Cycle Combustion Turbine [CT-1]
008	19.77 MW Simple Cycle Combustion Turbine [CT-2]
009	19.77 MW Simple Cycle Combustion Turbine [CT-3]

1. The Utility Board of the City of Key West must comply with all the requirements and provisions as set forth in the applications listed below:

Ralph Garcia Steam Plant: "Retired Unit Exemption" DEP Form No. 62-210.900(1)(a)3., effective 01/01/98.

D-1, D-2, CT-1, CT-2, & CT-3: "New Unit Exemption" DEP Form No. 62-210.900(1)(a)2., effective 01/01/99 through 12/31/03.

[Chapter 62-213, F.A.C. and Rule 62-214.320, F.A.C. 40 CFR 72]

2. The following table lists the Phase II sulfur dioxide allowances for the above units:

E.U. ID No.	EPA ID #	YEAR	2000	2001	2002	2003
001 (retired)	1	SO ₂ allowances, under Table 2 of 40 CFR 73	2550*	2550*	2550*	2550*
005, 006	D-1, D-2	SO ₂ allowances, under Table 2 of 40 CFR 73	99	99	99	99

*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. Where an applicable requirement of the Act is more stringent than applicable regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

[40 CFR 70.6(a)(1)(ii); and, Rule 62-210.200, F.A.C., Definitions – Applicable Requirements.]

5. Retired Unit Exemption - Ralph Garcia. The designated representative of this acid rain unit applied for an exemption from the requirements of the Federal Acid Rain Program by submitting a completed and signed “Retired Unit Exemption” form (DEP Form No. 62-210.900(1)(a)3., F.A.C.) to the Department. The date of permanent retirement is January 1, 1998. The unit has been completely dismantled and has ceased operation.

[Rule 62-214.340(2), F.A.C.; and, 40 CFR 72.8.]

6. New Unit Exemption - D-1, D-2, CT-1, CT-2, & CT-3. The designated representative of this acid rain unit applied for an exemption from 40 CFR 72.1 through 72.6, and 40 CFR 72.10 through 72.13 of the Federal Acid Rain Program by submitting a completed and signed “New Unit Exemption” form (DEP Form No. 62-210.900(1)(a)2., F.A.C.) to the Department. The date of exemption is effective 01/01/99 through 12/31/03. This exemption may be renewed.

[Rule 62-214.340(2), F.A.C.; and, 40 CFR 72.7.]

7. 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-3, Title V Conditions.}

[Rule 62-214.420(11), F.A.C.]

8. Comments, notes, and justifications: Stock Island has no Phase I allowances.

Acid Rain Attachments and Relevant Documents:

Ralph Garcia Steam Plant: “Retired Unit Exemption” DEP Form No. 62-210.900(1)(a)3., effective 01/01/98.

D-1, D-2, CT-1, CT-2, & CT-3: “New Unit Exemption” DEP Form No. 62-210.900(1)(a)2., effective 01/01/99 through 12/31/03.

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 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 activities are neither “regulated emissions units” nor “insignificant emissions units”.

E.U.

ID No. Brief Description of Emissions Units and Activities

010 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 (formerly E.U. 002, 003, & 004)

Appendix I-1, List of Insignificant Emissions Units and Activities

Utility Board of the City of Key West
Stock Island Plant

DRAFT Permit No. 0870003-001-AV

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The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical 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 the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rule 62.210.300(3)(a), F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

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

Brief Description of Emissions Units and Activities

1. Internal combustion engines in boats, aircraft and vehicles used for transportation of passengers or freight.
2. Cold storage refrigeration equipment, except for any such equipment located at a Title V source using an ozone-depleting substance regulated under 40 CFR Part 82.
3. Vacuum pumps in laboratory operations.
4. Equipment used for steam cleaning.
5. Belt or drum sanders having a total sanding surface of five square feet or less and other equipment used exclusively on wood or plastics or their products having a density of 20 pounds per cubic foot or more.
6. Equipment used exclusively for space heating, other than boilers.
7. Laboratory equipment used exclusively for chemical or physical analyses.
8. Brazing, soldering or welding equipment.
9. One or more emergency generators located within 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.
10. One or more heating units and general purpose internal combustion engines located within a single facility provided:
 - a. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such heating units and general purpose internal combustion engines within the facility is limited to 32,000 gallons per year of diesel

Appendix I-1, List of Insignificant Emissions Units and Activities

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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.

11. Fire and safety equipment.

12. Surface coating operations within a single facility if the total quantity of coatings containing greater than 5.0 percent VOCs, 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.

13. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs, by volume.

14. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.

Note: No exemption shall be granted to any emissions unit or activity if:

1. Such unit or activity would be subject to any unit-specific applicable requirement;

2. Such unit or activity, in combination with other units and activities proposed for exemption, would cause the facility to exceed any major source threshold(s) as defined in Rule 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s); or

3. Such unit or activity would emit or have the potential to emit:

a. 500 pounds per year or more of lead and lead compounds expressed as lead;

b. 1,000 pounds per year or more of any hazardous air pollutant;

c. 2,500 pounds per year or more of total hazardous air pollutants; or

d. 5.0 tons per year or more of any other regulated pollutant.

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

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99)

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

{Permitting note: APPENDIX TV-3, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

Chapter 62-4, F.A.C.

1. Not federally enforceable. General Prohibition. Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, 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: (also, see Condition No. 38)

- (a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.
- (b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.
- (c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.
- (e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

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

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

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

5. Renewals. Prior to 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. (also, see Condition No. 10)

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

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

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

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

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

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: (also, see Condition No. 10)
- (a) A description of and cause of noncompliance; and,
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 1. the date, exact place, and time of sampling or measurements;
 2. the person responsible for performing the sampling or measurements;
 3. the dates analyses were performed;
 4. the person responsible for performing the analyses;
 5. the analytical techniques or methods used; 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. Not federally enforceable. 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.]

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

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

[Rules 62-110.106, 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 Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.

[Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.]

Chapter 62-204, F.A.C.

17. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR 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 an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

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

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

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

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

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

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

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

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

(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. Not federally enforceable. 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) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

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

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

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

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

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

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and,
3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.

(b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.

(d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.

(e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.

(f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.

(g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.

(h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:

1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.

(3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.

(a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and,
2. A 30-day period for submittal of public comments.

(b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

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

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

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) A change requiring more frequent monitoring or reporting by the permittee;
- (d) 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;
- (e) 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 62-210.360(1)(d), F.A.C.; and
- (f) Any other similar minor administrative change at the source.

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

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

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

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

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

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. Forms 62-210.900(1),(3),(4) and (5), F.A.C., including instructions, are available from the Department as hard-copy documents or executable files on computer diskettes. Copies of forms (hard-copy or diskette) may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Notwithstanding the requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate, if an air permit application is submitted using the Department's electronic application form, only one copy of the diskette and signature pages is required to be submitted.

(1) Application for Air Permit - Title V Source, Form and Instructions (Effective 2-11-99).

(a) Acid Rain Part (Phase II), Form and Instructions (Effective 7-1-95).

1. Repowering Extension Plan, Form and Instructions (Effective 7-1-95).

2. New Unit Exemption, Form and Instructions (Effective 7-1-95).

3. Retired Unit Exemption, Form and Instructions (Effective 7-1-95).

4. Phase II NOx Compliance Plan, Form and Instructions (Effective 1-6-98).

5. Phase II NOx Averaging Plan, Form (Effective 1-6-98).

(b) Reserved.

(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 2-11-99).

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

[Rule 62-213.205(1)(k), 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(4), 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.

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

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

- (a) Constitutes a modification;
- (b) Violates any applicable requirement;
- (c) Exceeds the allowable emissions of any air pollutant from any unit within the source;
- (d) Contravenes any permit term or condition for monitoring, testing, recordkeeping, reporting or of a compliance certification requirement;
- (e) Requires a case-by-case determination of an emission limitation or other standard or a source specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapters 62-212 or 62-296, F.A.C.;
- (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
- (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.
- (h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C
- (i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1),(2),or (3),(b)(1) or (b)(3), hereby incorporated by reference;
- (j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source.
- (k) Is a request for exemption pursuant to Rule 62-214.340, F.A.C.

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

32. 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.]

33. Immediate Implementation Pending Revision Process.

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

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

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

(d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and 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.]

34. 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.]

35. Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. (also, see Condition No. 50.)
[Rule 62-213.420(2), F.A.C.]

36. 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.]

37. 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.]

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate.

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. (also, see Condition No. 4)

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

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

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

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

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

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

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

(b) An emissions unit or activity shall be considered insignificant if:

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

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

40. Permit Duration. 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.]

APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99) (continued)

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. (also see Condition No. 35.)
[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 statements 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. Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. The statement of compliance shall include all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C.

o 40 CFR 70.6(c)(5)(iii). The compliance certification shall include all of the following (provided that the identification of applicable information may cross-reference the permit or previous reports, as applicable):

(A) The identification of each term or condition of the permit that is the basis of the certification;

(B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required under 40 CFR 70.6(a)(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

(C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in paragraph (c)(5)(iii)(B) of this section. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred; and

(D) Such other facts as the permitting authority may require to determine the compliance status of the source.

The statement shall be accompanied by a certification by a responsible official, in accordance with Rule 62-213.420(4), F.A.C. The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.

[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.

{Permitting note: The permit shield is not in effect until the effective date of the permit.}

[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. 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-3.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"
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	2%
		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 period ¹: _____

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



Department of Environmental Protection

Lawton Chiles
Governor

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

Virginia B. Wetherell
Secretary

NEW UNIT EXEMPTION

Issued to: Stock Island Power Plant
Unit ID#: CT-1, CT-2, CT-3, D-1, D-2
Operated by: Utility Board of the City of Key West
Effective: January 1, 1999 to December 31, 2003

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

Date

Howard L. Rhodes, Director
Division of Air Resources Management
Department of Environmental Protection
Telephone: (850) 488-0114 Facsimile: (850) 922-6979

New Unit Exemption

For more information, see instructions and refer to 40 CFR 72.7

This submission is: New Revised

STEP 1

Identify the new unit by plant name, State, and ORIS Code and boiler ID# from NADB.

Plant Name	State	ORIS Code	Boiler ID#
STOCK ISLAND POWER PLANT	FLORIDA	CT-1	

STEP 2

List to one decimal place the nameplate capacity of each generator served by the unit. Then total these entries and enter the result.

					TOTAL
23.5					23.5
MWe	MWe	MWe	MWe	MWe	MWe

STEP 3

List all fuels currently burned or expected to be burned, by the unit and the percent sulfur content by weight of each.

Fuel (current)	Percent SO ₂ (current)	Fuel (expected)	Percent SO ₂ (expected)
No. 2 Fuel Oil	0.05%	No. 2 Fuel Oil	0.05%
	%		%
	%		%

STEP 4

Read the special provisions and the certification, and sign and date.

Special Provisions

(1) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340, F.A.C., shall surrender allowances equal in number to, and with the same or an earlier compliance use date as, all of those allocated to the unit under subpart B of 40 CFR part 73 for any year for which the unit is exempted and shall waive the right to receive any allowances to be allocated under subpart B of 40 CFR part 73 for any year for which the unit is exempted.

(2) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall determine the sulfur content by weight of its fuel as follows:

(i) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2822-92, or ASTM D4294-90.

(ii) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be assumed to be 0.06 percent or less by weight.

(iii) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1286-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.

(3) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall retain at the source that includes the unit, the records of the results of the tests performed under paragraph (2)(i) and (iii) of the special provisions and a copy of the purchase agreements for the fuel under paragraph (2) of the special provisions, stating the sulfur content of such fuel. Such records and documents shall be retained for 5 years from the date they are created.

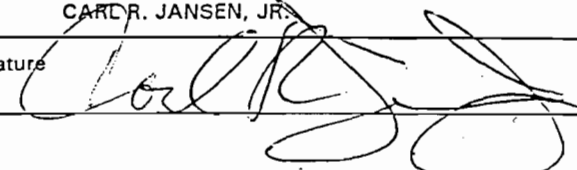
(4) On the earlier of the date the written exemption expires, the date a unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., burns any fuel with a sulfur content in excess of 0.06 percent by weight (as determined in accordance with paragraph (2) of the special provisions), or 24 months prior to the date the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe, the unit shall no longer be exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., and shall be subject to all requirements of the Acid Rain Program, except that:

(i) Notwithstanding 40 CFR 72.30(b) and (c), the designated representative of the source that includes the unit shall submit a complete Acid Rain part application on the later of January 1, 1998 or the date the unit is no longer exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C.

(ii) For purposes of applying monitoring requirements under part 75 of this chapter, the unit shall be treated as a new unit that commenced commercial operation on the date the unit no longer meets the requirements of 40 CFR 72.7(a).

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	9/9/98

New Unit Exemption

For more information, see instructions and refer to 40 CFR 72.7

This submission is: New Revised

Page 1 of 2

STEP 1

Identify the new unit by plant name, State, and ORIS Code and boiler ID# from NADB.

Plant Name	Stock Island Power Plant	State	FL	ORIS Code	6584	Boiler ID#	CT 2
							TOTAL

STEP 2

List to one decimal place the nameplate capacity of each generator served by the unit. Then total these entries and enter the result.

MWe	MWe	MWe	MWe	MWe	MWe
19.8					19.8
Fuel (current)	Percent SO ₂ (current)			Fuel (expected)	Percent SO ₂ (expected)

STEP 3

List all fuels currently burned or expected to be burned, by the unit and the percent sulfur content by weight of each.

	%	No. 2 Diesel Oil	0.05 or less	%
	%			%

STEP 4

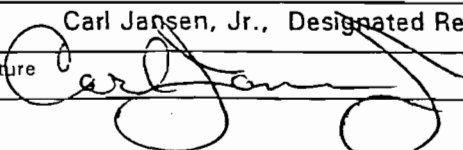
Read the special provisions and the certification, and sign and date.

Special Provisions

- (1) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340, F.A.C., shall surrender allowances equal in number to, and with the same or an earlier compliance use date as, all of those allocated to the unit under subpart B of 40 CFR part 73 for any year for which the unit is exempted and shall waive the right to receive any allowances to be allocated under subpart B of 40 CFR part 73 for any year for which the unit is exempted.
- (2) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall determine the sulfur content by weight of its fuel as follows:
 - (i) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-92, or ASTM D4294-90.
 - (ii) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be assumed to be 0.05 percent or less by weight.
 - (iii) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1265-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.
- (3) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall retain at the source that includes the unit, the records of the results of the tests performed under paragraph (2)(i) and (iii) of the special provisions and a copy of the purchase agreements for the fuel under paragraph (2) of the special provisions, stating the sulfur content of such fuel. Such records and documents shall be retained for 5 years from the date they are created.
- (4) On the earlier of the date the written exemption expires, the date a unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., burns any fuel with a sulfur content in excess of 0.05 percent by weight (as determined in accordance with paragraph (2) of the special provisions), or 24 months prior to the date the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe, the unit shall no longer be exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., and shall be subject to all requirements of the Acid Rain Program, except that:
 - (i) Notwithstanding 40 CFR 72.30(b) and (c), the designated representative of the source that includes the unit shall submit a complete Acid Rain part application on the later of January 1, 1998 or the date the unit is no longer exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C.
 - (ii) For purposes of applying monitoring requirements under part 75 of this chapter, the unit shall be treated as a new unit that commenced commercial operation on the date the unit no longer meets the requirements of 40 CFR 72.7(a).

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 Jansen, Jr., Designated Representative	
Signature		Date
		4/30/98

New Unit Exemption

For more information, see instructions and refer to 40 CFR 72.7

This submission is: New Revised

Page 2 of 2

STEP 1

Identify the new unit by plant name, State, and ORIS Code and boiler ID# from NADB.

Plant Name	Stock Island Power Plant	State	FL	ORIS Code	6584	Boiler ID#	CT 3
							TOTAL

STEP 2

List to one decimal place the nameplate capacity of each generator served by the unit. Then total these entries and enter the result.

MWe	MWe	MWe	MWe	MWe	MWe
19.8					19.8
Fuel (current)	Percent SO ₂ (current)			Fuel (expected)	Percent SO ₂ (expected)

STEP 3

List all fuels currently burned or expected to be burned, by the unit and the percent sulfur content by weight of each.

	%	No. 2 Diesel Oil	0.05 or less	%
	%			%

STEP 4

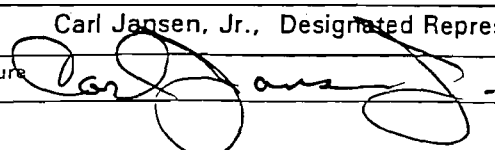
Read the special provisions and the certification, and sign and date.

Special Provisions

- (1) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340, F.A.C., shall surrender allowances equal in number to, and with the same or an earlier compliance use date as, all of those allocated to the unit under subpart B of 40 CFR part 73 for any year for which the unit is exempted and shall waive the right to receive any allowances to be allocated under subpart B of 40 CFR part 73 for any year for which the unit is exempted.
- (2) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall determine the sulfur content by weight of its fuel as follows:
 - (i) For petroleum or petroleum products that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-92, or ASTM D4294-90.
 - (ii) For natural gas that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, the sulfur content shall be assumed to be 0.05 percent or less by weight.
 - (iii) For gaseous fuel (other than natural gas) that the unit burns starting on the first day on which the exemption takes effect until the exemption terminates, a sample of each delivery of such fuel shall be tested using ASTM methods ASTM D1072-90 and ASTM D1265-92; provided that if the gaseous fuel is delivered by pipeline to the unit, a sample of the fuel shall be tested, at least once every quarter in which the unit operates during any year for which the exemption is in effect, using ASTM method ASTM D1072-90.
- (3) The owners and operators of each unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., shall retain at the source that includes the unit, the records of the results of the tests performed under paragraph (2)(i) and (iii) of the special provisions and a copy of the purchase agreements for the fuel under paragraph (2) of the special provisions, stating the sulfur content of such fuel. Such records and documents shall be retained for 5 years from the date they are created.
- (4) On the earlier of the date the written exemption expires, the date a unit exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., burns any fuel with a sulfur content in excess of 0.05 percent by weight (as determined in accordance with paragraph (2) of the special provisions), or 24 months prior to the date the unit first serves one or more generators with total nameplate capacity in excess of 25 MWe, the unit shall no longer be exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C., and shall be subject to all requirements of the Acid Rain Program, except that:
 - (i) Notwithstanding 40 CFR 72.30(b) and (c), the designated representative of the source that includes the unit shall submit a complete Acid Rain part application on the later of January 1, 1998 or the date the unit is no longer exempted under 40 CFR 72.7 and Rule 62-214.340(1), F.A.C.
 - (ii) For purposes of applying monitoring requirements under part 75 of this chapter, the unit shall be treated as a new unit that commenced commercial operation on the date the unit no longer meets the requirements of 40 CFR 72.7(a).

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 Jansen, Jr., Designated Representative	
Signature		Date
		4/30/98



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 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:

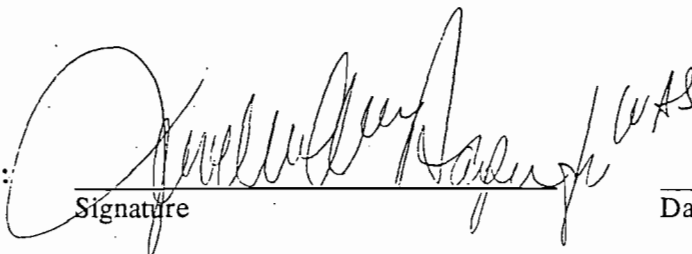
The petition for a new unit written exemption, submitted for this unit, is incorporated by reference. The requirements from which the unit is exempt during the effective period include, but are not limited to, the requirements to hold a permit (part 72), hold allowances (part 73), and monitor emissions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


Signature

Date

2/9/95

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 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:

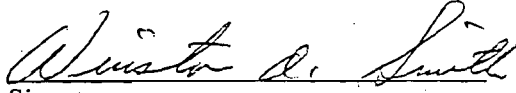
The petition for a new unit written exemption, submitted for this unit, is incorporated by reference. The requirements from which the unit is exempt during the effective period include, but are not limited to, the requirements to hold a permit (part 72), hold allowances (part 73), and monitor emissions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


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

UTILITY BOARD OF THE CITY OF KEY WEST

Ordinary

POST OFFICE DRAWER 6100
KEY WEST, FLORIDA 33041-6100



TELEPHONE: (305) 295-1000
www.kwcityelectric.com

January 5, 1998

Mr. A. A. Linero
Administrator
New Source Review Section
Division of Air Resources Management
Florida Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Subject: Official Retirement of the Ralph Garcia Steam Plant

Dear Mr. Linero:

As a condition of the draft construction permit (No. 0870003-003-AC) for two 19.77 MW simple cycle combustion turbines, we are officially retiring the Ralph Garcia Steam Plant as a steam generation plant. It is our understanding that a final construction permit will be issued upon the retirement of this unit. I have enclosed DEP Form No. 62-210.900(1)(a)3.

If you have any questions or comments, please do not hesitate to contact Joe Stone at (305) 295-1148.

Sincerely,

UTILITY BOARD - CITY OF KEY WEST
CITY ELECTRIC SYSTEM

Larry J. Thompson
Larry J. Thompson
General Manager

LJT/me

cc:
R. Rodriguez, Assistant General Manager
J. Stone, Environmental Services Supervisor
R. Williams, FMPA
I. Clark, R.W. Beck & Associates
File:SOF-110

*cc: C. Phillips, BAR
S. Ariz, BAR*

retirergsp.DOC

RECEIVED

JAN 06 1998

BUREAU OF
AIR REGULATION

UTILITY BOARD MEMBERS:

Robert R. Padron, Chairman • Dr. Otha P. Cox, Vice-Chairman
Leonard H. Knowles, Member • Gayle Swofford, Member • Lou Hernandez, Member

Retired Unit Exemption

For more information, see instructions and refer to 40 CFR 72.8

This submission is: New Revised

STEP 1
Identify the unit that is or will be retired by plant name, State, and ORIS Code and boiler ID# from NADB.

Plant Name RALPH GARCIA STEAM PLANT	State FL	ORIS Code 6584	Boiler ID# #1
--	-------------	-------------------	------------------

STEP 2
Check one box to indicate the deadline for this application.

- This petition is being submitted on or before the deadline for submitting an Acid Rain part application for Phase II.
- The unit has a Phase II Acid Rain part. This petition is being submitted on or before the deadline for reapplying for the Acid Rain part.

STEP 3
Read the certification and enter the actual or expected date of retirement of the unit.

I certify that this unit is or will be permanently retired on the date specified in this petition and will not emit any sulfur dioxide or nitrogen oxides after such date. The date for the permanent retirement of this unit is or will be:

01/01/98 mm/dd/yy

STEP 4
Indicate that the required information is attached.

- A description of any actions that have been or will be taken and that provide the basis for the certification in Step 3.

Turbine Removed, All Piping Removed, Controls removed AND circulating water pumps removed

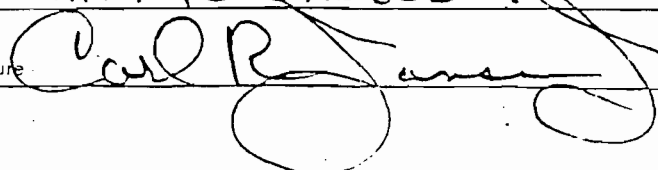
STEP 5
Read the special provisions and the certifications, and sign and date.

Special Provisions

- (1) A unit exempted under 40 CFR 72.8 and Rule 62-214.340(2), F.A.C., shall not emit any sulfur dioxide and nitrogen oxides starting on the date it is exempted.
- (2) The owners and operators of a unit exempted under 40 CFR 72.8 and Rule 62-214.340(2), F.A.C., shall comply with monitoring requirements in accordance with part 75 and will be allocated allowances in accordance with 40 CFR part 73.
- (3) A unit exempted under 40 CFR 72.8 shall not resume operation unless the designated representative of the source that includes the unit submits an Acid Rain part application for the unit not less than 24 months prior to the later of January 1, 2000, or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an Acid Rain part application is submitted or is required to be submitted under this paragraph (3), the unit shall no longer be exempted and shall be subject to all requirements of 40 CFR part 72.

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 JAUSED JR	
Signature		Date 01/05/98