

Memorandum

Florida Department of Environmental Protection

TO: Trina L. Vielhauer
THRU: Jonathan K. Holtom, P.E. *J.H.*
FROM: Scott M. Sheplak, P.E. *sms*
DATE: September 26, 2008
SUBJECT: City of Gainesville, Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station

Intent to Issue Package

Title V Air Operation Permit Renewal
Draft Permit No. 0010005-008-AV

Permitting Clock: Today is ARMS Day 38, Day 90 is 11/18/2008

Attached for your review is the following package:

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

This application was received in hard copy form. The applicant requested no changes to the existing permit. The applicant certified compliance in this permit renewal application. The compliance authority, Northeast District DEP, reported on July 11, 2008 via e-mail no outstanding compliance or enforcement actions with this facility.

The permitting notes contained in the current Title V permit on heat input were kept. The notes were kept because Boiler No. 7 has not been issued an AC permit and the PSD-FL-276 for Combined Cycle Unit No. 1 (CC1) contained the note verbatim in specific condition III.6 of the PSD permit.

Due to the extensive nature of this permitting action sequential processing is recommended, not parallel (combined), e.g., Draft/Proposed.

I recommend approval and signature.

Attachments

JKH/sms



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

October 2, 2008

Electronic Mail – Received Receipt Requested

Mr. John W. Stanton, Assistant General Manager - Energy Supply
City of Gainesville, Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station
P.O. Box 147117, Station A132
Gainesville, Florida 32614-7117

Re: Draft Permit No. 0010005-008-AV
J.R. Kelly Generating Station
Title V Air Operation Permit Renewal

Dear Mr. Stanton:

Enclosed is the Draft permit package to renew the Title V air operation permit for the J.R. Kelly Generating Station. This facility is located in Alachua County at 605 SE 3rd Street, Gainesville, Florida. The permit package includes the following documents:

- The Written Notice of Intent to Issue Title V Air Operation Permit provides important information regarding: the Permitting Authority's intent to issue an air permit for the proposed project; the requirements for publishing a Public Notice of the Permitting Authority's intent to issue an air permit; the procedures for submitting comments on the Draft Permit; the process for filing a petition for an administrative hearing; and, the availability of mediation.
- The Public Notice of Intent to Issue Title V Air Operation Permit is the actual notice that you must have published in the legal advertisement section of a newspaper of general circulation in the area affected by this project. The Public Notice of Intent to Issue Title V Air Operation Permit must be published as soon as possible and the proof of publication must be provided to the Department within seven days of the date of publication.
- The Statement of Basis, which summarizes the facility, the equipment, the primary rule applicability, and the changes since the last Title V air operation permit.
- The Draft Title V air operation permit renewal, which includes the specific permit conditions that regulate the emissions units covered by the proposed project.
- **In order to ensure that the Title V air operation permit (including the Title IV Acid Rain Part) is effective January 1, 2009, the Public Notice needs to be published as soon as you receive this document. Subsequent action on the Title V and Title IV parts of the permit may be split if comments are received on the Title V portion of the Draft Permit.**

Please submit any written comments you wish to have considered concerning the permitting authority's proposed action to Mr. Jonathan K. Holtom, P.E., Acting Program Administrator, Title V Section, at the above letterhead address. If you have any questions, please contact Mr. Scott M. Sheplak, P.E., by telephone at 850/921-9532 or by email at Scott.Sheplak@dep.state.fl.us.

Sincerely,

Trina L. Vielhauer, Chief
Bureau of Air Regulation

Enclosures
TLV/jkh/sms

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

In the Matter of an

Application for Title V Air Operation Permit by:

City of Gainesville, Gainesville Regional Utilities (GRU)
P.O. Box 147117, Station A132
Gainesville, Florida 32614-7117

Draft Permit No. 0010005-008-AV
Facility ID No. 0010005
J.R. Kelly Generating Station
Title V Air Operation Permit Renewal

Responsible Official:

Mr. John W. Stanton, Assistant General Manager -
Energy Supply

Alachua County, Florida

Facility Location: The City of Gainesville, Gainesville Regional Utilities (GRU) operates the J.R. Kelly Generating Station, which is located at 605 SE 3rd Street, Gainesville in Alachua County, Florida.

Project: The purpose of this project is to renew Title V air operation permit No. 0010005-005-AV. Details of the project are provided in the application and the enclosed Statement of Basis.

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

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Permit by visiting the following website:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above.

Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

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

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

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

110.106(11), F.A.C.

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

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

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

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition

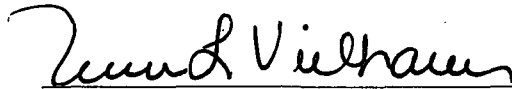
WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

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

Mediation: Mediation is not available in this proceeding.

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

Executed in Tallahassee, Florida.



Trina L. Vielhauer, Chief
Bureau of Air Regulation

WRITTEN NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Written Notice of Intent to Issue Title V Air Operation Permit package (including the Public Notice, the Statement of Basis, and the Draft Permit), or a link to these documents available electronically on a publicly accessible server was sent by electronic mail with received receipt requested before the close of business on 10/3/08 to the persons listed below.

Mr. John W. Stanton, GRU: stantonjw@gru.com

Mr. Gary P. Swanson, GRU: swansongp@gru.com

Ms. Regina Embry, GRU: embryrg@gru.com

Mr. Thomas W. Davis, P.E., ECT: tdavis@ectinc.com

Mr. Chris Kirts, P.E., DEP NED: Christopher.Kirts@dep.state.fl.us

Ms. Katy R. Forney, U.S. EPA, Region 4: Forney.Kathleen@epamail.epa.gov

Ms. Barbara Friday, DEP BAR: Barbara.Friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)

Ms. Victoria Gibson, DEP BAR: Victoria.Gibson@dep.state.fl.us (for reading file)

Clerk Stamp

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


(Clerk) 10/3/08
(Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

Florida Department of Environmental Protection
Division of Air Resource Management, Bureau of Air Regulation
Draft Permit No. 0010005-008-AV
City of Gainesville, Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station
Alachua County, Florida

Applicant: The applicant for this project is the City of Gainesville, Gainesville Regional Utilities (GRU). The applicant's responsible official and mailing address are: Mr. John W. Stanton, Assistant General Manager - Energy Supply, City of Gainesville, Gainesville Regional Utilities (GRU), J.R. Kelly Generating Station, P.O. Box 147117, Station A132, Gainesville, Florida 32614-7117.

Facility Location: The applicant operates the existing J.R. Kelly Generating Station, which is located in Alachua County at 605 SE 3rd Street, Gainesville, Florida.

Project: The applicant applied on July 1, 2008 to the Department for a Title V air operation permit renewal. This is a renewal of Title V air operation permit No. 0010005-005-AV. The existing facility consists primarily of: one fossil fuel fired steam generator (Unit -007); a combined-cycle unit consisting of a combustion turbine and a heat recovery steam generator (Unit -010); and, three unregulated simple-cycle combustion turbines (Unit -009). The facility utilizes natural gas, distillate fuel oils (Nos. 1 or 2), residual fuel oil (Nos. 4, 5 or 6), and on-specification used oil. There are fuel type restrictions for the respective emissions units. In addition, included in this permit are miscellaneous insignificant emissions units and/or activities.

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

Project File: A complete project file is available for public inspection during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday (except legal holidays), at the address indicated above for the Permitting Authority. The complete project file includes the Draft Permit, the Statement of Basis, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may view the Draft Permit by visiting the following website:

<http://www.dep.state.fl.us/air/eproducts/apds/default.asp> and entering the permit number shown above.

Interested persons may contact the Permitting Authority's project review engineer for additional information at the address or phone number listed above.

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

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

(Public Notice to be Published in the Newspaper)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

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

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

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

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

Mediation: Mediation is not available for this proceeding.

Objections: Finally, pursuant to 42 United States Code (U.S.C.) Section 7661d(b)(2), any person may petition the Administrator of the EPA within 60 days of the expiration of the Administrator's 45-day review period as established at 42 U.S.C. Section 7661d(b)(1), to object to the issuance of any Title V air operation permit. Any

(Public Notice to be Published in the Newspaper)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT

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

STATEMENT OF BASIS

City of Gainesville, Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station

Title V Air Operation Permit Renewal
Draft Permit No. 0010005-008-AV

APPLICANT

The applicant for this project is the City of Gainesville, Gainesville Regional Utilities (GRU). The applicant's responsible official and mailing address are: Mr. John W. Stanton, Assistant General Manager - Energy Supply, City of Gainesville, Gainesville Regional Utilities (GRU), J.R. Kelly Generating Station, P.O. Box 147117, Station A132, Gainesville, Florida 32614-7117.

FACILITY DESCRIPTION

The applicant operates the J.R. Kelly Generating Station, which is located at 605 SE 3rd Street, Gainesville, Alachua County.

This facility consists primarily of one fossil fuel fired steam generator (Unit -007), a combined-cycle unit consisting of a combustion turbine and a heat recovery steam generator (Unit -010), and three unregulated simple-cycle combustion turbines (Unit -009). The facility utilizes natural gas, distillate fuel oils (Nos. 1 or 2), residual fuel oil (Nos. 4, 5, or 6), and on-specification used oil. There are fuel type restrictions for the respective emissions units. Inactive emissions unit No. 8 was permanently retired on September 2, 2000. In addition, included in this permit are miscellaneous insignificant emissions units and/or activities.

PROJECT DESCRIPTION

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

PROCESSING SCHEDULE AND RELATED DOCUMENTS

Application for a Title V Air Operation Permit Renewal received on July 1, 2008.
Additional Information Request dated August 6, 2008, sent on August 7, 2008.
Additional Information Response dated August 19, 2008, received on August 20, 2008.
Public Notice published on [Month day, year].
Proposed Permit posted on web site on [Month day, year].

PRIMARY REGULATORY REQUIREMENTS

Title III: This facility is a major source of hazardous air pollutants (HAP), based on the Title V permit renewal application received July 1, 2008.

Title IV: This facility operates units subject to the acid rain provisions of the Clean Air Act.

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

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

NSPS: This facility operates units subject to the Standards of Performance for New Stationary Sources (NSPS) of 40 Code of Federal Regulations (CFR) 60.

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

CAM: Compliance Assurance Monitoring (CAM) does not apply to any of the units at this facility. Because Fossil Fuel Fired Steam Generator Unit No. 7 has no installed air pollution control devices, the unit is not subject to CAM. The combined-cycle emissions unit is not subject to CAM because it is required by permit to use the

STATEMENT OF BASIS

NO_x CEMS as a continuous compliance determination methodology. The three unregulated simple-cycle combustion turbines have no installed air pollution control devices, therefore these units are not subject to CAM.

PROJECT REVIEW

Changes were made in the format of this renewed Title V permit.

Draft Permit

- Conditions were removed from the previous permit and new conditions were added into this permit. For these reasons, the conditions in this new permit were renumbered.
- The previously cited requirements from NSPS 40 CFR Subpart A and GG are now specifically attached to the permit as Appendix 40 CFR 60 Subpart A and Appendix 40 CFR 60 Subpart GG.

CONCLUSION

This project renews Title V air operation permit No. 0010005-005-AV, which was effective January 1, 2003. This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4, 62-210, 62-213 and 214, Florida Administrative Code (F.A.C.). In accordance with the terms and conditions of this permit, the above named permittee is hereby authorized to operate the facility as shown on the application and approved drawings, plans, and other documents, on file with the permitting authority.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

P.E. Certification Statement

Applicant:

City of Gainesville, Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station

Draft Permit No. 0010005-008-AV

Project Type: Title V Air Operation Permit Renewal, 2nd Renewal

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

Scott M. Sheplak

Scott M. Sheplak
Professional Engineer (P.E.)
License Number 48866

04/30/2008

Date

Permitting Authority:

Department of Environmental Protection
Bureau of Air Regulation
111 South Magnolia Drive, Suite 4
Tallahassee, Florida 32301
Telephone: 850/921-9532
Fax: 850/921-9533

City of Gainesville
Gainesville Regional Utilities (GRU)
J.R. Kelly Generating Station
Facility ID No. 0010005
Alachua County

Title V Air Operation Permit Renewal

Draft Permit No. 0010005-008-AV
(2nd Renewal, Renewal of Title V Air Operation Permit No. 0010005-005-AV)

Permitting Authority

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

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

Telephone: 850/488-0144
Fax: 850/921-9533

Compliance Authority

State of Florida
Department of Environmental Protection
Northeast District Office

7825 Baymeadows Way, Suite 200B
Jacksonville, Florida 32256-7590

Telephone: 904/807-3300
Fax: 904/448-4363

Title V Air Operation Permit Renewal
Permit No. 0010005-008-AV

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Draft Permit

PERMITTEE:

City of Gainesville, GRU
P.O. Box 147117 (A136)
Gainesville, FL 32614-7117

Permit No. 0010005-008-AV
J.R. Kelly Generating Station
Facility ID No. 0010005
Title V Air Operation Permit Renewal

The purpose of this permit is to renew the Title V Air Operation Permit for the above referenced facility. The existing J.R. Kelly Generating Station is located at 605 SE 3rd Street, in Alachua County. UTM Coordinates are: Zone 17, 372.00 km East and 3280.20 km North; Latitude: 29° 38' 48" North and Longitude: 82° 19' 19" West.

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 operate the facility shown on the application and approved drawings, plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

Effective Date: January 1, 2009
Renewal Application Due Date: May 20, 2013
Expiration Date: December 31, 2013

(Draft)

Joseph Kahn, Director
Division of Air Resource Management

JK/tlv/jkh/sms

SECTION I. FACILITY INFORMATION.

Subsection A. Facility Description.

This facility consists primarily of: one fossil fuel fired steam generator (Unit -007); a combined-cycle unit consisting of a combustion turbine and a heat recovery steam generator (Unit -010); and, three unregulated simple-cycle combustion turbines (Unit -009). The facility utilizes natural gas, distillate fuel oils (Nos. 1 or 2), residual fuel oil (Nos. 4, 5 or 6), and on-specification used oil. There are fuel type restrictions for the respective emissions units. In addition, included in this permit are miscellaneous insignificant emissions units and/or activities.

Subsection B. Summary of Emissions Units.

E.U. ID No.	Brief Description
<i>Regulated Emissions Units</i>	
-007	Fossil Fuel Fired Steam Generator Unit No. 7.
-010	Combined-Cycle Unit (CC1), consisting of a combustion turbine and a heat recovery steam generator.
<i>Unregulated Emissions Units and Activities</i>	
-009	Three Simple-Cycle Combustion Turbines (Units CT-1, CT-2, and CT-3).

Subsection C. Applicable Regulations.

Based on the Title V Air Operation Permit Renewal application received on July 1, 2008, this facility is a major source of hazardous air pollutants (HAP). This facility is classified as a Prevention of Significant Deterioration (PSD) major facility. A summary of important applicable regulations is shown in the following table.

Regulation	E.U. ID No(s).
Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input	-007
40 CFR 60, Subpart A, Standards of Performance for New Stationary Sources (NSPS) General Provisions	-010
40 CFR 60, NSPS Subpart GG	-010
Acid Rain, Phase II	-010
Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD)	-010
Rule 62-296.470, F.A.C., Clean Air Interstate Rule (CAIR)	-010
Rule 62-210.300, F.A.C., Permits Required	-009

SECTION II. FACILITY-WIDE CONDITIONS.

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

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

Emissions and Controls

FW2. Not federally Enforceable. Objectionable Odor Prohibited. No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance. [Rule 62-296.320(2) and 62-210.200(Definitions), F.A.C.]

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

FW4. General Visible Emissions. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity equal to or greater than 20% opacity. EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C. This regulation does not impose a specific testing requirement. [Rule 62-296.320(4)(b)1., F.A.C.]

FW5. Unconfined Particulate Matter. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:

- a. Roads, parking areas, and yards shall be paved and maintained;
- b. Chemical dust suppressants or water shall be applied to unpaved roads, unpaved yard areas, and open stock piles;
- c. Particulate matter (PM) shall be removed from roads and other paved areas to prevent reentrainment, and from buildings and work areas to prevent airborne PM;
- d. Landscaping and planting of vegetation shall be employed;
- e. Hoods, fans, filters, and similar equipment shall be used to contain, capture and/or vent particulate matter;
- f. Abrasive blasting shall be confined where possible; and,
- g. Conveyor systems shall be enclosed or covered.

[Rule 62-296.320(4)(c), F.A.C.; and, proposed by applicant in Title V air operation permit renewal application received July 1, 2008.]

Annual Reports and Fees

FW6. Additional Testing Requirements. See Appendix RR, Facility-wide Reporting Requirements, for additional details. [Rule 62-297.310, F.A.C.]

FW7. Annual Operating Report. The permittee shall submit an annual report that summarizes the actual operating rates and emissions from this facility. Annual operating reports shall be submitted to the Compliance Authority by April 1st of each year. [Rule 62-210.370(3), F.A.C.]

FW8. Annual Emissions Fee Form and Fee. The annual Title V emissions fees are due (postmarked) by March 1st of each year. The completed form and calculated fee shall be submitted to: Major Air Pollution Source Annual Emissions Fee, P.O. Box 3070, Tallahassee, Florida 32315-3070. The forms are available for

SECTION II. FACILITY-WIDE CONDITIONS.

download by accessing the Title V Annual Emissions Fee On-line Information Center at the following Internet web site: <http://www.dep.state.fl.us/Air/permitting/tvfee.htm>. [Rule 62-213.205, F.A.C.]

FW9. Annual Statement of Compliance. The permittee shall submit an annual statement of compliance to the compliance authority at the address shown on the cover of this permit within 60 days after the end of each calendar year during which the Title V permit was effective. [Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

FW10. Prevention of Accidental Releases (Section 112(r) of CAA).

- a. The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to: RMP Reporting Center, Post Office Box 1515, Lanham-Seabrook, MD 20703-1515, Telephone: 301/429-5018.
- b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.

[40 CFR 68]

FW11. Clean Air Interstate Rule (CAIR) Applicable Units. This facility contains emissions units that are subject to CAIR. On July 11, 2008, the U.S. Court of Appeals for the District of Columbia recommended vacature of the Clean Air Interstate Rule. Because of this decision, the applicable CAIR requirements that were previously identified in the CAIR Part revision application are not being included in the permit at this time. If, and at such time that, CAIR is ultimately upheld, you must begin complying with the CAIR program requirements contained in the CAIR Part revision application and the Title V permit must be revised accordingly. [Rules 62-213.440 and 62-296.470, F.A.C.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

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

E.U. ID No.	Brief Description
-007	Fossil Fuel Fired Steam Generator Unit No. 7.

Fossil Fuel Fired Steam Generator Unit No. 7 is a nominal 25 megawatt (electric) steam generator with no emissions control equipment. The emissions unit is fired on natural gas and/or residual fuel oils (Nos. 4, 5, or 6). The maximum heat input rates for natural gas and residual fuel oils (Nos. 4, 5 or 6) are 272 MMBtu per hour, and 249 MMBtu per hour, respectively. The residual fuel oils (Nos. 4, 5 or 6) fired in Fossil Fuel Fired Steam Generator Unit No. 7 may be supplemented with a limited amount of on-specification used oil. Because the unit has no installed air pollution control devices, the unit is not subject to compliance assurance monitoring (CAM). Unit No. 7 has a 200 foot stack. Unit No. 7 began commercial operation in August 1961.

{Permitting notes: This emissions unit is regulated under Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input.}

Essential Potential to Emit (PTE) Parameters

A.1. Hours of Operation. This emissions unit may operate continuously (8760 hours/year). [Rule 62-210.200(PTE), F.A.C.]

A.2. Permitted Capacity. The maximum operation heat input rates, based on the higher heating value (HHV) of the fuel, are as follows:

MMBtu/hr Heat Input (HHV)	Fuel Type
272	Natural Gas
249	Residual fuel oils (Nos. 4, 5 or 6); On-Specification Used Oil

[Rules 62-4.160(2), 62-210.200 (Definitions - Potential to Emit (PTE)); and 62-296.405, F.A.C.]

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limitations and to aid in determining future rule applicability. The owner or operator is expected to determine heat input whenever emission testing is required, in order to demonstrate at what percentage of the rated capacity that the unit was tested. Such heat determinations may be based on measurements of fuel consumption by various methods including, but not limited to, fuel flow metering or tank drop measurements, using the heating value of the fuel determined by the fuel vendor or the owner or operator.}

A.3. Emissions Unit Operating Rate Limitation After Testing. See the related testing provisions in Appendix TR, Facility-wide Testing Requirements. [Rule 62-297.310(2), F.A.C.]

A.4. Methods of Operation. Fuels.

- a. Startup. The only fuels allowed to be burned are natural gas and/or Nos. 4, 5 or 6 fuel oil, which may be supplemented with on-specification used oil with a polychlorinated biphenyls (PCB) concentration less than 2 ppm.
- b. Normal. The only fuels allowed to be burned are natural gas and/or Nos. 4, 5 or 6 fuel oil, which may be supplemented with on-specification used oil with a PCB concentration less than 50 ppm.

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

See Specific Condition A.32. [Rules 62-4.160(2), 62-210.200 (PTE) and 62-213.410, F.A.C.]

Emission Limitations and Standards

Unless otherwise specified, the averaging times for Specific Conditions A.5. through A.10. are based on the specified averaging time of the applicable test method.

- A.5. Visible Emissions.** Visible emissions from this unit shall not exceed 20 percent opacity, except for one two-minute period per hour during which opacity shall not exceed 40 percent. Except as otherwise specified in Specific Condition A.25., emissions units governed by this visible emission limit shall test for particulate matter emission compliance annually and as otherwise required by Chapter 62-297, F.A.C. See Specific Conditions A.24., A.27. and TR7. [Rule 62-296.405(1)(a), F.A.C.]
- A.6. Visible Emissions - Soot Blowing and Load Change.** Excess emissions from the existing fossil fuel steam generator resulting from boiler cleaning (soot blowing) and load change shall be permitted provided the duration of such excess emissions shall not exceed 3 hours in any 24-hour period and visible emissions shall not exceed 60 percent opacity, and providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized.
A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.
[Rule 62-210.700(3), F.A.C.]
- A.7. Particulate Matter.** Particulate matter emissions from each unit shall not exceed 0.1 pound per million Btu heat input, as measured by applicable compliance methods. See Specific Condition A.20. for the applicable compliance methods. [Rule 62-296.405(1)(b), F.A.C.]
- A.8. Particulate Matter - Soot Blowing and Load Change.** Particulate matter emissions shall not exceed an average of 0.3 pound per million Btu heat input during the 3 hours in any 24-hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change. See Specific Condition TR7.
A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.
[Rule 62-210.700(3), F.A.C.]
- A.9. Sulfur Dioxide.** While combusting liquid fuels, sulfur dioxide emissions from this unit shall not exceed 2.75 pounds per MMBtu heat input, as measured by applicable compliance methods. See Specific Conditions A.21. and A.22. for the applicable compliance methods. [Rule 62-296.405(1)(c)1.j., F.A.C.]
- A.10. Sulfur Dioxide.** The sulfur content of liquid fuels shall not exceed 2.50% sulfur, by weight. See Specific Condition A.23. [Rule 62-296.405(1)(e)3., F.A.C.; and requested by applicant in a letter dated October 30,1997.]

Excess Emissions

- A.11. Excess Emissions From Malfunctions.** Excess emissions resulting from malfunction shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. [Rule 62-210.700(1), F.A.C.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

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

A.13. Excess Emissions Prohibited. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited. [Rule 62-210.700(4), F.A.C.]

A.14. Best Operational Practices to Minimize Excess Emissions. The permittee shall follow the best operational practices to minimize excess emissions during startup and shutdown as described in the most recent Title V permit application. [Rule 62-210.700(1), F.A.C. and Proposed by the Applicant in the Renewal Application]

Test Methods and Procedures

A.15. Test Methods. Required tests shall be performed in accordance with the following reference methods:

Method(s)	Description of Method(s) and Comment(s)
EPA Methods 1-4	Traverse Points, Velocity and Flow Rate, Gas Analysis, and Moisture Content
EPA Methods 17, 5, 5B, or 5F	Methods for Determining Particulate Matter Emissions
EPA Methods 6, 6A, 6B, or 6C	Methods for Determining Sulfur Dioxide Emissions
ASTM D2622-92, ASTM D2622-98, ASTM D4294-90, ASTM 4294-98, ASTM D1552-90, or ASTM D129-91, or the latest edition of the above ASTM methods	Methods for Evaluating Fuel Sulfur Content
EPA Method 19	Determination of Sulfur Dioxide Removal Efficiency and Particulate Matter, Sulfur Dioxide, and Nitrogen Oxides Emission Rates (Optional F-factor method may be used to determine flow rate and gas analysis to calculate mass emissions in lieu of Methods 1-4.)
DEP Method 9	Visual Determination of the Opacity of Emissions

The above methods are described in Chapter 62-297, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Chapter 62-297, F.A.C.]

A.16. Annual Compliance Tests. Unless otherwise specified by this permit, during each federal fiscal year (October 1st to September 30th), this emissions unit shall be tested to demonstrate compliance with the emission limitations and standards for visible emissions and particulate matter emissions. [Rule 62-297.310(7), F.A.C.]

A.17. Compliance Tests Prior To Renewal. Unless otherwise specified below, prior to permit renewal, compliance test shall be performed for the following pollutants: VE and PM. [Rule 62-297.310(7)(a)3., F.A.C.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

A.18. Common Testing Requirements. Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310, F.A.C.]

{Permitting Note: Upon the date of final SIP (State Implementation Plan) approval of Rule 62-296.405(1)(e)1., F.A.C., which was submitted to the U.S. EPA, Region 4, for SIP approval on June 23, 1999, Specific Condition A.19.1. becomes obsolete.}

A.19.1. Visible emissions. The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated according to Rule 62-297.520, F.A.C. [Rule 62-296.405(1)(e)1., F.A.C.]

{Permitting Note: The rule cited in Specific Condition A.19.2. has not been approved in the SIP by the U.S. EPA, Region 4, and was not available at the time of issuance of the initial Title V permit. Because it is state enforceable, the rule has been incorporated at the applicant's request.}

A.19.2. Visible emissions. The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. In lieu of the Method 9 testing, a transmissometer utilizing a 6-minute block average for opacity measurement may be used, provided such transmissometer is installed, certified, calibrated, operated and maintained in accordance with the provisions of 40 CFR 75. [Rule 62-296.405(1)(e)1., F.A.C.]

A.20. Particulate Matter. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, incorporated by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. EPA Method 3 (with Orsat analysis) or 3A shall be used when the oxygen based F-factor, computed according to EPA Method 19, is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17. [Rules 62-213.440, 62-296.405(1)(e)2., and 62-297.401, F.A.C.]

A.21. Sulfur Dioxide. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B, or 6C, incorporated by reference in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure is incorporated into the operation permit for the emissions unit. If the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C., the procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedences of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards. **The permittee may use the EPA test methods, referenced above, to demonstrate compliance; however, as an alternate sampling procedure authorized by permit, the permittee may elect to demonstrate compliance by accepting a liquid fuel sulfur limit that will be verified with a fuel analysis provided by the vendor or the permittee upon each delivery.** [Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.401, F.A.C.]

A.22. Sulfur Dioxide. **The permittee elected to demonstrate compliance by accepting a liquid fuel sulfur limit that will be verified with a fuel analysis provided by the vendor or the permittee upon each fuel delivery.** This protocol is allowed because the emissions unit does not have an operating flue gas desulfurization device. [Rule 62-296.405(1)(f)1.b., F.A.C.]

A.23. Fuel Sulfur Content. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using either ASTM D2622-92, ASTM D2622-98, ASTM D4294-90, ASTM 4294-98, ASTM D1552-90, or ASTM

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

D129-91, or the latest edition of the above ASTM methods. [Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.440, F.A.C.]

A.24. VE Tests Not Required. By this permit, annual emissions compliance testing for *visible emissions* is not required for this emissions unit while burning:

- a. only gaseous fuels; or,
- b. only liquid fuels, other than during startup, for no more than 400 hours per federal fiscal year; or,
- c. gaseous fuels in combination with liquid fuels, other than during startup, for no more than 400 hours per federal fiscal year.

See Specific Condition **TR7**. [Rule 62-297.310(7)(a)4., F.A.C.]

A.25. PM Tests Not Required. Annual and permit renewal compliance testing for *particulate matter* emissions is not required for this emissions unit while burning:

- a. only gaseous fuels; or,
- b. only liquid fuels, other than during startup, for no more than 400 hours per federal fiscal year; or,
- c. gaseous fuels in combination with liquid fuels, other than during startup, for no more than 400 hours per federal fiscal year.

See Specific Condition **TR7**. [Rules 62-297.310(7)(a)3. & 5., F.A.C.; and ASP Number 97-B-01.]

A.26. DEP Method 9. The provisions of EPA Method 9 (40 CFR 60, Appendix A) are adopted by reference with the following exceptions:

- a. EPA Method 9, Section 2.4, Recording Observations. Opacity observations shall be made and recorded by a certified observer at sequential fifteen second intervals during the required period of observation.
- b. EPA Method 9, Section 2.5, Data Reduction. For a set of observations to be acceptable, the observer shall have made and recorded, or verified the recording of, at least 90 percent of the possible individual observations during the required observation period. For single-valued opacity standards (e.g., 20 percent opacity), the test result shall be the highest valid six-minute average for the set of observations taken. For multiple-valued opacity standards (e.g., 20 percent opacity, except that an opacity of 40 percent is permissible for not more than two minutes per hour) opacity shall be computed as follows:
 - (1) For the basic part of the standard (i.e., 20 percent opacity) the opacity shall be determined as specified above for a single-valued opacity standard.
 - (2) For the short-term average part of the standard, opacity shall be the highest valid short-term average (i.e., two-minute, three-minute average) for the set of observations taken.

In order to be valid, any required average (i.e., a six-minute or two-minute average) shall be based on all of the valid observations in the sequential subset of observations selected, and the selected subset shall contain at least 90 percent of the observations possible for the required averaging time. Each required average shall be calculated by summing the opacity value of each of the valid observations in the appropriate subset, dividing this sum by the number of valid observations in the subset, and rounding the result to the nearest whole number. The number of missing observations in the subset shall be indicated in parenthesis after the subset average value. [Rule 62-297.401, F.A.C.]

A.27. Additional Testing for Periodic Monitoring. In addition to the visible emission test required per Specific Condition **TR7**., upon exceeding 400 hours of operation on fuel oil, the owner or operator shall conduct an additional test for visible emissions using DEP Method 9 every 150 hours of operation on fuel oil thereafter, for the purposes of periodic monitoring. Furthermore, the owner or operator shall conduct a visible emissions test on fuel oil prior to renewal of the permit. [Rule 62-213.440, F.A.C.; and applicant's agreement on June 26 and July 27, 1998.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

Recordkeeping and Reporting Requirements

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

A.28. Reporting Schedule. The following report shall be submitted to the Compliance Authority:

Table with 3 columns: Report, Reporting Deadline(s), Related Condition(s). Row 1: Quarterly Excess Emissions, Every 3 months (quarter), A.28. & A.29.

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

A.29. Excess Emissions Reports. The permittee shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excess emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of five years. [Rules 62-213.440 and 62-296.405(1)(g), F.A.C.]

A.30. Excess Emissions Notifications. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department's Northeast District Office in accordance with Rule 62-4.130, F.A.C. (Appendix RR, Condition RR2). A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department. [Rule 62-210.700(6), F.A.C.]

A.31. Recordkeeping for periodic monitoring. The owner or operator is required to record the date, time and duration of each soot blowing and load change event. [Rule 62-213.440, F.A.C.]

Other Requirements

A.32. Used Oil. Burning of on-specification used oil is allowed at this emissions unit in accordance with all other conditions of this permit and the following conditions:

- a. On-specification Used Oil Emissions Limitations. This emissions unit is permitted to burn on-specification used oil, which contains a PCB concentration of less than 50 ppm. On-specification used oil is defined as used oil that meets the specifications of 40 CFR 279 - Standards for the Management of Used Oil, listed below. "Off-specification" used oil shall not be burned. Used oil which fails to comply with any of these specification levels is considered "off-specification" used oil.

Table with 2 columns: Constituent/property, Allowable Level. Rows include Arsenic (5 ppm maximum), Cadmium (2 ppm maximum), Chromium (10 ppm maximum), Lead (100 ppm maximum), Total Halogens (1000 ppm maximum), Flash point (100 degrees F minimum).

- b. Quantity Limitation. These emissions units are permitted to burn "on-specification" used oil, not to exceed 1.5 million gallons during any consecutive 12 month period.
- c. PCB Limitation. Used oil containing a PCB concentration of 50 or more ppm shall not be burned at this facility. Used oil shall not be blended to meet this requirement.
- d. Operational Requirements. On-specification used oil with a PCB concentration equal to or greater than 2 ppm and less than 50 ppm shall be burned only at normal source operating temperatures. On-specification used oil with a PCB concentration equal to or greater than 2 ppm shall not be burned during periods of startup or shutdown.

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection A. Emissions Unit -007

- e. *Testing Requirements.* The owner or operator shall sample and analyze each batch of used oil ("batch" means the amount of used oil placed in inventory at one time; "placed in inventory" means the used oil has been added to the No. 6 fuel oil bulk tanks) to be burned for the following parameters:
- (1) Arsenic, cadmium, chromium, lead, total halogens, flash point and PCBs.
 - (2) Testing (sampling, extraction and analysis) shall be performed using approved methods specified in EPA Publication SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods).
 - (3) Alternatively, the owner or operator may rely on other analyses or other information to make the determination that the used oil meets the specifications of 40 CFR 279.11. Documentation used to make the determination shall be maintained at the facility.
- f. *Recordkeeping Requirements.* The owner or operator shall obtain, make, and keep the following records related to the use of used oil in a form suitable for inspection at the facility by the Department:
- (1) The gallons of on-specification used oil placed in inventory each month.
 - (2) The total gallons of on-specification used oil placed in inventory in the preceding consecutive 12-month period.
 - (3) Results of the analyses required above.
[40 CFR 279.72, 40 CFR 279.74(b) and 761.20(e)]
- g. *Reporting Requirements.* The owner or operator shall submit, with the Annual Operation Report form, the analytical results and the total amount of on-specification used oil placed in inventory during the previous calendar year, even if the response is a zero.

[Rules 62-4.070(3) & 62-213.440, F.A.C.; 40 CFR 279 and 40 CFR 761.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection B. Emissions Unit -010

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

E.U. ID No.	Brief Description
-010	Combined-Cycle Unit (CC1), consisting of a combustion turbine and a heat recovery steam generator.

Combined-Cycle Unit (CC1) consists of a nominal 83 megawatt (MW) natural gas and/or No. 2 distillate fuel oil-fired combustion turbine-electrical generator; an unfired heat recovery steam generator (HRSG); a 102 foot stack for combined-cycle operation; an 88 foot bypass stack for simple-cycle operation; and ancillary equipment. Steam produced by the HRSG is routed to the existing Unit No. 8 steam turbine-electrical generator to generate 40-50 MW of additional electricity. The combustion turbine may be equipped with inlet air conditioning devices (e.g., evaporative chillers, foggers, etc.). NO_x emissions are controlled through the use of low-NO_x burners during natural gas firing, and water injection when firing fuel oil. As required under the federal Acid Rain Program, the unit is equipped with a continuous emissions monitoring system to measure SO₂, NO_x, and CO₂. The facility holds ORIS code 0664 under the Program. This emissions unit is not subject to compliance assurance monitoring (CAM) because it is required by this permit to use the NO_x CEMS as a continuous compliance determination methodology. This unit is regulated under a PSD permit, PSD-FL-276 & 276A (0010005-002-AC &-004-AC) Commercial operation of the unit began on February 17, 2001.

{Permitting notes: This emissions unit is regulated under 40 CFR 60, NSPS Subpart GG; Phase II of the federal Acid Rain Program; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD); and, Rule 62-296.470, F.A.C., Clean Air Interstate Rule (CAIR).}

General Requirements

B.1. NSPS Requirements - Subpart GG. Except as otherwise provided in this permit, the combustion turbine shall comply with all applicable provisions of 40 CFR 60, Subpart GG, Standards of Performance for Stationary Gas Turbines, adopted by reference in Rule 62-204.800(8)(b), F.A.C., except that the Secretary is not the Administrator for purposes of 40 CFR 60.334(b)(2) and 40 CFR 60.335(f)(1). The Subpart GG requirement to correct test data to ISO conditions applies, but such correction is not required to demonstrate compliance with the non-NSPS permit standard(s). This emissions unit shall comply with **Appendix 40 CFR 60 Subpart GG** attached to this permit. [0010005-002-AC, Specific Condition 1.]

B.2. NSPS Requirements - Subpart A. The combustion turbine unit shall comply with all applicable requirements of 40 CFR 60, Subpart A, General Provisions including:
 40 CFR 60.7, Notification and Recordkeeping
 40 CFR 60.8, Performance Tests
 40 CFR 60.11, Compliance with Standards and Maintenance Requirements
 40 CFR 60.12, Circumvention
 40 CFR 60.13, Monitoring Requirements
 40 CFR 60.19, General Notification and Reporting requirements
 adopted by reference in Rule 62-204.800(8)(d), F.A.C., except that the Secretary is not the Administrator for purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g), (i) and (j)(2), and 40 CFR 60.16.
 This emissions unit shall comply with **Appendix 40 CFR 60 Subpart A** attached to this permit. [0010005-002-AC, Specific Condition 2.]

B.3. Alternate Methods of Operation. This unit may operate in either simple-cycle or combined-cycle mode. 0010005-002-AC, Specific Condition 45. and Rule 62-213.410, F.A.C.]

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

Subsection B. Emissions Unit -010

- B.4. Operating Procedures.** Operating procedures shall include good operating practices in accordance with the guidelines and procedures as established by the equipment manufacturers to control emissions. [Rule 62-4.070(3), F.A.C.; and 0010005-002-AC, Specific Condition 9.]
- B.5. Circumvention.** The permittee shall not circumvent the air pollution control equipment or allow the emission of air pollutants without this equipment operating properly. [Rule 62-210.650, F.A.C.; and 0010005-002-AC, Specific Condition 14.]

Essential Potential to Emit (PTE) Parameters

- B.6. Combustion Turbine Capacity.** The maximum heat input rates, based on the higher heating value (HHV) of each fuel to this Unit at ambient conditions of 20°F temperature, 60% relative humidity, 100% load, and 14.7 psi pressure shall not exceed 1,083 million Btu per hour (mmBtu/hr) when firing natural gas, nor 1,121 mmBtu/hr when firing No. 2 or superior grade of distillate fuel oil. These maximum heat input rates will vary depending upon ambient conditions and the combustion turbine characteristics. Manufacturer's curves corrected for site conditions or equations for correction to other ambient conditions shall be provided to the Department of Environmental Protection (DEP) within 45 days of completing the initial compliance testing. [Rules 62-4.160(2) and 62-210.200, F.A.C. (Definitions - PTE); and 0010005-002-AC, Specific Condition 6.]

{Permitting note: The heat input rates have been placed in the permit to identify the capacity of the emission unit for purposes of confirming that emissions testing is conducted within 90-100 percent of the emission's unit rate capacity (or to limit future operation to 110 percent of the test load), to establish appropriate limits and to aid in determining future rule applicability. The owner or operator is expected to determine heat input whenever emission testing is required in order to demonstrate what percentage of the rated capacity that the unit was tested. Such heat input determinations may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heating value of the fuel determined by the fuel vendor or the owner or operator.}

- B.7. Methods of Operation. Fuels.** Only pipeline natural gas or a maximum of 0.05 percent sulfur, by weight, No. 2, or superior grade, distillate fuel oil shall be fired in this unit. [Rules 62-4.160(2), 62-210.200 (PTE), 62-213.410, F.A.C.; and 0010005-002-AC, Specific Condition 5]
- B.8. Hours of Operation.** This unit may operate continuously, i.e., 8,760 hours per year, of which no more than 1,000 hours per year may be on distillate fuel oil (0.05% sulfur content, by weight). The unit may not operate in excess of the annual nitrogen oxides (NO_x) emission cap described in Specific Condition B.12. [Rules 62-4.160(2) and 62-210.200, F.A.C. (Definitions - PTE); and 0010005-002-AC, Specific Condition 10.]

Control Technology

- B.9. Dry Low NO_x Combustion Technology.** The permittee shall tune, operate and maintain Dry Low NO_x (DLN) combustors on this combustion turbine. [Rule 62-4.070, F.A.C.; and 0010005-002-AC, Specific Condition 11.]
- B.10. Water Injection.** The permittee shall calibrate, maintain and operate an automated water injection system for the unit for use when firing fuel oil. [Rule 62-4.070, F.A.C.; and 0010005-002-AC, Specific Condition 12.]

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Subsection B. Emissions Unit -010

B.11. Combustion Controls. The permittee shall employ "good operating practices" in accordance with the manufacturer's recommended operating procedures to control CO, NO_x, and VOC emissions. The combustion turbine, the DLN combustors, and the control system shall be maintained and tuned, as necessary, in accordance with manufacturer's recommendations for emissions control and to comply with the permitted emission limits. [Rules 62-4.070 (3) and 62-212.400, F.A.C.; and 0010005-002-AC, Specific Condition 13.].

Emission Limitations and Standards

B.12. Nitrogen Oxides (NO_x) Emissions.

- a. *Natural Gas Operation.* The concentration of NO_x in the stack exhaust gas shall not exceed 9 ppmvd at 15% O₂ on a 720 operating hour block average. Compliance shall be demonstrated by the continuous emission monitor system (CEMS).
- b. *Fuel Oil Operation.* The concentration of NO_x in the stack exhaust gas shall not exceed 42 ppmvd at 15% O₂ on a 720 operating hour block average. Compliance shall be demonstrated by the CEMS.
- c. *Annual Emission Cap.* Total emissions of NO_x from Unit CC1 shall not exceed 133 tons per calendar year in order to net out of PSD. Compliance shall be demonstrated by the CEMS, as specified in Specific Condition B.35.

[Applicant Request to Avoid PSD requirements of Rule 62-212.400, F.A.C.; Rule 62-4.070 (3), F.A.C.; and 0010005-002-AC, Specific Condition 15.]

B.13. Carbon Monoxide (CO) Emissions. Natural Gas or Fuel Oil. The concentration of CO in the stack exhaust shall not exceed 20 ppmvd at 15% O₂ percent oxygen. Emissions of CO shall not exceed 43 lb/hr. Compliance shall be demonstrated by a stack test using EPA Method 10, or as otherwise specified in Specific Condition B.37. [Rule 62-212.400, F.A.C.; and 0010005-002-AC, Specific Condition 16.]

B.14. Volatile Organic Compounds (VOC) Emissions. The concentration of VOC (methane equivalent) in the stack exhaust gas while burning natural gas (fuel oil) shall not exceed 1.4 (3.5) ppmvw. Emissions of VOC while burning natural gas (fuel oil) shall not exceed 1.8 (4.5) lb/hr to be demonstrated by *initial-stack test* using EPA Method 18, 25 or 25A. Compliance shall be demonstrated as specified in Specific Condition B.27. [Rule 62-4.070(3), F.A.C.; and 0010005-002-AC, Specific Condition 17.]

B.15. Sulfur Dioxide (SO₂) Emissions. SO₂ emissions shall be limited by firing pipeline natural gas (sulfur content less than 20 grains per 100 standard cubic foot) or by firing No. 2 or superior grade distillate fuel oil with a maximum 0.05 percent sulfur for up to 1,000 hours per year. Compliance with this requirement in conjunction with implementation of the Custom Fuel Monitoring Schedule in Specific Conditions B.21. and B.22. will demonstrate compliance with the applicable SO₂ NSPS standard. [40 CFR 60 Subpart GG; Rules 62-4.070(3) & 62-204.800(7), F.A.C.; and 0010005-002-AC, Specific Condition 18.]

B.16. Particulate Matter (PM/PM₁₀). PM/PM₁₀ emissions shall not exceed 5 lb/hr when operating on natural gas and shall not exceed 10 lb/hr when operating on fuel oil. Visible emissions testing shall serve as a surrogate for PM/PM₁₀ compliance testing. [Rules 62-212.400 & 62-4.070(3), F.A.C.; and 0010005-002-AC, Specific Condition 19.]

B.17. Visible Emissions (VE). VE emissions shall serve as a surrogate for PM/PM₁₀ emissions from the combustion turbine and shall not exceed 10 percent opacity from the stack in use. [Rules 62-4.070 (3), 62-212.400 F.A.C.; and 0010005-002-AC, Specific Condition 20.]

Excess Emissions

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Subsection B. Emissions Unit -010

The Excess Emissions Rule at Rule 62-210.700, F.A.C., cannot vary any requirement of a NSPS or NESHAP provision.

B.18. Excess Emissions Allowed. Excess emissions (as defined below) resulting from startup, shutdown, fuel switching, or malfunction shall be permitted provided that best operational practices are adhered to, and the duration of excess emissions shall be minimized. Excess emissions occurrences shall in no case exceed two hours in any 24-hour period, except as follows:

- During “cold start-up” to combined cycle plant operation up to four hours of excess emissions are allowed. Cold start-up is defined as a startup that occurs after a complete shutdown lasting at least 48 hours.
- During shutdowns from combined cycle operation, up to three hours of excess emissions are allowed.
- Unless authorized by the Department.

NO_x CEM data shall be recorded and included in calculating the annual NO_x emissions. These allowable excess emissions shall be excluded from the calculation of the 720-hour block average. Excess emissions are defined as one-hour periods when the NO_x emissions are above 9/42 ppmvd @ 15% oxygen while firing natural gas and fuel oil, respectively. [Rule 62-210.700(1)&(5), F.A.C.; G.E. Combined Cycle Startup Curves Data; and 0010005-002-AC, Specific Condition 21.]

B.19. Best Operational Practices to Minimize Excess Emissions. The permittee shall follow the best operational practices to minimize excess emissions during startup and shutdown as described in the most recent Title V permit application. [Rule 62-210.700(1), F.A.C. and Proposed by the Applicant in the Renewal Application]

B.20. Excess Emissions Prohibited. Excess emissions caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure that may reasonably be prevented during startup, shutdown or malfunction, shall be prohibited pursuant to Rule 62-210.700, F.A.C. These excess emissions shall be included in the 720 operating hour block average for NO_x. [Rule 62-210.700(4), F.A.C.; and 0010005-002-AC, Specific Condition 22.]

Monitoring of Operations

B.21. Custom Fuel Monitoring Schedule (Natural Gas). Monitoring of the nitrogen content of natural gas is not required because the fuel-bound nitrogen content of the fuel is minimal. Monitoring of the sulfur content of natural gas is not required if the vendor documentation indicates that the fuel meets the definitions of pipeline natural gas or natural gas set forth in 40 CFR 72. A custom fuel monitoring schedule pursuant to 40 CFR 75 Appendix D for natural gas may be used in lieu of the daily sampling requirements of 40 CFR 60.334 (b)(2) provided the following requirements are met:

- a. SO₂ emissions shall be monitored using methods consistent with the requirements of 40 CFR 75 and certified by the USEPA.
- b. This custom fuel monitoring schedule will only be valid when natural gas or pipeline natural gas is used as a primary fuel. If the primary fuel for this unit is changed to a higher sulfur fuel, SO₂ emissions must be accounted for as required pursuant to 40 CFR 75.11(d).

[0010005-002-AC, Specific Condition 42.]

B.22. Custom Fuel Oil Monitoring Schedule. The following monitoring schedule for No. 2 or superior grade fuel oil shall be followed: For all bulk shipments of No. 2 fuel oil received at this facility an analysis which reports the sulfur content of the fuel shall be provided by the fuel vendor. The analysis shall also specify the methods by which the analyses were conducted and shall comply with the requirements of 40 CFR 60.335(d) or 40 CFR 75, Appendix D, 2.2.5., as follows: ASTM D2622-92, D129-91, D1552-90, and D4294-90, or the

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most current versions. Monitoring of the nitrogen content of the fuel oil is not required because the unit does not use a fuel-bound nitrogen credit in determining the NSPS limit. [0010005-002-AC, Specific Condition 43. and applicant request.]

Continuous Emissions Monitoring Requirements

B.23. Continuous Emissions Monitoring System (CEMS). The permittee shall calibrate, maintain, and operate a continuous emission monitor in the stack to measure and record the nitrogen oxides emissions from these units. Upon request from EPA or DEP, the CEMS concentrations for NO_x on the CT shall be corrected to ISO conditions to demonstrate compliance with the NO_x standard established in 40 CFR 60.332. [Rules 62-204.800, 62-210.700, 62-4.130, 62-4.160(8), F.A.C.; 40 CFR 60.7 (1999 version); and 0010005-002-AC, Specific Condition 37.]

B.24. Maintenance of CEMS. The CEMS shall be in continuous operation except for breakdowns, repairs, calibration checks, and zero and span adjustments. The CEMS shall meet minimum frequency of operation requirements: one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Data recorded during periods of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data average. [40 CFR 60.13; and 0010005-002-AC, Specific Condition 38.]

B.25. CEMS for Reporting Excess Emissions and Emissions Above the 720-Operating Hour Block Average or the Annual Emissions Cap. The NO_x CEMS shall be used to determine periods of excess emissions. For purpose of reporting, one-hour periods when NO_x emissions are above 9/42 ppmvd @ 15 % oxygen while firing natural gas/fuel oil shall be defined and reported as excess emissions in accordance with Specific Condition B.44. One hour averages shall be computed from four or more data points equally spaced over each one-hour period. CEMS downtime shall be calculated and reported according to the requirements of 40 CFR 60.7 (c)(3) and 40 CFR 60.7 (d)(2). Periods when time-averaged NO_x emissions [i.e., 720 operating hour block average or the annual total (i.e., 133 TPY calendar year)] are above the emission limitations listed in Specific Condition B.12., shall be reported to the DEP Northeast District Office within one working day (verbally) followed up by a written explanation postmarked not later than three (3) working days (alternatively by facsimile within one working day). [Rules 62-204.800, 62-210.700, 62-4.130, 62-4.160(8), F.A.C.; 40 CFR 60.7 (1999 version); and 0010005-002-AC, Specific Condition 39.]

B.26. CEMS in lieu of Water to Fuel Ratio. The NO_x CEMS shall be used in lieu of the fuel bound nitrogen levels and water/fuel monitoring system for reporting excess emissions in accordance with 40 CFR 60.334(c)(1), Subpart GG (1999 version). The calibration of the water/fuel monitoring device required in 40 CFR 60.335 (c)(2) (1999 version) will be replaced by the 40 CFR 75 certification tests of the NO_x CEMS. [0010005-002-AC, Specific Condition 40.]

B.27. CEMS Certification and Quality Assurance Requirements. The monitoring devices shall comply with the certification and quality assurance, and any other applicable requirements of Rule 62-297.520, F.A.C., 40 CFR 60.13, including certification of each device in accordance with 40 CFR 60, Appendix B, Performance Specifications and 40 CFR 60.7(a)(5) or 40 CFR Part 75. Quality assurance procedures must conform to all applicable sections of 40 CFR 60, Appendix F or 40 CFR 75. [0010005-002-AC, Specific Condition 41.]

Test Methods and Procedures

B.28. Test Methods. Required tests shall be performed in accordance with the following reference methods:

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Method(s)	Description of Method(s) and Comment(s)
ASTM methods D1072-90, D4468-85, D5504-94, or D3246-81, or the latest edition of the above ASTM methods	Methods for Evaluating Fuel Sulfur Content
EPA Method 9	Visual Determination of the Opacity of Emissions
EPA Method 10	Determination of Carbon Monoxide Emissions
EPA Reference Method 18, 25 and/or 25A	Determination of Volatile Organic Concentrations
EPA Method 7E	Determination of Nitrogen Oxide Emissions
EPA Method 20	Determination of Nitrogen Oxides, Sulfur Dioxide and Diluent Emissions from Stationary Gas Turbines

The above methods are described in Chapter 62-297, F.A.C. No other methods may be used unless prior written approval is received from the Department. [Chapter 62-297, F.A.C.]

- B.29. Annual Compliance Tests.** During each federal fiscal year (October 1st to September 30th), this EU shall be tested to demonstrate compliance with the emissions standards for CO and VE. [Rule 62-297.310(7), F.A.C. and Permit No. 0010005-002-AC]
- B.30. Compliance Tests Prior To Renewal.** Prior to permit renewal, compliance test shall be performed for the following pollutants: VE, PM, CO and NO_x. [Rule 62-297.310(7)(a)3., F.A.C.]
- B.31. Common Testing Requirements.** Unless otherwise specified, tests shall be conducted in accordance with the requirements and procedures specified in Appendix TR, Facility-Wide Testing Requirements, of this permit. [Rule 62-297.310, F.A.C.]
- B.32. Compliance Time.** Except as otherwise specified in this permit, compliance with the allowable emission limiting standards shall be determined annually as indicated in this permit, by using the following reference methods as described in 40 CFR 60, Appendix A (most current version), and adopted by reference in Chapter 62-204.800, F.A.C. [0010005-002-AC, Specific Condition 23.]
- B.33. Initial/Annual Compliance Tests.** *Initial* tests shall be conducted after any substantial modifications (and shake down period not to exceed 100 days after re-starting the CT) of air pollution control equipment such as change of combustors. *Annual* (A) compliance tests shall be performed during every federal fiscal year (October 1 - September 30) pursuant to Rule 62-297.310(7), F.A.C., on this unit as indicated. An *initial* test will satisfy the requirements for an annual compliance test if an annual compliance test is required during the federal fiscal year in which the *initial* test was conducted. The following reference methods shall be used. No other test methods may be used for compliance testing unless prior DEP approval is received in writing.
- EPA Reference Method 9.* "Visual Determination of the Opacity of Emissions from Stationary Sources" (A). Annual testing is applicable to fuel oil and only if fuel oil is used for more that 400 hours during the preceding 12-month period.
 - EPA Reference Method 10.* "Determination of Carbon Monoxide Emissions from Stationary Sources" (A, gas only).
 - EPA Reference Method 18, 25 and/or 25A.* "Determination of Volatile Organic Concentrations." *Initial* test only (see Specific Condition **TR7**).

The owner or operator is allowed to make the *initial* compliance demonstration for NO_x emissions using certified CEM system data, provided that compliance be based on a minimum of three test runs representing a

SECTION III. EMISSIONS UNITS AND SPECIFIC CONDITIONS.

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total of at least three hours of data, and that the CEMS be calibrated in accordance with the procedure in section 6.2.3 of Method 20 following each run. Alternatively, initial compliance may be demonstrated using data collected during the initial relative accuracy test audit (RATA) performed on the NO_x monitor. The requirement under 40 CFR 60.355 (c)(2), (3) to perform a Method 20 test at four separate loads is waived. The RATA tests required for the NO_x monitor shall be performed using EPA Method 20 or 7E, of Appendix A of 40 CFR 60. The NO_x monitor shall be a dual range monitor. The span for the lower range shall not be greater than 30 ppm, and the span for the upper range shall not be greater than 120 ppm, as corrected to 15% O₂. [0010005-004-AC, Specific Condition 24.]

B.34. Continuous Compliance with the Time-Averaged NO_x Emission Limits.

- a. Continuous compliance with the time-averaged NO_x emission limits (as specified in Specific Condition **B.12.**) shall be demonstrated with the CEM system based on the applicable averaging time of 720 operating hour block average basis. Based on CEMS data, a separate compliance determination is conducted at the end of each 720 operating hour block and a new average NO_x concentration is calculated from the arithmetic average of all valid hourly NO_x concentrations from the next 720 operating hour block average.
- b. A valid hourly NO_x concentration shall be calculated for each hour in which at least two NO_x concentrations are obtained at least 15 minutes apart. Valid hourly NO_x concentrations shall not include periods of start up, shutdown, fuel switching, or malfunction unless not authorized by Rule 62-210.700, F.A.C., or Specific Condition **B.18.**
- c. Periods when the 720 operating hour block average or the 133 TPY calendar year cap NO_x exceeds the emission limitations specified in Specific Condition **B.12.**, shall be reported as required by Specific Condition **B.25.**

[Rules 62-4.070 F.A.C., 62-210.700, F.A.C.; and 40 CFR 75; and, 0010005-002-AC, Specific Condition 25.]

B.35. Compliance with the NO_x Annual Emission Cap. Total emissions of NO_x from Unit CC1 shall not exceed 133 tons per calendar year in order to net out of PSD. Annual emissions shall be calculated using the methodology in 40 CFR 75.71 and 40 CFR 75.72 and 40 CFR Part 75, Appendix F, Section 8.4 and shall be reported to the District office on the Annual Operating Report. The owner or operator shall notify the Department as specified in Specific Condition **B.25.** if annual emissions exceed the NO_x cap based on cumulative calculations which are done each month.

- a. For each calendar month or year, NO_x mass emissions (in tons) will be calculated as follows:

$$\text{NO}_x \text{ (in tons)} = (\text{Sum of all hourly NO}_x \text{ mass emissions in lbs for the given time period})/2000$$

- b. Specific Condition **B.25.** provides a specific timeframe for reporting if the NO_x cap is exceeded.

[Applicant Request to Avoid PSD requirements of Rule 62-212.400, F.A.C., Rule 62-4.070, F.A.C. and 0010005-002-AC, Specific Condition 26.]

B.36. Compliance with the SO₂ and PM/PM₁₀ emission limits. Notwithstanding the requirements of Rule 62-297.340, F.A.C., the use of pipeline natural gas is the method for determining compliance for SO₂ and PM₁₀. For the purposes of demonstrating compliance with the 40 CFR 60.333 SO₂ standard, ASTM methods D1072-90, D4468-85, D5504-94, or D3246-81 (or latest edition) for sulfur content of gaseous fuel shall be utilized in accordance with the EPA-approved custom fuel monitoring schedule or natural gas supplier data may be submitted or the natural gas sulfur content referenced in 40 CFR 75 Appendix D may be utilized. However, the applicant is responsible for ensuring that the procedures in 40 CFR 60.335 or 40 CFR 75 are used when determination of fuel sulfur content is made. Analysis may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency pursuant to 40 CFR 60.335(e) (1999 version). [0010005-002-AC, Specific Condition 27.]

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- B.37. Compliance with CO emission limit.** Annual compliance testing for CO may be conducted at less than capacity when compliance testing is conducted concurrent with the RATA testing for the NO_x CEMS required pursuant to 40 CFR 75. Alternatively to annual testing in a given year, periodic tuning data may be provided to demonstrate compliance in the year the tuning is conducted. [Rules 62-297.310(7)(a) 4., 62-212.400, and 62-4.070(3), F.A.C.; and 0010005-002-AC, Specific Condition 28.]
- B.38. Compliance with the VOC emission limit.** The CO and VE limits and periodic tuning data shall be employed as surrogates and *no annual nor renewal testing for VOC is required.* Therefore, compliance testing for VOC shall be required only through Rule 62-297.310(7)(b), F.A.C. (See Specific Condition **TR7**.) [Rule 62-4.070(3) F.A.C; and 0010005-002-AC, Specific Condition 29.]
- B.39. Testing Procedures.** Testing of emissions shall be conducted with the combustion turbine operating at permitted capacity. Permitted capacity is defined as 90-100 percent of the maximum heat input rate allowed by the permit, corrected for the average ambient air temperature during the test (with 100 percent represented by a curve depicting heat input vs. ambient temperature). If it is impracticable to test at permitted capacity, the source may be tested at less than permitted capacity. In this case, subsequent operation is limited by adjusting the entire heat input vs. ambient temperature curve downward by an increment equal to the difference between the maximum permitted heat input (corrected for ambient temperature) and 110 percent of the value reached during the test until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purposes of additional compliance testing to regain the permitted capacity. Procedures for these tests shall meet all applicable requirements (i.e., testing time frequency, minimum compliance duration, etc.) of Chapters 62-204 and 62-297, F.A.C. [Rule 62-297.310(2) F.A.C.; and 0010005-002-AC, Specific Condition 30.]
- B.40. Test Notification.** The DEP's Northeast District Office shall be notified, in writing, at least 15 days before the initial tests and annual compliance tests. [Rules 62-297.310(7)(a)9 F.A.C.; 40 CFR 60.7 and 60.8; and 0010005-002-AC, Specific Condition 31.]
- B.41. Test Results.** Compliance test and initial test results shall be submitted to the DEP's Northeast District Office no later than 45 days after completion of the last test run. [Rule 62-297.310(8), F.A.C.; and 0010005-002-AC, Specific Condition 33.]

Recordkeeping and Reporting Requirements

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

- B.42. Records.** All measurements, records, and other data required to be maintained by GRU shall be recorded in a permanent form and retained for at least five (5) years following the date on which such measurements, records, or data are recorded. These records shall be made available to DEP representatives upon request. [Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.; and 0010005-002-AC, Specific Condition 34.]
- B.43. Fuel Oil Use.** To ensure compliance with the hourly limitations in Specific Conditions **B.8.** and **B.15.**, the source shall monitor and record operating hours for fuel oil use. [Rule 62-213.440(1)(b), F.A.C.]
- B.44. Excess Emissions Report.** If excess emissions (as specified in Specific Conditions **B.18.** and **B.25.**) occur for more than two hours due to malfunction, the owner or operator shall notify DEP's Northeast District Office within (1) working day of: the nature, extent, and duration of the excess emissions; the cause of the excess emissions; and the actions taken to correct the problem. In addition, the Department may request a written summary report of the incident. Pursuant to the New Source Performance Standards, all excess emissions shall

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also be reported in accordance with 40 CFR 60.7, Subpart A. Following the format of 40 CFR 60.7, periods of startup, shutdown, fuel switching and malfunction, shall be monitored, recorded, and reported as excess emissions when emission levels exceed the permitted standards listed in Specific Conditions **B.17.** and **B.25.**

[Rules 62-4.130, 62-204.800, 62-210.700(6), F.A.C.; 40 CFR 60.7 (1999 version); and 0010005-002-AC, Specific Condition 36.].

B.45. Reporting Schedule. The following report shall be submitted to the Compliance Authority:

Report	Reporting Deadline(s)	Related Condition(s)
NSPS Excess Emissions and Monitoring System Performance	Every 3 months (quarter)	B.2.

[40 CFR 60 Subpart A]

SECTION IV. ACID RAIN PART.

Operated by: City of Gainesville, Gainesville Regional Utilities (GRU)
Plant Name: J.R. Kelly Generating Station
ORIS code: 0664

Subsection A. This Subsection addresses Acid Rain, Phase II.

The emissions unit listed below is regulated under Phase II of the federal Acid Rain Program.

E.U. ID No.	Brief Description
-010	Combined-Cycle Unit (CC1), consisting of a combustion turbine and a heat recovery steam generator.

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

a. DEP Form No. 62-210.900(1)(a) - Form, Effective: 3/16/08, received on August 20, 2008, and signed by the Designated Representative on August 14, 2008, which is included at the end of this section. [Chapter 62-213, F.A.C.; and Rule 62-214.320, F.A.C.]

A.2. Sulfur dioxide (SO₂) allowance allocations for the Acid Rain unit is as follows:

E.U. ID No.	EPA ID No.	Year	2009	2010	2011	2012	2013
-010	CC1	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	0*	0*	0*	0*	0*

*The number of allowances held by an Acid Rain source in a unit account may differ from the number allocated by the USEPA under Table 2 or 3 of 40 CFR 73.

Allowances allocated to **JRK8** have been transferred in perpetuity to **CC1**.

A.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. [Rules 62-213.440(1)(c)1.,2. & 3., F.A.C.]

A.4. Fast-Track Revisions of Acid Rain Parts. Those Acid Rain sources making a change described at Rule 62-214.370(4), F.A.C., may request such change as provided in Rule 62-213.413, Fast-Track Revisions of Acid Rain Parts. [Rule 62-213.413, F.A.C.]

A.5. 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

SECTION IV. ACID RAIN PART.

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

A.6. Comments, notes, and justifications: None.

SECTION IV. ACID RAIN PART.

Acid Rain Part Application

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

This submission is: New Revised Renewal

STEP 1

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

J.R. Kelly Plant name	Florida State	0664 ORIS/Plant Code
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STEP 2

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

If unit a SO₂ Opt-in unit, enter "yes" in column "b".

For new units or SO₂ Opt-in units, enter the requested information in columns "d" and "e."

a	b	c	d	e
Unit ID#	SO ₂ Opt-in Unit? (Yes or No)	Unit will hold allowances in accordance with 40 CFR 72.9(c)(1)	New or SO ₂ Opt-in Units Commence Operation Date	New or SO ₂ Opt-in Units Monitor Certification Deadline
CC1	No	Yes	N/A	N/A
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		
		Yes		

RECEIVED

AUG 20 2008

BUREAU OF AIR REGULATION

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

SECTION IV. ACID RAIN PART.

J.R. Kelly

Plant Name (from STEP 1)

STEP 3

Read the standard requirements.

Acid Rain Part Requirements.

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

Monitoring Requirements.

- (1) The owners and operators and, to the extent applicable, designated representative of each Acid Rain source and each Acid Rain unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75, and Rule 62-214.420, F.A.C.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.
- (4) For applications including a SO₂ Opt-in unit, a monitoring plan for each SO₂ Opt-in unit must be submitted with this application pursuant to 40 CFR 74.14(a). For renewal applications for SO₂ Opt-in units include an updated monitoring plan if applicable under 40 CFR 75.53(b).

Sulfur Dioxide Requirements.

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

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

Excess Emissions Requirements.

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

Recordkeeping and Reporting Requirements.

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

SECTION IV. ACID RAIN PART.

<p>J.R. Kelly Plant Name (from STEP 1)</p>

**STEP 3,
Continued.**

Recordkeeping and Reporting Requirements (cont)

- (iv) Copies of all documents used to complete an Acid Rain Part application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an Acid Rain source and each Acid Rain unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72, Subpart 1, and 40 CFR Part 75.

Liability.

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

Effect on Other Authorities.

No provision of the Acid Rain Program, an Acid Rain Part application, an Acid Rain Part, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

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

**STEP 4
For SO₂ Opt-in
units only.**

In column "f" enter the unit ID# for every SO₂ Opt-in unit identified in column "a" of STEP 2.

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

In column "h" enter the hours.

f	g	h (not required for renewal application)
Unit ID#	Description of the combustion unit	Number of hours unit operated in the six months preceding initial application

SECTION IV. ACID RAIN PART.

J.R. Kelly
Plant Name (from STEP 1)

STEP 5

For SO₂ Opt-in units only. (Not required for SO₂ Opt-in renewal applications.)

In column "i" enter the unit ID# for every SO₂ Opt-in unit identified in column "a" (and in column "F").

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

i	j	k	l	m	n
Unit ID#	Baseline or Alternative Baseline under 40 CFR 74.20 (mmBtu)	Actual SO ₂ Emissions Rate under 40 CFR 74.22 (lbs/mmBtu)	Allowable 1985 SO ₂ Emissions Rate under 40 CFR 74.23 (lbs/mmBtu)	Current Allowable SO ₂ Emissions Rate under 40 CFR 74.24 (lbs/mmBtu)	Current Promulgated SO ₂ Emissions Rate under 40 CFR 74.25 (lbs/mmBtu)

STEP 6

For SO₂ Opt-in units only.

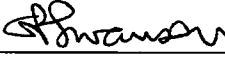
Attach additional requirements, certify and sign.

- A. If the combustion source seeks to qualify for a transfer of allowances from the replacement of thermal energy, a thermal energy plan as provided in 40 CFR 74.47 for combustion sources must be attached.
- B. A statement whether the combustion unit was previously an affected unit under 40 CFR 74.
- C. A statement that the combustion unit is not an affected unit under 40 CFR 72.6 and does not have an exemption under 40 CFR 72.7, 72.8, or 72.14.
- D. Attach a complete compliance plan for SO₂ under 40 CFR 72.40.
- E. The designated representative of the combustion unit shall submit a monitoring plan in accordance with 40 CFR 74.61. For renewal application, submit an updated monitoring plan if applicable under 40 CFR 75.53(b).
- F. The following statement must be signed by the designated representative or alternate designated representative of the combustion source: "I certify that the data submitted under 40 CFR Part 74, Subpart C, reflects actual operations of the combustion source and has not been adjusted in any way."

Signature	Date
-----------	------

STEP 7

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

Certification (for designated representative or alternate designated representative only)	
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.	
Gary P. Swanson Name	Plant Manager Title
City of Gainesville, Gainesville Regional Utilities (GRU) Owner Company Name	
(352) 334-3400 Phone	swansongp@gru.com E-mail address
Signature 	Date 8/14/08

SECTION IV. ACID RAIN PART.

Subsection B. This Subsection addresses Acid Rain Retired Unit Exemptions.

E.U. ID No.	Description
-008	Fossil Fuel Fired Steam Generator (boiler) - PERMANENTLY RETIRED

B.1. The Acid Rain Retired Unit Exemption form submitted for this facility constitutes the Acid Rain Retired Unit Part application pursuant to 40 CFR 72.8 and is a part of this permit. The owners and operators of this retired acid rain unit shall comply with the standard requirements and special provisions set forth in:

a. DEP Form No. 62-210.900(1)(d) - Form, Effective: 3/16/08, signed by the Designated Representative on August 20, 2008, and received by the Department on August 20, 2008, which is included at the end of this section.

This unit is subject to the following: 40 CFR 72.1 which requires the unit to have an Acid Rain Part as part of its Title V permit; 40 CFR 72.2 which provides associated definitions; 40 CFR 72.3 which provides measurements, abbreviations, and acronyms; 40 CFR 72.4 which provides the federal authority of the Administrator; 40 CFR 72.5 which provides the authority of the states; 40 CFR 72.6 which makes the boiler a Phase II unit; 40 CFR 72.10 which gives the public access to information about this unit; and, 40 CFR 72.13 which incorporates certain ASTM methods into 40 CFR Part 72. [Chapter 62-213, F.A.C.; and Rule 62-214.340, F.A.C.]

B.2. Sulfur dioxide (SO₂) allowance allocations for the retired Acid Rain unit are as follows:

E.U. ID No.	EPA ID	Year	2009	2010	2011	2012	2013
-008	JRK8	SO ₂ allowances, under Table 2 of 40 CFR Part 73	58*	67*	67*	67*	67*

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

Allowances allocated to JRK8 have been transferred in perpetuity to CC1.

B.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 62-213.440(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. [Rules 62-213.440(1)(c)1., 2., & 3., F.A.C.]

B.4. The designated representative of this 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., attached to Permit No. 0010005-003-AV) to the Department. **The date of permanent retirement was September 2, 2000.** [Rule 62-214.340(2), F.A.C.; and, 40 CFR 72.8.]

B.5. 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

SECTION IV. ACID RAIN PART.

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

B.6. Comments, notes, and justifications: None.

SECTION IV. ACID RAIN PART.

Acid Rain, CAIR, and Hg Budget Retired Unit Exemption

For more information, see instructions and refer to 40 CFR 72.8, 96.105, 96.205, 96.305, and 60.4105; and Rules 62-214.340(2), 62-296.470, and 62-296.480, F.A.C.

This submission is: New Revised

STEP 1

Identify the unit by plant name, State, ORIS code and unit ID#.

J.R. Kelly		FL	0664	JRK8
Plant Name		State	ORIS/Plant Code	Unit ID#

Applicable Program(s): Acid Rain CAIR NO_x Annual CAIR SO₂ CAIR NO_x Ozone Season
 ~ Mercury (Hg) Budget Trading

STEP 2

Identify the date on which the unit was (or will be) permanently retired.

September 2, 2000

STEP 3

If an acid rain affected unit, identify the first full calendar year in which the unit meets (or will meet) the requirements of 40 CFR 72.8(d).

January 1, _____

STEP 4

Read the special provisions.

Acid Rain Special Provisions

- (1) A unit exempt under Rule 62-214.340(2), F.A.C., shall not emit any sulfur dioxide and nitrogen oxides starting on the date that the exemption takes effect. The owners and operators of the unit will be allocated allowances in accordance with 40 CFR Part 73, Subpart B. If the unit is a Phase I unit, for each calendar year in Phase I, the designated representative of the unit shall submit a Phase I permit application in accordance with 40 CFR Part 72, Subparts C and D, and an annual certification report in accordance with 40 CFR 72.90 through 72.92 and is subject to 40 CFR 72.95 and 72.96.
- (2) A unit exempt under Rule 62-214.340(2), F.A.C., shall not resume operation unless the designated representative of the source that includes the unit submits a complete Acid Rain Part application under Rule 62-214.320, F.A.C., for the unit not less than 24 months prior to the date on which the unit is first to resume operation.
- (3) The owners and operators and, to the extent applicable, the designated representative of a unit exempt under Rule 62-214.340(2), F.A.C., shall comply with the requirements of Chapter 62-214, F.A.C., and the Acid Rain Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (4) For any period for which a unit is exempt under Rule 62-214.340(2), F.A.C., the unit is not an Acid Rain unit and is not eligible to be an opt-in source under 40 CFR Part 74. As a non-Acid Rain Unit, the unit shall continue to be subject to any other applicable requirements under Chapter 62-213, F.A.C.
- (5) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under Rule 62-214.340(2), F.A.C., shall retain at the source that includes the unit records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the EPA or the DEP. The owners and operators bear the burden of proof that the unit is permanently retired.
- (6) On the earlier of the following dates, a unit exempt under Rule 62-214.340(2), F.A.C., shall lose its exemption and become an Acid Rain Unit: (i) the date on which the designated representative submits an Acid Rain Part application under paragraph (2); or (ii) the date on which the designated representative is required under paragraph (2) to submit an Acid Rain Part application. For the purpose of applying monitoring requirements under 40 CFR Part 75, a unit that loses its exemption under Rule 62-214.340(2), F.A.C., shall be treated as a new unit that commenced commercial operation on the first date on which the unit resumes operation.

SECTION IV. ACID RAIN PART.

J.R. Kelly

Plant Name (from STEP 1)

STEP 4
(continued)

CAIR Special Provisions

- (1) A unit exempt under 40 CFR 96.105(a), 96.205(a), or 96.305(a), shall not emit any sulfur dioxide or nitrogen oxides starting on the date that the exemption takes effect. The DEP will allocate CAIR NO_x allowances in accordance with Rule 62-296.470, F.A.C.
- (2) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under Rule 62-296.470, F.A.C., shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any time prior to the end of the period, in writing by the EPA or the DEP. The owners and operators bear the burden of proof that the unit is permanently retired.
- (3) The owners and operators and, to the extent applicable, the CAIR designated representative of a unit exempt under 40 CFR 96.105(a), 96.205(a), or 96.305(a), shall comply with the applicable requirements of the CAIR NO_x Annual Trading Program, the CAIR SO₂ Trading Program, and the CAIR NO_x Ozone Season Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (4) A unit exempt under 40 CFR 96.105(a), 96.205(a), or 96.305(a), and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the CAIR designated representative of the source submits a complete CAIR Part application under Rule 62-213.420, F.A.C., for the unit before the date on which the unit resumes operation.
- (5) On the earlier of the following dates, a unit exempt under 40 CFR 96.105(a), 96.205(a), or 96.305(a) shall lose its exemption:
 - (i) the date on which the CAIR designated representative submits a CAIR Part application under Special Provision (4) above;
 - (ii) the date on which the CAIR designated representative is required under Special Provision (4) above to submit an CAIR Part application for the unit; or
 - (iii) the date on which the unit resumes operation, if the CAIR designated representative is not required to submit a CAIR Part application for the unit.
- (6) For the purpose of applying monitoring, reporting and recordkeeping requirements under 40 CFR Part 96, Subparts HH, HHH, and/or HHHH, a unit that loses its exemption under 40 CFR 96.105(a), 96.205(a), or 96.305(a), shall be treated as a unit that commences commercial operation on the first date on which the unit resumes operation.

Mercury (Hg) Budget Trading Special Provisions

- (1) A unit exempt under 40 CFR 60.4105(a) shall not emit any mercury starting on the date that the exemption takes effect.
- (2) The DEP will allocate Hg allowances under Rule 62-296.480, F.A.C.
- (3) For a period of 5 years from the date the records are created, the owners and operators of a unit exempt under 40 CFR 60.4105(a) shall retain at the source that includes the unit, records demonstrating that the unit is permanently retired. The 5-year period for keeping records may be extended for cause, at any before the end of the period, in writing by the EPA or the DEP. The owners and operators bear the burden of proof that the unit is permanently retired.
- (4) The owners and operators and, to the extent applicable, the Hg designated representative of a unit exempt under 40 CFR 60.4105(a) shall comply with the requirements of the Hg Budget Trading Program concerning all periods for which the exemption is not in effect, even if such requirements arise, or must be complied with, after the exemption takes effect.
- (5) A unit exempt under 40 CFR 60.4105(a) and located at a source that is required, or but for this exemption would be required, to have a title V operating permit shall not resume operation unless the Hg designated representative of the source submits a complete Hg Budget Part application under 40 CFR 60.4122 and Rule 62-213.420, F.A.C., for the unit before the date on which the unit resumes operation.
- (6) On the earlier of the following dates, a unit exempt under 40 CFR 60.4105(a) shall lose its exemption:
 - (i) the date on which the Hg designated representative submits a Hg Budget Part application for the unit under Special Provision (5);
 - (ii) the date on which the Hg designated representative is required under Special Provision (5) to submit a Hg Budget Part application for the unit; or
 - (iii) the date on which the unit resumes operation, if the Hg designated representative is not required to submit a Hg Budget Part application for the unit.
- (7) For the purpose of applying monitoring, reporting and recordkeeping requirements under 40 CFR 60.4170 through 60.4176, a unit that loses its exemption under 40 CFR 60.4105(a) shall be treated as a unit that commences operation and commercial operation on the first date on which the unit resumes operation.

SECTION IV. ACID RAIN PART.

J.R. Kelly

Plant Name (from STEP 1)

STEP 5
Make Statement of Compliance.


Statement of Compliance

I state that the unit identified above in STEP 1 was (or will be) permanently retired on the date identified in STEP 2 and will comply with the Special Provisions listed in STEP 4.

STEP 6
Read the certification and sign and date.

Certification (for designated representatives or alternate designated representatives only)

I am authorized to make this submission on behalf of the owners and operators of the affected source and affected unit 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.

Gary P. Swanson Name		Plant Manager Title	
City of Gainesville, Gainesville Regional Utilities (GRU) Owner Company Name			
(352) 334-3400 Phone		swansongp@gru.com E-mail address	
Signature 		Date 8/14/08	

SECTION V. APPENDICES.

The Following Appendices Are Enforceable Parts of This Permit:

Appendix A, Glossary.

Appendix ASP, ASP Number 97-B-01 (With Scrivener's Order Dated July 2, 1997).

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

Appendix 40 CFR 60, Subpart A - General Provisions.

Appendix 40 CFR 60, Subpart GG - Standards of Performance for Stationary Gas Turbines.

Appendix RR, Facility-wide Reporting Requirements.

Appendix TR, Facility-wide Testing Requirements.

Appendix TV, Title V General Conditions.

Appendix U, List of Unregulated Emissions Units and/or Activities.

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

Abbreviations and Acronyms:

° F: degrees Fahrenheit	ISO: International Standards Organization (refers to those conditions at 288 Kelvin, 60% relative humidity and 101.3 kilopascals pressure.)
acfm: actual cubic feet per minute	kPa: kilopascals
AOR: Annual Operating Report	LAT: Latitude
ARMS: Air Resource Management System (Department's database)	lb: pound
BACT: best available control technology	lbs/hr: pounds per hour
Btu: British thermal units	LONG: Longitude
CAM: compliance assurance monitoring	MACT: maximum achievable technology
CEMS: continuous emissions monitoring system	mm: millimeter
cfm: cubic feet per minute	MMBtu: million British thermal units
CFR: Code of Federal Regulations	MSDS: material safety data sheets
CO: carbon monoxide	MW: megawatt
COMS: continuous opacity monitoring system	NESHAP: National Emissions Standards for Hazardous Air Pollutants
DARM: Division of Air Resources Management	NO_x: nitrogen oxides
DCA: Department of Community Affairs	NSPS: New Source Performance Standards
DEP: Department of Environmental Protection	O&M: operation and maintenance
Department: Department of Environmental Protection	O₂: oxygen
dscfm: dry standard cubic feet per minute	ORIS: Office of Regulatory Information Systems
EPA: Environmental Protection Agency	OS: Organic Solvent
ESP: electrostatic precipitator (control system for reducing particulate matter)	Pb: lead
EU: emissions unit	PM: particulate matter
F.A.C.: Florida Administrative Code	PM₁₀: particulate matter with a mean aerodynamic diameter of 10 microns or less
F.D.: forced draft	PSD: prevention of significant deterioration
F.S.: Florida Statutes	psi: pounds per square inch
FGR: flue gas recirculation	PTE: potential to emit
Fl: fluoride	RACT: reasonably available control technology
ft²: square feet	RATA: relative accuracy test audit
ft³: cubic feet	RMP: Risk Management Plan
gpm: gallons per minute	RO: Responsible Official
gr: grains	SAM: sulfuric acid mist
HAP: hazardous air pollutant	scf: standard cubic feet
Hg: mercury	scfm: standard cubic feet per minute
I.D.: induced draft	SIC: standard industrial classification code
ID: identification	

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

SNCR: selective non-catalytic reduction (control system used for reducing emissions of nitrogen oxides)

SOA: Specific Operating Agreement

SO₂: sulfur dioxide

TPH: tons per hour

TPY: tons per year

UTM: Universal Transverse Mercator coordinate system

VE: visible emissions

VOC: volatile organic compounds

x: By or times

Citations:

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

Code of Federal Regulations:

Example: [40 CFR 60.334]

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

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

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

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

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 1050221

Where:

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

Permit Numbers:

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

APPENDIX A

ABBREVIATIONS, ACRONYMS, CITATIONS AND IDENTIFICATION NUMBERS

Where:

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

Example: PSD-FL-185

PA95-01

AC53-208321

Where:

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

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ASP NUMBER 97-B-01

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of)
)
Florida Electric Power Coordinating Group, Inc.,) ASP No. 97-B-01
)
Petitioner.)

ORDER ON REQUEST
FOR
ALTERNATE PROCEDURES AND REQUIREMENTS

Pursuant to Rule 62-297.620, Florida Administrative Code (F.A.C.), the Florida Electric Coordinating Group, Incorporated, (FCG) petitioned for approval to: (1) Exempt fossil fuel steam generators which burn liquid and/or solid fuel for less than 400 hours during the federal fiscal year from the requirement to conduct an annual particulate matter compliance test; and, (2) Exempt fossil fuel steam generators which burn liquid and/or solid fuel for less than 400 hours during the federal fiscal year from the requirement to conduct an annual particulate matter compliance test during the year prior to renewal of an operation permit. This Order is intended to clarify particulate testing requirements for those fossil fuel steam generators which primarily burn gaseous fuels including, but not necessarily limited to natural gas.

Having considered the provisions of Rule 62-296.405(1), F.A.C., Rule 62-297.310(7), F.A.C., and all supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. The Florida Electric Power Coordinating Group, Incorporated, petitioned the Department to exempt those fossil fuel steam generators which have a heat input of more than 250 million Btu per hour and burn solid and/or liquid fuel less than 400 hours during the year from the requirement to conduct an annual particulate matter compliance test. [Exhibit 1]
2. Rule 62-296.405(1)(a), F.A.C., applies to those fossil fuel steam generators that are not subject to the federal standards of performance for new stationary sources (NSPS) in 40 CFR 60 and which have a heat input of more than 250 million Btu per hour.
3. Rule 62-296.405(1)(a), F.A.C., limits visible emissions from affected fossil fuel steam generators to, "20 percent opacity except for either one six-minute period per hour during which

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not exceed 40 percent. The option selected shall be specified in the emissions unit's construction and operation permits. Emissions units governed by this visible emission limit shall test for particulate emission compliance annually and as otherwise required by Rule 62-297, F.A.C."

4. Rule 62-296.405(1)(a), F.A.C., further states, "Emissions units electing to test for particulate matter emission compliance quarterly shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

5. Rule 297.310(7)(a)1., F.A.C., states, "The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit."

6. Rule 297.310(7)(a)3., F.A.C., states, "The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision.

7. Rule 297.310(7)(a)3., F.A.C., further states, "In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal: a. Did not operate; or, b. In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours."

8. Rule 297.310(7)(a)4., F.A.C., states, "During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for: a. Visible emissions, if there is an applicable standard; b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant..."

9. Rule 297.310(7)(a)5., F.A.C., states, "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."

10. Rule 297.310(7)(a)6., F.A.C., states, "For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be

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required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup."

11. Rule 297.310(7)(a)7, F.A.C., states, "For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to Rule 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup." [Note: The reference should be to Rule 62-296.405(1)(a), F.A.C., rather than Rule 62-296.405(2)(a), F.A.C.]

12. The fifth edition of the U. S. Environmental Protection Agency's Compilation of Air Pollutant Emission Factors, AP-42, that emissions of filterable particulate from gas-fired fossil fuel steam generators with a heat input of more than about 10 million Btu per hour may be expected to range from 0.001 to 0.006 pound per million Btu. [Exhibit 2]

13. Rule 62-296.405(1)(b), F.A.C. and the federal standards of performance for new stationary sources in 40 CFR 60.42, Subpart D, limit particulate emissions from uncontrolled fossil fuel fired steam generators with a heat input of more than 250 million Btu to 0.1 pound per million Btu.

CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider the matter pursuant to Section 403.061, Florida Statutes (F.S.), and Rule 62-297.620, F.A.C.

2. Pursuant to Rule 62-297.310(7), F.A.C., the Department may require Petitioner to conduct compliance tests that identify the nature and quantity of pollutant emissions, if, after investigation, it is believed that any applicable emission standard or condition of the applicable permits is being violated.

3. There is reason to believe that a fossil fuel steam generator which does not burn liquid and/or solid fuel (other than during startup) for a total of more than 400 hours in a federal fiscal year and complies with all other applicable limits and permit conditions is in compliance with the applicable particulate mass emission limiting standard.

ORDER

Having considered the requirements of Rule 62-296.405, F.A.C., Rule 62-297.310, F.A.C., and supporting documentation, it is hereby ordered that:

1. 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;

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2. For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup;
3. For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to Rule 62-296.405(1)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup;
4. 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 particulate matter emission compliance test results for any fossil fuel steam generator emissions unit that burned liquid and/or solid fuel for a total of no more than 400 hours during the year prior to renewal.
5. Pursuant to Rule 62-297.310(7), F.A.C., owners of affected fossil fuel steam generators may be required to conduct compliance tests that identify the nature and quantity of pollutant emissions, if, after investigation, it is believed that any applicable emission standard or condition of the applicable permits is being violated.
6. Pursuant to Rule 62-297.310(8), F.A.C., owners of affected fossil fuel steam generators shall submit the compliance test report to the District Director of the Department district office having jurisdiction over the emissions unit and, where applicable, the Air Program Administrator of the appropriate Department-approved local air program within 45 days of completion of the test.

PETITION FOR ADMINISTRATIVE REVIEW

The Department will take the action described in this Order unless a timely petition for an administrative hearing is filed pursuant to sections 120.569 and 120.57 of the Florida Statutes, or a party requests mediation as an alternative remedy under section 120.573 before the deadline for filing a petition. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning for a hearing are set forth below, followed by the procedures for requesting mediation.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative hearing in accordance with sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Petitions must be filed within 21 days of receipt of this Order. A petitioner must mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition (or a request for mediation, as discussed below) within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of

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the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-5.207 of the Florida Administrative Code.

A petition must contain the following information:

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number, and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by each petitioner, if any;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement identifying the rules or statutes each petitioner contends require reversal or modification of the Department's action or proposed action; and,
- (g) A statement of the relief sought by each petitioner, stating precisely the action each petitioner wants the Department to take with respect to the Department's action or proposed action in the notice of intent.

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

A person whose substantial interests are affected by the Department's proposed decision, may elect to pursue mediation by asking all parties to the proceeding to agree to such mediation and by filing with the Department a request for mediation and the written agreement of all such parties to mediate the dispute. The request and agreement must be filed in (received by) the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, by the same deadline as set forth above for the filing of a petition.

A request for mediation must contain the following information:

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- (a) The name, address, and telephone number of the person requesting mediation and that person's representative, if any;
- (b) A statement of the preliminary agency action;
- (c) A statement of the relief sought; and
- (d) Either an explanation of how the requester's substantial interests will be affected by the action or proposed action addressed in this notice of intent or a statement clearly identifying the petition for hearing that the requester has already filed, and incorporating it by reference.

The agreement to mediate must include the following:

- (a) The names, addresses, and telephone numbers of any persons who may attend the mediation;
- (b) The name, address, and telephone number of the mediator selected by the parties, or a provision for selecting a mediator within a specified time;
- (c) The agreed allocation of the costs and fees associated with the mediation;
- (d) The agreement of the parties on the confidentiality of discussions and documents introduced during mediation;
- (e) The date, time, and place of the first mediation session, or a deadline for holding the first session, if no mediator has yet been chosen;
- (f) The name of each party's representative who shall have authority to settle or recommend settlement; and
- (g) The signatures of all parties or their authorized representatives.

As provided in section 120.573 of the Florida Statutes, the timely agreement of all parties to mediate will toll the time limitations imposed by sections 120.569 and 120.57 for requesting and holding an administrative hearing. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons whose substantial interests will be affected by such a modified final decision of the Department have a right to petition for a hearing only in accordance with the requirements for such petitions set forth above. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under sections 120.569 and 120.57 remain available for disposition of the dispute, and the notice will

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specify the deadlines that then will apply for challenging the agency action and electing remedies under those two statutes.

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

The application for a variance or waiver is made by filing a petition with the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

The petition must specify the following information:

- (a) The name, address, and telephone number of the petitioner;
- (b) The name, address, and telephone number of the attorney or qualified representative of the petitioner, if any;
- (c) Each rule or portion of a rule from which a variance or waiver is requested;
- (d) The citation to the statute underlying (implemented by) the rule identified in (c) above;
- (e) The type of action requested;
- (f) The specific facts that would justify a variance or waiver for the petitioner;
- (g) The reason why the variance or waiver would serve the purposes of the underlying statute (implemented by the rule); and
- (h) A statement whether the variance or waiver is permanent or temporary and, if temporary, a statement of the dates showing the duration of the variance or waiver requested.

The Department will grant a variance or waiver, when the petition demonstrates both that the application of the rule would create a substantial hardship or violate principles of fairness, as each of those terms is defined in section 120.542(2) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner. Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully

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each of those terms is defined in section 120.542(2) of the Florida Statutes, and that the purpose of the underlying statute will be or has been achieved by other means by the petitioner. Persons subject to regulation pursuant to any federally delegated or approved air program should be aware that Florida is specifically not authorized to issue variances or waivers from any requirements of any such federally delegated or approved program. The requirements of the program remain fully enforceable by the Administrator of the EPA and by any person under the Clean Air Act unless and until the Administrator separately approves any variance or waiver in accordance with the procedures of the federal program.

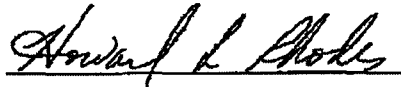
This Order constitutes final agency action unless a petition is filed in accordance with the above paragraphs. Upon timely filing of a petition, this Order will not be effective until further Order of the Department.

RIGHT TO APPEAL

Any party to this Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and, by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Notice of Agency Action is filed with the Clerk of the Department.

DONE AND ORDERED this 17 day of March, 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES, Director
Division of Air Resources Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(904) 488-0114

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that a copy of the foregoing was mailed to Rich Piper, Chair, Florida Power Coordinating Group, Inc., 405 Reo Street, Suite 100, Tampa, Florida 33609-1004, on this 18th day of March 1997.

Clerk Stamp

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

Martha Olden 3-18-97
Clerk Date

APPENDIX ASP
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STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:)
Florida Electric Power Coordinating Group, Inc.,) ASP No. 97-B-01
Petitioner.)

ORDER CORRECTING SCRIVENER'S ERROR

The Order which authorizes owners of natural gas fired fossil fuel steam generators to forgo particulate matter compliance testing on an annual basis and prior to renewal of an operation permit entered on the 17th day of March, 1997, is hereby corrected on page 4, paragraph number 4, by deleting the words "pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C.":

4. 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 particulate matter emission compliance test results for any fossil fuel steam generator emissions unit that burned liquid and/or solid fuel for a total of no more than 400 hours during the year prior to renewal.

DONE AND ORDERED this 2 day of July, 1997 in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



HOWARD L. RHODES, Director
Division of Air Resources Management
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400
(904) 488-0114

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The above two documents comprise Appendix ASP, ASP Number 97-B-01 (With Scrivener's Order Dated July 2, 1997).

APPENDIX I

LIST OF INSIGNIFICANT EMISSIONS UNITS AND/OR ACTIVITIES

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

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

Brief Description of Emissions Units and/or Activities

1. Internal combustion engines - mobile sources
2. Vacuum pumps for labs
3. Steam cleaning equipment
4. Lab equipment used for chemical or physical analyses
5. Brazing, soldering or welding equipment
6. 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.
7. One or more heating units and general purpose internal combustion engines, or other combustion devices, all of which are located within a single facility are not listed elsewhere in Rule 62-210.300(3)(a), F.A.C., and are not pollution control devices, provided:
 - a. None of the heating units, general purpose internal combustion engines, or other combustion devices that would be exempted is subject to the Federal Acid Rain Program; and
 - b. Total fuel consumption by all such heating units, general purpose internal combustion engines, and other combustion devices that would be exempted 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.
8. Fire and safety equipment
9. Surface coating operation 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.
10. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs,

APPENDIX I

LIST OF INSIGNIFICANT EMISSIONS UNITS AND/OR ACTIVITIES

by volume.

11. Space heating equipment (non-boilers)
12. Parts cleaning and degreasing stations not subject to 40 CFR 63, Subpart T.
13. Degreasing units using heavier-than air vapors exclusively, not subject to 40 CFR 63, Subpart T.
14. One 480,000 (nominal) gallon storage tank for new residual fuel oils (Nos. 4, 5, or 6)/on-specification used oil or new distillate fuel oils (Nos. 1 or 2)
15. One 240,000 (nominal) gallon storage tank for new residual fuel oils (Nos. 4, 5, or 6)/on-specification used oil or new distillate fuel oils (Nos. 1 or 2)
16. Two 210,000 (nominal) gallon storage tanks for new residual fuel oils (Nos. 4, 5, or 6)/on-specification used oil or new distillate fuel oils (Nos. 1 or 2)
17. Two 115,000 (nominal) gallon storage tanks for new distillate fuel oils (Nos. 1 or 2) or new residual fuel oils (Nos. 4, 5, or 6)/on-specification used oil
18. One 6,000 (nominal) gallon underground storage tank for gasoline
19. One 15,000 (nominal) gallon underground storage tank for gasoline
20. One 20,000 (nominal) gallon underground storage tank for diesel
21. Turbine vapor extractor
22. Sand blasting and abrasive grit blasting
23. Vehicle refueling operations
24. Freshwater cooling towers. The cooling towers do not use chromium-based treatment chemicals.
25. Storage tanks less than 550 gallons
26. Architectural (equipment) maintenance painting.
27. No. 2 fuel oil, residual fuel oil, and used oil truck unloading.
28. Petroleum lubrication systems.
29. Any other emissions unit or activity that:
 - a. Is exempted from the requirement to obtain an air construction permit as cited in Rule 62-213.430(6)(a), F.A.C..
 - And meets all of the following criteria pursuant to Rule 62-213.430(6)(b), F.A.C.:
 - b. Is not subject to a unit-specific applicable requirement.
 - c. In combination with other units and activities proposed as insignificant, would not cause the facility to exceed any major source threshold(s) as defined by Rule 62-213.420(3)(c)1., F.A.C. unless acknowledged in a permit application.
 - d. Would neither emit nor have the potential to emit:
 - i. 500 pounds per year of lead and lead compounds expressed as lead;
 - ii. 1,000 pounds per year or more of any hazardous air pollutant;
 - iii. 2,500 pounds per year or more of total hazardous air pollutants; or
 - iv. 5.0 tons per year or more of any other regulated pollutant.

APPENDIX 40 CFR 60 SUBPART A

GENERAL PROVISIONS

(version dated 7/1/2007)

E.U. ID No.	Brief Description
-010	Combined-Cycle Unit (CC1), consisting of a combustion turbine and a heat recovery steam generator.

[Source: Federal Register dated 7/1/98, Federal Register 5/8/98, 2/12/99, 10/17/00, 6/28/02, 6/1/06, 7/1/07]

In accordance with Rule 62-204.800(8), F.A.C., the following emissions unit is subject to the applicable requirements of 40 CFR 60 Subpart A, General Provisions. For these requirements, the original federal rule numbering has been retained.

40 CFR 60.1 Applicability.

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

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

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

40 CFR 60.5 Determination of construction or modification.

(a) When requested to do so by an owner or operator, the Administrator will make a determination of whether action taken or intended to be taken by such owner or operator constitutes construction (including reconstruction) or modification or the commencement thereof within the meaning of this part.

(b) The Administrator will respond to any request for a determination under paragraph (a) of this section within 30 days of receipt of such request.

40 CFR 60.6 Review of plans.

(a) When requested to do so by an owner or operator, the Administrator will review plans for construction or modification for the purpose of providing technical advice to the owner or operator.

(b) (1) A separate request shall be submitted for each construction or modification project.

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

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

40 CFR 60.7 Notification and record keeping.

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

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(1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(2) Reserved.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 40 CFR 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

(6) A notification of the anticipated date for conducting the opacity observations required by 40 CFR 60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

(7) A notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during a performance test required by 40 CFR 60.8 in lieu of Method 9 observation data as allowed by 40 CFR 60.11(e)(5) of 40 CFR 60. This notification shall be postmarked not less than 30 days prior to the date of the performance test.

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) Each owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

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

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

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

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

(d) The summary report form shall contain the information and be in the format shown in Figure 1 unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

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(1) If the total duration of excess emissions for the reporting period is less than 1 percent of the total operating time for the reporting period and CMS downtime for the reporting period is less than 5 percent of the total operating time for the reporting period, only the summary report form shall be submitted and the excess emission report described in 40 CFR 60.7(c) need not be submitted unless requested by the Administrator.

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

{See Figure 1, Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance, at the end of this section.}

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

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

(ii) The owner or operator continues to comply with all recordkeeping and monitoring requirements specified in this subpart and the applicable standard; and

(iii) The Administrator does not object to a reduced frequency of reporting for the affected facility, as provided in paragraph (e)(2) of this section.

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

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance 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 owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

(f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as follows:

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(1) This paragraph applies to owners or operators required to install a continuous emissions monitoring system (CEMS) where the CEMS installed is automated, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. An automated CEMS records and reduces the measured data to the form of the pollutant emission standard through the use of a computerized data acquisition system. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain the most recent consecutive three averaging periods of subhourly measurements and a file that contains a hard copy of the data acquisition system algorithm used to reduce the measured data into the reportable form of the standard.

(2) This paragraph applies to owners or operators required to install a CEMS where the measured data is manually reduced to obtain the reportable form of the standard, and where the calculated data averages do not exclude periods of CEMS breakdown or malfunction. In lieu of maintaining a file of all CEMS subhourly measurements as required under paragraph (f) of this section, the owner or operator shall retain all subhourly measurements for the most recent reporting period. The subhourly measurements shall be retained for 120 days from the date of the most recent summary or excess emission report submitted to the Administrator.

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

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

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

40 CFR 60.8 Performance tests.

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

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in 40 CFR 60.8 shall be construed to abrogate the Administrator's authority to require testing under section 114 of the Act.

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

(d) The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

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(e) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

(1) Sampling ports adequate for test methods applicable to such facility. This includes

(i) constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures and

(ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.

(2) Safe sampling platform(s).

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

(4) Utilities for sampling and testing equipment.

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

§ 60.9 Availability of information.

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter. (Information submitted voluntarily to the Administrator for the purposes of §§ 60.5 and 60.6 is governed by §§ 2.201 through 2.213 of this chapter and not by § 2.301 of this chapter.)

40 CFR 60.10 State authority.

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

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

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

40 CFR 60.11 Compliance with standards and maintenance requirements.

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

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

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

(d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which

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may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(e) (1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 40 CFR 60.8 unless one of the following conditions apply. If no performance test under 40 CFR 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 40 CFR 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 40 CFR 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 40 CFR 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Method 9 of appendix B of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in 40 CFR 60.11(e)(5), the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of 40 CFR 60, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

(2) Except as provided in 40 CFR 60.11(e)(3), the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with 40 CFR 60.11(b), shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under 40 CFR 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

(3) The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in 40 CFR 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of 40 CFR 60.7(e)(1) shall apply.

(4) The owner or operator of an affected facility using a continuous opacity monitor (transmissometer) shall record the monitoring data produced during the initial performance test required by 40 CFR 60.8 and shall furnish the Administrator a written report of the monitoring results along with Method 9 and 40 CFR 60.8 performance test results.

(5) The owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results

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of the performance test required under 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine compliance with the opacity standard.

(6) Upon receipt from an owner or operator of the written reports of the results of the performance tests required by 40 CFR 60.8, the opacity observation results and observer certification required by 40 CFR 60.11(e)(1), and the COMS results, if applicable, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If COMS data results are used to comply with an opacity standard, only those results are required to be submitted along with the performance test results required by 40 CFR 60.8. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with 40 CFR 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, the shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

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

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

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

(g) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part 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 60.12 Circumvention.

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

40 CFR 60.13 Monitoring requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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systems on each stream, and shall report as per Sec. 60.7(c) on the combined effluent. When the affected facilities are not subject to the same opacity standard applicable, except for documented periods of shutdown of the affected facility, subject to the most stringent opacity standard shall apply

(3) When the effluents from two or more affected facilities subject to the same emissions standard, other than opacity, are combined before released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the continuous monitoring standard, separate continuous monitoring systems shall be installed on each effluent and the owner or operator shall report as required for each affected facility.

(h) Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to 6-minute averages and for continuous monitoring systems other than opacity to 1-hour averages for time periods as defined in 40 CFR 60.2. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period. For continuous monitoring systems other than opacity, 1-hour averages shall be computed from four or more data points equally spaced over each 1-hour period. Data recorded during periods of continuous system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. For owners or operators complying with the requirements in Sec. 60.7(f)(1) or (2), data averages must include any data recorded during periods of monitor breakdown or malfunction. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O₂ or ng or pollutant per J of heat input). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).

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

(i) After receipt and consideration of written application, the Administrator may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

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

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

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

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

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

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

(7) Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

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

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

(j) An alternative to the relative accuracy (RA) test specified in Performance Specification 2 of appendix B may be requested as follows:

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(1) An alternative to the reference method tests for determining RA is available for sources with emission rates demonstrated to be less than 50 percent of the applicable standard. A source owner or operator may petition the Administrator to waive the RA test in section 8.4 of Performance Specification 2 and substitute the procedures in section 16.0 if the results of a performance test conducted according to the requirements in 40 CFR 60.8 of this subpart or other tests performed following the criteria in 40 CFR 60.8 demonstrate that the emission rate of the pollutant of interest in the units of the applicable standard is less than 50 percent of the applicable standard. For sources subject to standards expressed as control efficiency levels, a source owner or operator may petition the Administrator to waive the RA test and substitute the procedures in section 16.0 of Performance Specification 2 if the control device exhaust emission rate is less than 50 percent of the level needed to meet the control efficiency requirement. The alternative procedures do not apply if the continuous emission monitoring system is used to determine compliance continuously with the applicable standard. The petition to waive the RA test shall include a detailed description of the procedures to be applied. Included shall be location and procedure for conducting the alternative, the concentration or response levels of the alternative RA materials, and the other equipment checks included in the alternative procedure. The Administrator will review the petition for completeness and applicability. The determination to grant a waiver will depend on the intended use of the CEMS data (e.g., data collection purposes other than NSPS) and may require specifications more stringent than in Performance Specification 2 (e.g., the applicable emission limit is more stringent than NSPS).

(2) The waiver of a CEMS RA test will be reviewed and may be rescinded at such time, following successful completion of the alternative RA procedure that the CEMS data indicate the source emissions approaching the level. The criterion for reviewing the waiver is the collection of CEMS data showing that emissions have exceeded 70 percent of the applicable standard for seven, consecutive, averaging periods as specified by the applicable regulation(s). For sources subject to standards expressed as control efficiency levels, the criterion for reviewing the waiver is the collection of CEMS data showing that exhaust emissions have exceeded 70 percent of the level needed to meet the control efficiency requirement for seven, consecutive, averaging periods as specified by the applicable regulation(s) [e.g., 40 CFR 60.45(g)(2) and 40 CFR 60.45(g)(3), 40 CFR 60.73(e), and 40 CFR 60.84(e)]. It is the responsibility of the source operator to maintain records and determine the level of emissions relative to the criterion on the waiver of RA testing. If this criterion is exceeded, the owner or operator must notify the Administrator within 10 days of such occurrence and include a description of the nature and cause of the increasing emissions. The Administrator will review the notification and may rescind the waiver and require the owner or operator to conduct a RA test of the CEMS as specified in section 8.4 of Performance Specification 2.

40 CFR 60.14 Modification.

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

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

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

(2) Material balances, continuous monitor data, or manual emission tests in cases where utilization of emission factors as referenced in 40 CFR 60.14(b)(1) does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in 40 CFR 60.14(b)(1). When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in 40 CFR 60 appendix C of 40 CFR 60 shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under

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such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

(c) The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of this part any other facility within that source.

(d) [Reserved]

(e) The following shall not, by themselves, be considered modifications under this part:

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

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

(3) An increase in the hours of operation.

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

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

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

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

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

(h) No physical change, or change in the method of operation, at an existing electric utility steam generating unit shall be treated as a modification for the purposes of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the 5 years prior to the change.

(i) Repowering projects that are awarded funding from the Department of Energy as permanent clean coal technology demonstration projects (or similar projects funded by EPA) are exempt from the requirements of this section provided that such change does not increase the maximum hourly emissions of any pollutant regulated under this section above the maximum hourly emissions achievable at that unit during the five years prior to the change.

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

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

(i) Is designated as a replacement for an existing unit;

(ii) Qualifies under section 409(b) of the Clean Air Act for an extension of an emission limitation compliance date under section 405 of the Clean Air Act; and

(iii) Is located at a different site than the existing unit.

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

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

40 CFR 60.15 Reconstruction.

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

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

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

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

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

(d) If an owner or operator of an existing facility proposes to replace components, and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new facility, he shall notify the Administrator of the proposed replacements. The notice must be postmarked 60 days (or as soon as practicable) before construction of the replacements is commenced and must include the following information:

(1) Name and address of the owner or operator.

(2) The location of the existing facility.

(3) A brief description of the existing facility and the components which are to be replaced.

(4) A description of the existing air pollution control equipment and the proposed air pollution control equipment.

(5) An estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility.

(6) The estimated life of the existing facility after the replacements.

(7) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

(e) The Administrator will determine, within 30 days of the receipt of the notice required by 40 CFR 60.15(d) and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.

(f) The Administrator's determination under 40 CFR 60.15(e) shall be based on:

(1) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new facility;

(2) The estimated life of the facility after the replacements compared to the life of a comparable entirely new facility;

(3) The extent to which the components being replaced cause or contribute to the emissions from the facility; and

(4) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.

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

§ 60.18 General control device requirements.

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(a) *Introduction.* This section contains requirements for control devices used to comply with applicable subparts of parts 60 and 61. The requirements are placed here for administrative convenience and only apply to facilities covered by subparts referring to this section.

(b) *Flares.* Paragraphs (c) through (f) apply to flares.

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

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

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

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

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

Where:

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

K_1 =Constant, 6.0 volume-percent hydrogen.

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

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

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

(ii) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f)(3) of this section.

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

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

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

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

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

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

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

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

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

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

$$H_T = K \sum_{i=1}^n C_i H_i \quad \text{Eq. 1}$$

where:

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

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

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

Eq. 2

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

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

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

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

Vmax=Maximum permitted velocity, M/sec

28.8=Constant

31.7=Constant

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

(6) The maximum permitted velocity, Vmax, for air-assisted flares shall be determined by the following equation.

$$V_{\text{max}} = 8.706 + 0.7084 (HT)$$

Vmax=Maximum permitted velocity, m/sec

8.706=Constant

0.7084=Constant

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

§ 60.19 General notification and reporting requirements.

(a) For the purposes of this part, time periods specified in days shall be measured in calendar days, even if the word "calendar" is absent, unless otherwise specified in an applicable requirement.

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

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

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

(e) If an owner or operator supervises one or more stationary sources affected by standards set under this part and standards set under part 61, part 63, or both such parts of this chapter, he/she may arrange by mutual agreement between the owner or operator and the Administrator (or the State with an approved permit program) a common schedule on which periodic reports required by each applicable standard shall be submitted throughout the year. The allowance in the previous sentence applies in each State beginning 1 year after the stationary source is required to be in compliance with the applicable subpart in this part, or 1 year after the stationary source is required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

(f) (1) (i) Until an adjustment of a time period or postmark deadline has been approved by the Administrator under paragraphs (f)(2) and (f)(3) of this section, the owner or operator of an affected facility remains strictly subject to the requirements of this part.

(ii) An owner or operator shall request the adjustment provided for in paragraphs (f)(2) and (f)(3) of this section each time he or she wishes to change an applicable time period or postmark deadline specified in this part.

(2) Notwithstanding time periods or postmark deadlines specified in this part for the submittal of information to the Administrator by an owner or operator, or the review of such information by the Administrator, such time periods or deadlines may be changed by mutual agreement between the owner or operator and the Administrator. An owner or operator who wishes to request a change in a time period or postmark deadline for a particular requirement shall request the adjustment in writing as soon as practicable before the subject activity is required to take place. The owner or operator shall include in the request whatever information he or she considers useful to convince the Administrator that an adjustment is warranted.

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(3) If, in the Administrator's judgment, an owner or operator's request for an adjustment to a particular time period or postmark deadline is warranted, the Administrator will approve the adjustment. The Administrator will notify the owner or operator in writing of approval or disapproval of the request for an adjustment within 15 calendar days of receiving sufficient information to evaluate the request.

(4) If the Administrator is unable to meet a specified deadline, he or she will notify the owner or operator of any significant delay and inform the owner or operator of the amended schedule.

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**Figure 1. Summary Report
Gaseous and Opacity Excess Emission and Monitoring System Performance**

Company: _____

Address: _____

Process Unit(s) Description: _____

Emission Limitation: _____

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

Reporting Period Dates: From _____ to _____

Total source operating time in reporting period ¹: _____

Monitor Manufacturer: _____

Monitor Model No.: _____

Date of Latest CMS Certification or Audit: _____

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

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

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

Name: _____

Signature: _____

Title: _____

Date: _____

APPENDIX 40 CFR 60 SUBPART GG

STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES

(version dated 7/8/2004)

[Source: 44 FR 52798, Sept. 10, 1979, as amended at 52 FR 42434, Nov. 5, 1987; 65 FR 61759, Oct. 17, 2000; 69 FR 41346, July 8, 2004]

In accordance with Rule 62-204.800(8), F.A.C., the following emissions unit is subject to the applicable requirements of 40 CFR 60 Subpart GG. For these requirements, the original rule numbering has been retained.

E.U. ID No.	Brief Description
-010	Combined-Cycle Unit (CC1), consisting of a combustion turbine and a heat recovery steam generator.

§ 60.330 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities: All stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 million Btu) per hour, based on the lower heating value of the fuel fired.

(b) Any facility under paragraph (a) of this section which commences construction, modification, or reconstruction after October 3, 1977, is subject to the requirements of this part except as provided in paragraphs (e) and (j) of § 60.332.

§ 60.331 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) *Stationary gas turbine* means any simple cycle gas turbine, regenerative cycle gas turbine or any gas turbine portion of a combined cycle steam/electric generating system that is not self propelled. It may, however, be mounted on a vehicle for portability.

(b) *Simple cycle gas turbine* means any stationary gas turbine which does not recover heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine, or which does not recover heat from the gas turbine exhaust gases to heat water or generate steam.

(c) *Regenerative cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to preheat the inlet combustion air to the gas turbine.

(d) *Combined cycle gas turbine* means any stationary gas turbine which recovers heat from the gas turbine exhaust gases to heat water or generate steam.

(e) *Emergency gas turbine* means any stationary gas turbine which operates as a mechanical or electrical power source only when the primary power source for a facility has been rendered inoperable by an emergency situation.

(f) *Ice fog* means an atmospheric suspension of highly reflective ice crystals.

(g) *ISO standard day conditions* means 288 degrees Kelvin, 60 percent relative humidity and 101.3 kilopascals pressure.

(h) *Efficiency* means the gas turbine manufacturer's rated heat rate at peak load in terms of heat input per unit of power output based on the lower heating value of the fuel.

(i) *Peak load* means 100 percent of the manufacturer's design capacity of the gas turbine at ISO standard day conditions.

(j) *Base load* means the load level at which a gas turbine is normally operated.

(k) *Fire-fighting turbine* means any stationary gas turbine that is used solely to pump water for extinguishing fires.

(l) *Turbines employed in oil/gas production or oil/gas transportation* means any stationary gas turbine used to provide power to extract crude oil/natural gas from the earth or to move crude oil/natural gas, or products refined from these substances through pipelines.

(m) A *Metropolitan Statistical Area or MSA* as defined by the Department of Commerce.

STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES

(version dated 7/8/2004)

- (n) *Offshore platform gas turbines* means any stationary gas turbine located on a platform in an ocean.
- (o) *Garrison facility* means any permanent military installation.
- (p) *Gas turbine model* means a group of gas turbines having the same nominal air flow, combustor inlet pressure, combustor inlet temperature, firing temperature, turbine inlet temperature and turbine inlet pressure.
- (q) *Electric utility stationary gas turbine* means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.
- (r) *Emergency fuel* is a fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine.
- (s) Unit operating hour means a clock hour during which any fuel is combusted in the affected unit. If the unit combusts fuel for the entire clock hour, it is considered to be a full unit operating hour. If the unit combusts fuel for only part of the clock hour, it is considered to be a partial unit operating hour.
- (t) Excess emissions means a specified averaging period over which either:
- (1) The NO_x emissions are higher than the applicable emission limit in Sec. 60.332;
 - (2) The total sulfur content of the fuel being combusted in the affected facility exceeds the limit specified in Sec. 60.333; or
 - (3) The recorded value of a particular monitored parameter is outside the acceptable range specified in the parameter monitoring plan for the affected unit.
- (u) Natural gas means a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Natural gas contains 20.0 grains or less of total sulfur per 100 standard cubic feet. Equivalents of this in other units are as follows: 0.068 weight percent total sulfur, 680 parts per million by weight (ppmw) total sulfur, and 338 parts per million by volume (ppmv) at 20 degrees Celsius total sulfur. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1100 British thermal units (Btu) per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.
- (v) Duct burner means a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary gas turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.
- (w) Lean premix stationary combustion turbine means any stationary combustion turbine where the air and fuel are thoroughly mixed to form a lean mixture for combustion in the combustor. Mixing may occur before or in the combustion chamber. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.
- (x) Diffusion flame stationary combustion turbine means any stationary combustion turbine where fuel and air are injected at the combustor and are mixed only by diffusion prior to ignition. A unit which is capable of operating in both lean premix and diffusion flame modes is considered a lean premix stationary combustion turbine when it is in the lean premix mode, and it is considered a diffusion flame stationary combustion turbine when it is in the diffusion flame mode.
- (y) Unit operating day means a 24-hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the unit. It is not necessary for fuel to be combusted continuously for the entire 24-hour period.

§ 60.332 Standard for nitrogen oxides.

STANDARDS OF PERFORMANCE FOR STATIONARY GAS TURBINES

(version dated 7/8/2004)

(a) On and after the date on which the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.

(1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

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

where:

STD = allowable ISO corrected (if required as given in Sec. 60.335(b)(1)) NO_x emission concentration (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, and

F = NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

(2) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0150 \frac{(14.4)}{Y} + F$$

where:

STD = allowable ISO corrected (if required as given in Sec. 60.335(b)(1)) NO_x emission concentration (percent by volume at 15 percent oxygen and on a dry basis),

Y = manufacturer's rated heat rate at manufacturer's rated peak 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, and

F = NO_x emission allowance for fuel-bound nitrogen as defined in paragraph (a)(4) of this section.

(3) The use of F in paragraphs (a)(1) and (2) of this section is optional. That is, the owner or operator may choose to apply a NO_x allowance for fuel-bound nitrogen and determine the appropriate F-value in accordance with paragraph (a)(4) of this section or may accept an F-value of zero.

(4) If the owner or operator elects to apply a NO_x emission allowance for fuel-bound nitrogen, F shall be defined according to the nitrogen content of the fuel during the most recent performance test required under Sec. 60.8 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).

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or:

Manufacturers may develop and submit to EPA custom fuel-bound nitrogen allowances for each gas turbine model they manufacture. These fuel-bound nitrogen allowances shall be substantiated with data and must be approved for use by the Administrator before the initial performance test required by Sec. 60.8. Notices of approval of custom fuel-bound nitrogen allowances will be published in the Federal Register.

- (b) Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with the provisions of paragraph (a)(1) of this section.
- (c) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired, shall comply with the provisions of paragraph (a)(2) of this section.
- (d) Stationary gas turbines with a manufacturer's rated base load at ISO conditions of 30 megawatts or less except as provided in § 60.332(b) shall comply with paragraph (a)(2) of this section.
- (e) Stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules per hour (10 million Btu/hour) but less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired and that have commenced construction prior to October 3, 1982 are exempt from paragraph (a) of this section.
- (f) Stationary gas turbines using water or steam injection for control of NO_x emissions are exempt from paragraph (a) when ice fog is deemed a traffic hazard by the owner or operator of the gas turbine.
- (g) Emergency gas turbines, military gas turbines for use in other than a garrison facility, military gas turbines installed for use as military training facilities, and fire fighting gas turbines are exempt from paragraph (a) of this section.
- (h) Stationary gas turbines engaged by manufacturers in research and development of equipment for both gas turbine emission control techniques and gas turbine efficiency improvements are exempt from paragraph (a) on a case-by-case basis as determined by the Administrator.
- (i) Exemptions from the requirements of paragraph (a) of this section will be granted on a case-by-case basis as determined by the Administrator in specific geographical areas where mandatory water restrictions are required by governmental agencies because of drought conditions. These exemptions will be allowed only while the mandatory water restrictions are in effect.
- (j) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour that commenced construction, modification, or reconstruction between the dates of October 3, 1977, and January 27, 1982, and were required in the September 10, 1979, Federal Register (44 FR 52792) to comply with paragraph (a)(1) of this section, except electric utility stationary gas turbines, are exempt from paragraph (a) of this section.
- (k) Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 million Btu/hour) when fired with natural gas are exempt from paragraph (a)(2) of this section when being fired with an emergency fuel.
- (l) Regenerative cycle gas turbines with a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) are exempt from paragraph (a) of this section.

§ 60.333 Standard for sulfur dioxide.

On and after the date on which the performance test required to be conducted by § 60.8 is completed, every owner or operator subject to the provision of this subpart shall comply with one or the other of the following conditions:

- (a) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contain sulfur dioxide in excess of 0.015 percent by volume at 15 percent oxygen and on a dry basis.
- (b) No owner or operator subject to the provisions of this subpart shall burn in any stationary gas turbine any fuel which contains total sulfur in excess of 0.8 percent by weight (8000 ppmw).

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§ 60.334 Monitoring of operations.

(a) Except as provided in paragraph (b) of this section, the owner or operator of any stationary gas turbine subject to the provisions of this subpart and using water or steam injection to control

NO_x emissions shall install, calibrate, maintain and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.

(b) The owner or operator of any stationary gas turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which uses water or steam injection to control NO_x emissions may, as an alternative to operating the continuous monitoring system described in paragraph (a) of this section, install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NO_x and O₂ monitors. As an alternative, a CO₂ monitor may be used to adjust the measured NO_x concentrations to 15 percent O₂ by either converting the CO₂ hourly averages to equivalent O₂ concentrations using Equation F-14a or F-14b in appendix F to part 75 of this chapter and making the adjustments to 15 percent O₂, or by using the CO₂ readings directly to make the adjustments, as described in Method 20. If the option to use a CEMS is chosen, the CEMS shall be installed, certified, maintained and operated as follows:

(1) Each CEMS must be installed and certified according to PS 2 and 3 (for diluent) of 40 CFR part 60, appendix B, except the 7-day calibration drift is based on unit operating days, not calendar days. Appendix F, Procedure 1 is not required. The relative accuracy test audit (RATA) of the NO_x and diluent monitors may be performed individually or on a combined basis, i.e., the relative accuracy tests of the CEMS may be performed either:

(i) On a ppm basis (for NO_x) and a percent O₂ basis for oxygen; or

(ii) On a ppm at 15 percent O₂ basis; or

(iii) On a ppm basis (for NO_x) and a percent CO₂ basis (for a CO₂ monitor that uses the procedures in Method 20 to correct the NO_x data to 15 percent O₂).

(2) As specified in Sec. 60.13(e)(2), during each full unit operating hour, each monitor must complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each 15-minute quadrant of the hour, to validate the hour. For partial unit operating hours, at least one valid data point must be obtained for each quadrant of the hour in which the unit operates. For unit operating hours in which required quality assurance and maintenance activities are performed on the CEMS, a minimum of two valid data points (one in each of two quadrants) are required to validate the hour.

(3) For purposes of identifying excess emissions, CEMS data must be reduced to hourly averages as specified in Sec. 60.13(h).

(i) For each unit operating hour in which a valid hourly average, as described in paragraph (b)(2) of this section, is obtained for both NO_x and diluent, the data acquisition and handling system must calculate and record the hourly NO_x emissions in the units of the applicable NO_x emission standard under Sec. 60.332(a), i.e., percent NO_x by volume, dry basis, corrected to 15 percent O₂ and International Organization for Standardization (ISO) standard conditions (if required as given in Sec. 60.335(b)(1)). For any hour in which the hourly average O₂ concentration exceeds 19.0 percent O₂, a diluent cap value of 19.0 percent O₂ may be used in the emission calculations.

(ii) A worst case ISO correction factor may be calculated and applied using historical ambient data. For the purpose of this calculation, substitute the maximum humidity of ambient air (H_o), minimum ambient temperature (T_a), and minimum combustor inlet absolute pressure (P_o) into the ISO correction equation.

(iii) If the owner or operator has installed a NO_x CEMS to meet the requirements of part 75 of this chapter, and is continuing to meet the ongoing requirements of part 75 of this chapter, the CEMS may be used to meet the requirements of this section, except that the missing data substitution methodology provided for at 40 CFR part 75, subpart D, is not required for purposes of identifying excess emissions. Instead, periods of missing CEMS

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data are to be reported as monitor downtime in the excess emissions and monitoring performance report required in Sec. 60.7(c).

(c) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which does not use steam or water injection to control NO_x emissions, the owner or operator may, but is not required to, for purposes of determining excess emissions, use a CEMS that meets the requirements of paragraph (b) of this section. Also, if the owner or operator has previously submitted and received EPA, State, or local permitting authority approval of a procedure for monitoring compliance with the applicable NO_x emission limit under Sec. 60.332, that approved procedure may continue to be used.

(d) The owner or operator of any new turbine constructed after July 8, 2004, and which uses water or steam injection to control NO_x emissions may elect to use either the requirements in paragraph (a) of this section for continuous water or steam to fuel ratio monitoring or may use a NO_x CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section.

(e) The owner or operator of any new turbine that commences construction after July 8, 2004, and which does not use water or steam injection to control NO_x emissions, may, but is not required to, elect to use a NO_x CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of this section. Other acceptable monitoring approaches include periodic testing approved by EPA or the State or local permitting authority or continuous parameter monitoring as described in paragraph (f) of this section.

(f) The owner or operator of a new turbine that commences construction after July 8, 2004, which does not use water or steam injection to control NO_x emissions may, but is not required to, perform continuous parameter monitoring as follows:

(1) For a diffusion flame turbine without add-on selective catalytic reduction controls (SCR), the owner or operator shall define at least four parameters indicative of the unit's NO_x formation characteristics and shall monitor these parameters continuously.

(2) For any lean premix stationary combustion turbine, the owner or operator shall continuously monitor the appropriate parameters to determine whether the unit is operating in low-NO_x mode.

(3) For any turbine that uses SCR to reduce NO_x emissions, the owner or operator shall continuously monitor appropriate parameters to verify the proper operation of the emission controls.

(4) For affected units that are also regulated under part 75 of this chapter, if the owner or operator elects to monitor NO_x emission rate using the methodology in appendix E to part 75 of this chapter, or the low mass emissions methodology in Sec. 75.19 of this chapter, the requirements of this paragraph (f) may be met by performing the parametric monitoring described in section 2.3 of appendix E or in Sec. 75.19(c)(1)(iv)(H) of this chapter.

(g) The steam or water to fuel ratio or other parameters that are continuously monitored as described in paragraphs (a), (d) or (f) of this section shall be monitored during the performance test required under Sec. 60.8, to establish acceptable values and ranges. The owner or operator may supplement the performance test data with engineering analyses, design specifications, manufacturer's recommendations and other relevant information to define the acceptable parametric ranges more precisely. The owner or operator shall develop and keep on-site a parameter monitoring plan which explains the procedures used to document proper operation of the NO_x emission controls. The plan shall include the parameter(s) monitored and the acceptable range(s) of the parameter(s) as well as the basis for designating the parameter(s) and acceptable range(s). Any supplemental data such as engineering analyses, design specifications, manufacturer's recommendations and other relevant information shall be included in the monitoring plan. For affected units that are also subject to part 75 of this chapter and that use the low mass emissions methodology in Sec. 75.19 of this chapter or the NO_x emission measurement methodology in appendix E to part 75, the owner or operator may meet the requirements of this paragraph by developing and keeping on-site (or at a central location for unmanned facilities) a quality-assurance plan, as described in Sec. 75.19 (e)(5) or in section 2.3 of appendix E and section 1.3.6 of appendix B to part 75 of this chapter.

(h) The owner or operator of any stationary gas turbine subject to the provisions of this subpart:

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(1) Shall monitor the total sulfur content of the fuel being fired in the turbine, except as provided in paragraph (h)(3) of this section. The sulfur content of the fuel must be determined using total sulfur methods described in Sec. 60.335(b)(10). Alternatively, if the total sulfur content of the gaseous fuel during the most recent performance test was less than 0.4 weight percent (4000 ppmw), ASTM D4084-82, 94, D5504-01, D6228-98, or Gas Processors Association Standard 2377-86 (all of which are incorporated by reference-see Sec. 60.17), which measure the major sulfur compounds may be used; and

(2) Shall monitor the nitrogen content of the fuel combusted in the turbine, if the owner or operator claims an allowance for fuel bound nitrogen (i.e., if an F-value greater than zero is being or will be used by the owner or operator to calculate STD in Sec. 60.332). The nitrogen content of the fuel shall be determined using methods described in Sec. 60.335(b)(9) or an approved alternative.

(3) Notwithstanding the provisions of paragraph (h)(1) of this section, the owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in Sec. 60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:

(i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

(ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to part 75 of this chapter is required.

(4) For any turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and for which a custom fuel monitoring schedule has previously been approved, the owner or operator may, without submitting a special petition to the Administrator, continue monitoring on this schedule.

(i) The frequency of determining the sulfur and nitrogen content of the fuel shall be as follows:

(1) Fuel oil. For fuel oil, use one of the total sulfur sampling options and the associated sampling frequency described in sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to part 75 of this chapter (i.e., flow proportional sampling, daily sampling, sampling from the unit's storage tank after each addition of fuel to the tank, or sampling each delivery prior to combining it with fuel oil already in the intended storage tank). If an emission allowance is being claimed for fuel-bound nitrogen, the nitrogen content of the oil shall be determined and recorded once per unit operating day.

(2) Gaseous fuel. Any applicable nitrogen content value of the gaseous fuel shall be determined and recorded once per unit operating day. For owners and operators that elect not to demonstrate sulfur content using options in paragraph (h)(3) of this section, and for which the fuel is supplied without intermediate bulk storage, the sulfur content value of the gaseous fuel shall be determined and recorded once per unit operating day.

(3) Custom schedules. Notwithstanding the requirements of paragraph (i)(2) of this section, operators or fuel vendors may develop custom schedules for determination of the total sulfur content of gaseous fuels, based on the design and operation of the affected facility and the characteristics of the fuel supply. Except as provided in paragraphs (i)(3)(i) and (i)(3)(ii) of this section, custom schedules shall be substantiated with data and shall be approved by the Administrator before they can be used to comply with the standard in Sec. 60.333.

(i) The two custom sulfur monitoring schedules set forth in paragraphs (i)(3)(i)(A) through (D) and in paragraph (i)(3)(ii) of this section are acceptable, without prior Administrative approval:

(A) The owner or operator shall obtain daily total sulfur content measurements for 30 consecutive unit operating days, using the applicable methods specified in this subpart. Based on the results of the 30 daily samples, the required frequency for subsequent monitoring of the fuel's total sulfur content shall be as specified in paragraph (i)(3)(i)(B), (C), or (D) of this section, as applicable.

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(B) If none of the 30 daily measurements of the fuel's total sulfur content exceeds 0.4 weight percent (4000 ppmw), subsequent sulfur content monitoring may be performed at 12 month intervals. If any of the samples taken at 12-month intervals has a total sulfur content between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), follow the procedures in paragraph (i)(3)(i)(C) of this section. If any measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section.

(C) If at least one of the 30 daily measurements of the fuel's total sulfur content is between 0.4 and 0.8 weight percent (4000 and 8000 ppmw), but none exceeds 0.8 weight percent (8000 ppmw), then:

(1) Collect and analyze a sample every 30 days for three months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(2) of this section.

(2) Begin monitoring at 6-month intervals for 12 months. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, follow the procedures in paragraph (i)(3)(i)(C)(3) of this section.

(3) Begin monitoring at 12-month intervals. If any sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), follow the procedures in paragraph (i)(3)(i)(D) of this section. Otherwise, continue to monitor at this frequency.

(D) If a sulfur content measurement exceeds 0.8 weight percent (8000 ppmw), immediately begin daily monitoring according to paragraph (i)(3)(i)(A) of this section. Daily monitoring shall continue until 30 consecutive daily samples, each having a sulfur content no greater than 0.8 weight percent (8000 ppmw), are obtained. At that point, the applicable procedures of paragraph (i)(3)(i)(B) or (C) of this section shall be followed.

(ii) The owner or operator may use the data collected from the 720-hour sulfur sampling demonstration described in section 2.3.6 of appendix D to part 75 of this chapter to determine a custom sulfur sampling schedule, as follows:

(A) If the maximum fuel sulfur content obtained from the 720 hourly samples does not exceed 20 grains/100 scf (i.e., the maximum total sulfur content of natural gas as defined in Sec. 60.331(u)), no additional monitoring of the sulfur content of the gas is required, for the purposes of this subpart.

(B) If the maximum fuel sulfur content obtained from any of the 720 hourly samples exceeds 20 grains/100 scf, but none of the sulfur content values (when converted to weight percent sulfur) exceeds 0.4 weight percent (4000 ppmw), then the minimum required sampling frequency shall be one sample at 12 month intervals.

(C) If any sample result exceeds 0.4 weight percent sulfur (4000 ppmw), but none exceeds 0.8 weight percent sulfur (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(C) of this section.

(D) If the sulfur content of any of the 720 hourly samples exceeds 0.8 weight percent (8000 ppmw), follow the provisions of paragraph (i)(3)(i)(D) of this section.

(j) For each affected unit that elects to continuously monitor parameters or emissions, or to periodically determine the fuel sulfur content or fuel nitrogen content under this subpart, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with Sec. 60.7(c). Excess emissions shall be reported for all periods of unit operation, including startup, shutdown and malfunction. For the purpose of reports required under Sec. 60.7(c), periods of excess emissions and monitor downtime that shall be reported are defined as follows:

(1) Nitrogen oxides.

(i) For turbines using water or steam to fuel ratio monitoring:

(A) An excess emission shall be any unit operating hour for which the average steam or water to fuel ratio, as measured by the continuous monitoring system, falls below the acceptable steam or water to fuel ratio

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needed to demonstrate compliance with Sec. 60.332, as established during the performance test required in Sec. 60.8. Any unit operating hour in which no water or steam is injected into the turbine shall also be considered an excess emission.

(B) A period of monitor downtime shall be any unit operating hour in which water or steam is injected into the turbine, but the essential parametric data needed to determine the steam or water to fuel ratio are unavailable or invalid.

(C) Each report shall include the average steam or water to fuel ratio, average fuel consumption, ambient conditions (temperature, pressure, and humidity), gas turbine load, and (if applicable) the nitrogen content of the fuel during each excess emission. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in Sec. 60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of Sec. 60.335(b)(1).

(ii) If the owner or operator elects to take an emission allowance for fuel bound nitrogen, then excess emissions and periods of monitor downtime are as described in paragraphs (j)(1)(ii)(A) and (B) of this section.

(A) An excess emission shall be the period of time during which the fuel-bound nitrogen (N) is greater than the value measured during the performance test required in Sec. 60.8 and used to determine the allowance. The excess emission begins on the date and hour of the sample which shows that N is greater than the performance test value, and ends with the date and hour of a subsequent sample which shows a fuel nitrogen content less than or equal to the performance test value.

(B) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour that a required sample is taken, if invalid results are obtained. The period of monitor downtime ends on the date and hour of the next valid sample.

(iii) For turbines using NO_x and diluent CEMS:

(A) An hour of excess emissions shall be any unit operating hour in which the 4-hour rolling average NO_x concentration exceeds the applicable emission limit in Sec. 60.332(a)(1) or (2). For the purposes of this subpart, a "4-hour rolling average NO_x concentration" is the arithmetic average of the average NO_x concentration measured by the CEMS for a given hour (corrected to 15 percent O₂ and, if required under Sec. 60.335(b)(1), to ISO standard conditions) and the three unit operating hour average NO_x concentrations immediately preceding that unit operating hour.

(B) A period of monitor downtime shall be any unit operating hour in which sufficient data are not obtained to validate the hour, for either NO_x concentration or diluent (or both).

(C) Each report shall include the ambient conditions (temperature, pressure, and humidity) at the time of the excess emission period and (if the owner or operator has claimed an emission allowance for fuel bound nitrogen) the nitrogen content of the fuel during the period of excess emissions. You do not have to report ambient conditions if you opt to use the worst case ISO correction factor as specified in Sec. 60.334(b)(3)(ii), or if you are not using the ISO correction equation under the provisions of Sec. 60.335(b)(1).

(iv) For owners or operators that elect, under paragraph (f) of this section, to monitor combustion parameters or parameters that document proper operation of the NO_x emission controls:

(A) An excess emission shall be a 4-hour rolling unit operating hour average in which any monitored parameter does not achieve the target value or is outside the acceptable range defined in the parameter monitoring plan for the unit.

(B) A period of monitor downtime shall be a unit operating hour in which any of the required parametric data are either not recorded or are invalid.

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(2) Sulfur dioxide. If the owner or operator is required to monitor the sulfur content of the fuel under paragraph (h) of this section:

(i) For samples of gaseous fuel and for oil samples obtained using daily sampling, flow proportional sampling, or sampling from the unit's storage tank, an excess emission occurs each unit operating hour included in the period beginning on the date and hour of any sample for which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 weight percent and ending on the date and hour that a subsequent sample is taken that demonstrates compliance with the sulfur limit.

(ii) If the option to sample each delivery of fuel oil has been selected, the owner or operator shall immediately switch to one of the other oil sampling options (i.e., daily sampling, flow proportional sampling, or sampling from the unit's storage tank) if the sulfur content of a delivery exceeds 0.8 weight percent. The owner or operator shall continue to use one of the other sampling options until all of the oil from the delivery has been combusted, and shall evaluate excess emissions according to paragraph (j)(2)(i) of this section. When all of the fuel from the delivery has been burned, the owner or operator may resume using the as-delivered sampling option.

(iii) A period of monitor downtime begins when a required sample is not taken by its due date. A period of monitor downtime also begins on the date and hour of a required sample, if invalid results are obtained. The period of monitor downtime shall include only unit operating hours, and ends on the date and hour of the next valid sample.

(3) *Ice fog*. Each period during which an exemption provided in § 60.332(f) is in effect shall be reported in writing to the Administrator quarterly. For each period the ambient conditions existing during the period, the date and time the air pollution control system was deactivated, and the date and time the air pollution control system was reactivated shall be reported. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter.

(4) *Emergency fuel*. Each period during which an exemption provided in § 60.332(k) is in effect shall be included in the report required in § 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

(5) All reports required under Sec. 60.7(c) shall be postmarked by the 30th day following the end of each 6-month period.

Sec. 60.335 Test methods and procedures.

(a) The owner or operator shall conduct the performance tests required in Sec. 60.8, using either

(1) EPA Method 20,

(2) ASTM D6522-00 (incorporated by reference, see Sec. 60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to this part, to determine NO_x and diluent concentration.

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (a)(4) of this section, the owner or operator may test at few points than are specified in Method 1 or Method 20 if the following conditions are met:

(i) You may perform a stratification test for NO_x and diluent pursuant to

(A) [Reserved]

(B) The procedures specified in section 6.5.6.1(a) through (e) appendix A to part 75 of this chapter.

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(ii) Once the stratification sampling is completed, the owner or operator may use the following alternative sample point selection criteria for the performance test:

(A) If each of the individual traverse point NO_x concentrations, normalized to 15 percent O₂, is within 10 percent of the mean normalized concentration for all traverse points, then you may use 3 points (located either 16.7, 50.0, and 83.3 percent of the way across the stack or duct, or, for circular stacks or ducts greater than 2.4 meters (7.8 feet) in diameter, at 0.4, 1.2, and 2.0 meters from the wall). The 3 points shall be located along the measurement line that exhibited the highest average normalized NO_x concentration during the stratification test; or

(B) If each of the individual traverse point NO_x concentrations, normalized to 15 percent O₂, is within 5 percent of the mean normalized concentration for all traverse points, then you may sample at a single point, located at least 1 meter from the stack wall or at the stack centroid.

(6) Other acceptable alternative reference methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in Sec. 60.332 and shall meet the performance test requirements of Sec. 60.8 as follows:

(1) For each run of the performance test, the mean nitrogen oxides emission concentration (NO_{xo}) corrected to 15 percent O₂ shall be corrected to ISO standard conditions using the following equation. Notwithstanding this requirement, use of the ISO correction equation is optional for: Lean premix stationary combustion turbines; units used in association with heat recovery steam generators (HRSG) equipped with duct burners; and units equipped with add-on emission control devices:

$$NO_x = (NO_{x_o})(P_r/P_o)^{0.5} e^{19(H_o - 0.00633)} (288[\text{deg}]\text{K}/T_a)^{1.53}$$

Where:

NO_x = emission concentration of NO_x at 15 percent O₂ and ISO standard ambient conditions, ppm by volume, dry basis,

NO_{xo} = mean observed NO_x concentration, ppm by volume, dry basis, at 15 percent O₂,

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, and

T_a = ambient temperature, [deg]K.

(2) The 3-run performance test required by Sec. 60.8 must be performed within 5 percent at 30, 50, 75, and 90-to-100 percent of peak load or at four evenly-spaced load points in the normal operating range of the gas turbine, including the minimum point in the operating range and 90-to-100 percent of peak load, or at the highest achievable load point if 90-to-100 percent of peak load cannot be physically achieved in practice. If the turbine combusts both oil and gas as primary or backup fuels, separate performance testing is required for each fuel. Notwithstanding these requirements, performance testing is not required for any emergency fuel (as defined in Sec. 60.331).

(3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine NO_x emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable NO_x emission limit in Sec. 60.332 for the combustion turbine must still be met.

(4) If water or steam injection is used to control NO_x with no additional post-combustion NO_x control and the owner or operator chooses to monitor the steam or water to fuel ratio in accordance with Sec. 60.334(a), then that monitoring system must be operated concurrently with each EPA Method 20, ASTM D6522-00 (incorporated by reference, see

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Sec. 60.17), or EPA Method 7E run and shall be used to determine the fuel consumption and the steam or water to fuel ratio necessary to comply with the applicable Sec. 60.332 NO_x emission limit.

(5) If the owner operator elects to claim an emission allowance for fuel bound nitrogen as described in Sec. 60.332, then concurrently with each reference method run, a representative sample of the fuel used shall be collected and analyzed, following the applicable procedures described in Sec. 60.335(b)(9). These data shall be used to determine the maximum fuel nitrogen content for which the established water (or steam) to fuel ratio will be valid.

(6) If the owner or operator elects to install a CEMS, the performance evaluation of the CEMS may either be conducted separately (as described in paragraph (b)(7) of this section) or as part of the initial performance test of the affected unit.

(7) If the owner or operator elects to install and certify a NO_x CEMS under Sec. 60.334(e), then the initial performance test required under Sec. 60.8 may be done in the following alternative manner:

(i) Perform a minimum of 9 reference method runs, with a minimum time per run of 21 minutes, at a single load level, between 90 and 100 percent of peak (or the highest physically achievable) load.

(ii) Use the test data both to demonstrate compliance with the applicable NO_x emission limit under Sec. 60.332 and to provide the required reference method data for the RATA of the CEMS described under Sec. 60.334(b).

(iii) The requirement to test at three additional load levels is waived.

(8) If the owner or operator elects under Sec. 60.334(f) to monitor combustion parameters or parameters indicative of proper operation of NO_x emission controls, the appropriate parameters shall be continuously monitored and recorded during each run of the initial performance test, to establish acceptable operating ranges, for purposes of the parameter monitoring plan for the affected unit, as specified in Sec. 60.334(g).

(9) To determine the fuel bound nitrogen content of fuel being fired (if an emission allowance is claimed for fuel bound nitrogen), the owner or operator may use equipment and procedures meeting the requirements of:

(i) For liquid fuels, ASTM D2597-94 (Reapproved 1999), D6366-99, D4629-02, D5762-02 (all of which are incorporated by reference, see Sec. 60.17); or

(ii) For gaseous fuels, shall use analytical methods and procedures that are accurate to within 5 percent of the instrument range and are approved by the Administrator.

(10) If the owner or operator is required under Sec. 60.334(i)(1) or (3) to periodically determine the sulfur content of the fuel combusted in the turbine, a minimum of three fuel samples shall be collected during the performance test. Analyze the samples for the total sulfur content of the fuel using:

(i) For liquid fuels, ASTM D129-00, D2622-98, D4294-02, D1266-98, D5453-00 or D1552-01 (all of which are incorporated by reference, see Sec. 60.17); or

(ii) For gaseous fuels, ASTM D1072-80, 90 (Reapproved 1994); D3246-81, 92, 96; D4468-85 (Reapproved 2000); or D6667-01 (all of which are incorporated by reference, see Sec. 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 prior approval of the Administrator.

(11) The fuel analyses required under paragraphs (b)(9) and (b)(10) of this section may be performed by the owner or operator, a service contractor retained by the owner or operator, the fuel vendor, or any other qualified agency.

(c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:

(1) Instead of using the equation in paragraph (b)(1) of this section, manufacturers may develop ambient condition correction factors to adjust the nitrogen oxides emission level measured by the performance test as provided in Sec. 60.8 to ISO standard day conditions.

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RR1. Reporting Schedule. This table summarizes information for convenience purposes only. It does not supersede any of the terms or conditions of this permit.

Report	Reporting Deadline(s)	Related Condition(s)
Plant Problems/Permit Deviations	Immediately upon occurrence (See RR2.d.)	RR2., RR3.
Semi-Annual Monitoring Report	Every 6 months	RR4.
Annual Operating Report	April 1	RR5.
Annual Emissions Fee Form and Fee	March 1	RR6.
Annual Statement of Compliance	Within 60 days after the end of each calendar year (or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement); and Within 60 days after submittal of a written agreement for transfer of responsibility, or Within 60 days after permanent shutdown.	RR7.
Notification of Administrative Permit Corrections	As needed	RR8.
Notification of Startup after Shutdown for More than One Year	Minimum of 60 days prior to the intended startup date or, if emergency startup, as soon as possible after the startup date is ascertained	RR9.
Permit Renewal Application	225 days prior to the expiration date of permit	TV17.
Test Reports	Maximum 45 days following compliance tests	TR8.

{Permitting Note: See permit Section III. Emissions Units and Specific Conditions, for any additional Emission Unit-specific reporting requirements.}

RR2. Reports of Problems.

- a. **Plant Operation-Problems.** If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules.
- b. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:
 - (1) A description of and cause of noncompliance; and
 - (2) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- c. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
- d. "Immediately" shall mean the same day, if during a workday (i.e., 8:00 a.m. - 5:00 p.m.), or the first business day after the incident, excluding weekends and holidays; and, for purposes of Rule 62-4.160(15) and 40 CFR 70.6(a)(3)(iii)(B), "promptly" or "prompt" shall have the same meaning as "immediately".

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[Rule 62-4.130, Rule 62-4.160(8), Rule 62-4.160(15), and Rule 62-213.440(1)(b), F.A.C.; 40 CFR 70.6(a)(3)(iii)(B)]

- RR3. Reports of Deviations from Permit Requirements.** The permittee shall report in accordance with the requirements of Rule 62-210.700(6), F.A.C. (below), and Rule 62-4.130, F.A.C. (condition RR2.), deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.
Rule 62-210.700(6): In case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department or the appropriate Local Program in accordance with Rule 62-4.130, F.A.C. (See condition RR2.). A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.
[Rules 62-213.440(1)(b)3.b., and 62-210.700(6), F.A.C.]
- RR4. Semi-Annual Monitoring Reports.** The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports. [Rule 62-213.440(1)(b)3.a., F.A.C.]
- RR5. Annual Operating Report.**
- a. The permittee shall submit to the Compliance Authority, each calendar year, on or before April 1, a completed DEP Form No. 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility", for the preceding calendar year.
 - b. Emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C.
[Rules 62-210.370(2) & (3), and 62-213.440(3)2., F.A.C.]
- RR6. Annual Emissions Fee Form and Fee.** Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.
- a. If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to \$50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C.
 - b. Any documentation of actual hours of operation, actual material or heat input, actual production amount, or actual emissions used to calculate the annual emissions fee shall be retained by the owner for a minimum of five (5) years and shall be made available to the Department upon request.
 - c. A completed DEP Form 62-213.900(1), "Major Air Pollution Source Annual Emissions Fee Form", must be submitted by a responsible official with the annual emissions fee.
[Rules 62-213.205(1), (1)(g), (1)(i) & (1)(j), F.A.C.]
- RR7. Annual Statement of Compliance.**
- a. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., using DEP Form No. 62-213.900(7). Such statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C., for Title V requirements and with Rule 62-214.350, F.A.C.,

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for Acid Rain requirements. Such statements shall be submitted (postmarked) to the Department and EPA:

- (1) Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and
 - (2) Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.
- b. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.
- c. The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.

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

RR8. Notification of Administrative Permit Corrections.

- a. A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:
- (1) Typographical errors noted in the permit;
 - (2) Name, address or phone number change from that in the permit;
 - (3) A change requiring more frequent monitoring or reporting by the permittee;
 - (4) A change in ownership or operational control of a facility, subject to the following provisions:
 - (a) The Department determines that no other change in the permit is necessary;
 - (b) The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
 - (c) The new permittee has notified the Department of the effective date of sale or legal transfer.
 - (5) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
 - (6) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and
 - (7) Any other similar minor administrative change at the source.
- b. Upon receipt of any such notification, the Department shall within 60 days correct the permit and provide a corrected copy to the owner.
- c. After first notifying the owner, the Department shall correct any permit in which it discovers errors of the types listed at Rules 62-210.360(1)(a) and (b), F.A.C., and provide a corrected copy to the owner.
- d. For Title V source permits, other than general permits, a copy of the corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

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

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- RR9. Notification of Startup.** The owners or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date.
- a. The notification shall include information as to the startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.
 - b. If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.
- [Rule 62-210.300(5), F.A.C.]
- RR10. Report Submission.** The permittee shall submit all compliance related notifications and reports required of this permit to the Compliance Authority. {See front of permit for address and phone number.}
- RR11. EPA Report Submission.** Any reports, data, notifications, certifications, and requests required to be sent to the United States Environmental Protection Agency, Region 4, should be sent to: Air, Pesticides & Toxics Management Division, United States Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, GA 30303-8960. Phone: 404/562-9077.
- RR12. Acid Rain Report Submission.** Acid Rain Program Information shall be submitted, as necessary, to: Department of Environmental Protection, 2600 Blair Stone Road, Mail Station #5510, Tallahassee, Florida 32399-2400. Phone: 850/488-6140. Fax: 850/922-6979.
- RR13. Report Certification.** All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C. [Rule 62-213.440(1)(b)3.c, F.A.C.]
- RR14. Certification by Responsible Official (R.O.).** In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information. [Rule 62-213.420(4), F.A.C.]
- RR15. Confidential Information.** Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA. Any permittee may claim confidentiality of any data or other information by complying with this procedure. [Rules 62-213.420(2), and 62-213.440(1)(d)6., F.A.C.]
- RR16. Forms and Instructions.** The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, by contacting the appropriate permitting authority or by accessing the Department's web site at:
<http://www.dep.state.fl.us/Air/forms.htm>.
- a. Major Air Pollution Source Annual Emissions Fee Form (Effective 01/03/2001).
 - b. Statement of Compliance Form (Effective 06/02/2002).
 - c. Responsible Official Notification Form (Effective 06/02/2002).
- [Rule 62-213.900, F.A.C.: Forms (1), (7) and (8)]

APPENDIX TR

FACILITY-WIDE TESTING REQUIREMENTS

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Unless otherwise specified in the permit, the following testing requirements apply to each emissions unit for which testing is required. The terms "stack" and "duct" are used interchangeably in this appendix.

- TR1.** Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]
- TR2.** Operating Rate During Testing. Testing of emissions shall be conducted with the emissions unit operating at permitted capacity. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2), F.A.C.]
- TR3.** Calculation of Emission Rate. For each emissions performance test, the indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]
- TR4.** Applicable Test Procedures.
- a. Required Sampling Time.
- (1) Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes.
 - (2) Opacity Compliance Tests. When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:
 - (a) For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.
 - (b) The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

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- (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 or test method, the minimum sample volume per run shall be 25 dry standard cubic feet.
- c. *Required Flow Rate Range.* For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.
- d. *Calibration of Sampling Equipment.* Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, F.A.C.

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	5° F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5° F
Barometer	Monthly	Hg barometer or NOAA station	+/-1% scale
Pitot Tube	When required or when damaged	By construction or measurements in wind tunnel D greater than 16" and standard pitot tube	See EPA Method 2, Fig. 2-2 & 2-3
Probe Nozzles	Before each test or when nicked, dented, or corroded	Micrometer	+/- 0.001" mean of at least three readings; Max. deviation between readings, 0.004"
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, when 5% change observed, annually	Spirometer or calibrated wet test or dry gas test meter	2%
	2. One Point: Semiannually		
	3. Check after each test series	Comparison check	5%

- e. *Allowed Modification to EPA Method 5.* When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube.

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

TR5. Determination of Process Variables.

- a. *Required Equipment.* The owner or operator of an emissions unit for which compliance tests are required shall install, operate, and maintain equipment or instruments necessary to determine process variables, such as process weight input or heat input, when such data are needed in conjunction with emissions data to determine the compliance of the emissions unit with applicable emission limiting standards.
- b. *Accuracy of Equipment.* Equipment or instruments used to directly or indirectly determine process variables, including devices such as belt scales, weight hoppers, flow meters, and tank scales, shall be calibrated and adjusted to indicate the true value of the parameter being measured with sufficient accuracy to allow the applicable process variable to be determined within 10% of its true value.

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

TR6. Sampling Facilities. Permittees that are required to sample mass emissions from point sources shall install stack sampling ports and provide sampling facilities that meet the requirements of this condition. Sampling facilities include sampling ports, work platforms, access to work platforms, electrical power, and sampling equipment support. All stack sampling facilities must also comply with all applicable Occupational Safety and Health Administration (OSHA) Safety and Health Standards described in 29 CFR Part 1910, Subparts D and E.

- a. *Permanent Test Facilities.* The owner or operator of an emissions unit for which a compliance test, other than a visible emissions test, is required on at least an annual basis, shall install and maintain permanent stack sampling facilities.
- b. *Temporary Test Facilities.* The owner or operator of an emissions unit that is not required to conduct a compliance test on at least an annual basis may use permanent or temporary stack sampling facilities. If the owner chooses to use temporary sampling facilities on an emissions unit, and the Department elects to test the unit, such temporary facilities shall be installed on the emissions unit within 5 days of a request by the Department and remain on the emissions unit until the test is completed.
- c. *Sampling Ports.*
 - (1) All sampling ports shall have a minimum inside diameter of 3 inches.
 - (2) The ports shall be capable of being sealed when not in use.
 - (3) The sampling ports shall be located in the stack at least 2 stack diameters or equivalent diameters downstream and at least 0.5 stack diameter or equivalent diameter upstream from any fan, bend, constriction or other flow disturbance.
 - (4) For emissions units for which a complete application to construct has been filed prior to December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 15 feet or less. For stacks with a larger diameter, four sampling ports, each 90 degrees apart, shall be installed. For emissions units for which a complete application to construct is filed on or after December 1, 1980, at least two sampling ports, 90 degrees apart, shall be installed at each sampling location on all circular stacks that have an outside diameter of 10 feet or less. For stacks with larger diameters, four sampling ports, each 90 degrees apart, shall be installed. On horizontal circular ducts, the ports shall be located so that the probe can enter the stack vertically, horizontally or at a 45 degree angle.
 - (5) On rectangular ducts, the cross sectional area shall be divided into the number of equal areas in accordance with EPA Method 1. Sampling ports shall be provided which allow access to each sampling point. The ports shall be located so that the probe can be inserted perpendicular to the gas flow.
- d. *Work Platforms.*
 - (1) Minimum size of the working platform shall be 24 square feet in area. Platforms shall be at least 3 feet wide.
 - (2) On circular stacks with 2 sampling ports, the platform shall extend at least 110 degrees around the

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- stack.
- (3) On circular stacks with more than two sampling ports, the work platform shall extend 360 degrees around the stack.
 - (4) All platforms shall be equipped with an adequate safety rail (ropes are not acceptable), toe board, and hinged floor-opening cover if ladder access is used to reach the platform. The safety rail directly in line with the sampling ports shall be removable so that no obstruction exists in an area 14 inches below each sample port and 6 inches on either side of the sampling port.
- e. *Access to Work Platform.*
- (1) Ladders to the work platform exceeding 15 feet in length shall have safety cages or fall arresters with a minimum of 3 compatible safety belts available for use by sampling personnel.
 - (2) Walkways over free-fall areas shall be equipped with safety rails and toe boards.
- f. *Electrical Power.*
- (1) A minimum of two 120-volt AC, 20-amp outlets shall be provided at the sampling platform within 20 feet of each sampling port.
 - (2) If extension cords are used to provide the electrical power, they shall be kept on the plant's property and be available immediately upon request by sampling personnel.
- g. *Sampling Equipment Support.*
- (1) A three-quarter inch eyebolt and an angle bracket shall be attached directly above each port on vertical stacks and above each row of sampling ports on the sides of horizontal ducts.
 - (a) The bracket shall be a standard 3 inch × 3 inch × one-quarter inch equal-legs bracket which is 1 and one-half inches wide. A hole that is one-half inch in diameter shall be drilled through the exact center of the horizontal portion of the bracket. The horizontal portion of the bracket shall be located 14 inches above the centerline of the sampling port.
 - (b) A three-eighth inch bolt which protrudes 2 inches from the stack may be substituted for the required bracket. The bolt shall be located 15 and one-half inches above the centerline of the sampling port.
 - (c) The three-quarter inch eyebolt shall be capable of supporting a 500 pound working load. For stacks that are less than 12 feet in diameter, the eyebolt shall be located 48 inches above the horizontal portion of the angle bracket. For stacks that are greater than or equal to 12 feet in diameter, the eyebolt shall be located 60 inches above the horizontal portion of the angle bracket. If the eyebolt is more than 120 inches above the platform, a length of chain shall be attached to it to bring the free end of the chain to within safe reach from the platform.
 - (2) A complete monorail or dual rail arrangement may be substituted for the eyebolt and bracket.
 - (3) When the sample ports are located in the top of a horizontal duct, a frame shall be provided above the port to allow the sample probe to be secured during the test.

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

TR7. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

a. *General Compliance Testing.*

- (1) The owner or operator of a new or modified emissions unit that is subject to an emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining an operation permit for such emissions unit.
- (2) For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.

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- (3) The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to sub-subparagraph 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:
 - (a) Did not operate; or
 - (b) In the case of a fuel burning emissions unit, burned liquid and/or solid fuel for a total of no more than 400 hours.
 - (4) During each federal fiscal year (October 1 – September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:
 - (a) Visible emissions, if there is an applicable standard;
 - (b) Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; 30 tons per year or more of acrylonitrile; or 100 tons per year or more of any other regulated air pollutant; and
 - (c) Each NESHAP pollutant, if there is an applicable emission standard.
 - (5) An annual compliance test for particulate matter emissions shall not be required for any fuel burning emissions unit that, in a federal fiscal year, does not burn liquid and/or solid fuel, other than during startup, for a total of more than 400 hours.
 - (6) For fossil fuel steam generators on a semi-annual particulate matter emission compliance testing schedule, a compliance test shall not be required for any six-month period in which liquid and/or solid fuel is not burned for more than 200 hours other than during startup.
 - (7) For emissions units electing to conduct particulate matter emission compliance testing quarterly pursuant to paragraph 62-296.405(2)(a), F.A.C., a compliance test shall not be required for any quarter in which liquid and/or solid fuel is not burned for more than 100 hours other than during startup.
 - (8) Any combustion turbine that does not operate for more than 400 hours per year shall conduct a visible emissions compliance test once per each five-year period, coinciding with the term of its air operation permit.
 - (9) The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.
 - (10) An annual compliance test conducted for visible emissions shall not be required for units exempted from air permitting pursuant to subsection 62-210.300(3), F.A.C.; units determined to be insignificant pursuant to subparagraph 62-213.300(2)(a)1., A.C., or paragraph 62-213.430(6)(b), F.A.C.; or units permitted under the General Permit provisions in paragraph 62-210.300(4)(a) or Rule 62-213.300, F.A.C., unless the general permit specifically requires such testing.
- b. *Special Compliance Tests.* When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained Department rule or in a permit issued pursuant to those rules is being violated, it shall require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.
 - c. *Waiver of Compliance Test Requirements.* If the owner or operator of an emissions unit that is subject to a compliance test requirement demonstrates to the Department, pursuant to the procedure established in

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Rule 62-297.620, F.A.C., that the compliance the emissions unit with an applicable weight emission limiting standard can be adequately determined by means other than the designated test procedure, such as specifying a surrogate standard of no visible emissions for particulate matter sources equipped with a bag house or specifying a fuel analysis for sulfur dioxide emissions, the Department shall waive the compliance test requirements for such emissions units and order that the alternate means of determining compliance be used, provided, however, the provisions of paragraph 62-297.310(7)(b), F.A.C., shall apply.

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

TR8. Test Reports.

- a. The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.
- b. The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.
- c. The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information.
 - (1) The type, location, and designation of the emissions unit tested.
 - (2) The facility at which the emissions unit is located.
 - (3) The owner or operator of the emissions unit.
 - (4) The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
 - (5) The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
 - (6) The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
 - (7) A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
 - (8) The date, starting time and duration of each sampling run.
 - (9) The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
 - (10) The number of points sampled and configuration and location of the sampling plane.
 - (11) For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
 - (12) The type, manufacturer and configuration of the sampling equipment used.
 - (13) Data related to the required calibration of the test equipment.
 - (14) Data on the identification, processing and weights of all filters used.
 - (15) Data on the types and amounts of any chemical solutions used.
 - (16) Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
 - (17) The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
 - (18) All measured and calculated data required to be determined by each applicable test procedure for each run.
 - (19) The detailed calculations for one run that relate the collected data to the calculated emission rate.
 - (20) The applicable emission standard and the resulting maximum allowable emission rate for the

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emissions unit plus the test result in the same form and unit of measure.

- (21) A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.

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

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[Note: This appendix includes “canned conditions” developed from the “Title V Core List.”]

Operation

- TV1. General Prohibition.** A permitted installation may only be operated, maintained, constructed, expanded or modified in a manner that is consistent with the terms of the permit. [Rule 62-4.030, Florida Administrative Code (F.A.C.)]
- TV2. Validity.** This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department. [Rule 62-4.160(2), F.A.C.]
- TV3. Proper Operation and Maintenance.** The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules. [Rule 62-4.160(6), F.A.C.]
- TV4. Not Federally Enforceable. Health, Safety and Welfare.** To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. [Rule 62-4.050(3), F.A.C.]
- TV5. Continued Operation.** An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, applicable requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. [Rule 62-213.420(1)(b)2., F.A.C.]
- TV6. Changes Without Permit Revision.** Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:
- a. Permitted sources may change among those alternative methods of operation;
 - b. A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
 - (1) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
 - (2) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
 - c. Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.
- [Rule 62-213.410, F.A.C.]
- TV7. Circumvention.** No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

Compliance

- TV8. Compliance with Chapter 403, F.S., and Department Rules:** Except as provided at Rule 62-213.460, Permit Shield, F.A.C., the issuance of a permit does not relieve any person from complying with the

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requirements of Chapter 403, F.S., or Department rules. [Rule 62-4.070(7), F.A.C.]

- TV9. Compliance with Federal, State and Local Rules.** Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of a facility or an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. [Rule 62-210.300, F.A.C.]
- TV10. Binding and enforceable.** The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions. [Rule 62-4.160(1), F.A.C.]
- TV11. Timely information.** When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly. [Rule 62-4.160(15), F.A.C.]
- TV12. Halting or reduction of source activity.** It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity. [Rule 62-213.440(1)(d)3., F.A.C.]
- TV13. Final permit action.** Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C. [Rule 62-213.440(1)(d)4., F.A.C.]
- TV14. Sudden and unforeseeable events beyond the control of the source.** A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference. [Rule 62-213.440(1)(d)5., F.A.C.]
- TV15. Permit Shield.** Except as provided in Chapter 62-213, F.A.C., compliance with the terms and conditions of a permit issued pursuant to Chapter 62-213, F.A.C., shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this condition or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program, the CAIR Program. [Rule 62-213.460, F.A.C.]

Permit Procedures

- TV16. Permit Revision Procedures.** The permittee shall revise its permit as required by Rules 62-213.400, 62-213.412, 62-213.420, 62-213.430 & 62-4.080, F.A.C.; and, in addition, the Department shall revise permits as provided in Rule 62-4.080, F.A.C. & 40 CFR 70.7(f).
- TV17. Permit Renewal.** The permittee shall renew its permit as required by Rules 62-4.090, 62.213.420(1) and 62-213.430(3), F.A.C. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) [Application for Air Permit - Long Form], 62-213.420(3) [Required Information], 62-213.420(6) [CAIR Part Form], F.A.C. Unless a Title V source submits a timely and complete application for permit renewal in accordance with the requirements this rule, the existing permit shall expire and the source's right to operate shall terminate. For purposes of a permit renewal, a timely application is one that is submitted 225 days before the expiration of a permit that expires on or after June 1,

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2009. No Title V permit will be issued for a new term except through the renewal process. [Rules 62-213.420 & 62-213.430, F.A.C.]

TV18. Insignificant Emissions Units or Pollutant-Emitting Activities. The permittee shall identify and evaluate insignificant emissions units and activities as set forth in Rule 62-213.430(6), F.A.C.

TV19. Savings Clause. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect. [Rule 62-213.440(1)(d)1., F.A.C.]

TV20. Suspension and Revocation.

- a. Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.
- b. Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.
- c. A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:
 - (1) Submitted false or inaccurate information in his application or operational reports.
 - (2) Has violated law, Department orders, rules or permit conditions.
 - (3) Has failed to submit operational reports or other information required by Department rules.
 - (4) Has refused lawful inspection under Section 403.091, F.S.
- d. No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

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

TV21. 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.]

TV22. 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.]

TV23. Transfer of Permits. Per Rule 62-4.160(11), F.A.C., this permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility. The permittee shall also comply with the requirements of Rule 62-210.300(7), F.A.C., and use DEP Form No. 62-210.900(7). [Rules 62-4.160(11), 62-4.120, and 62-210.300(7), F.A.C.]

Rights, Title, Liability, and Agreements

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- TV24. Rights.** As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. [Rule 62-4.160(3), F.A.C.]
- TV25. Title.** This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [Rule 62-4.160(4), (F.A.C.)]
- TV26. Liability.** This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department. [Rule 62-4.160(5), F.A.C.]
- TV27. Agreements.**
- a. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (1) Have access to and copy any records that must be kept under conditions of the permit;
 - (2) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
 - (3) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
 - b. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
 - c. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- [Rules 62-4.160(7), (9), and (10), F.A.C.]

Recordkeeping and Emissions Computation

- TV28. Permit.** The permittee shall keep this permit or a copy thereof at the work site of the permitted activity. [Rule 62-4.160(12), F.A.C.]
- TV29. Recordkeeping.**
- a. Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - b. The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - c. Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements, and the operating conditions at the time of sampling or measurement;
 - (2) The person responsible for performing the sampling or measurements;

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- (3) The dates analyses were performed;
- (4) The person and company that performed the analyses;
- (5) The analytical techniques or methods used;
- (6) The results of such analyses.

[Rules 62-4.160(14) and 62-213.440(1)(b)2., F.A.C.]

TV30. Emissions Computation. The owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

- a. **Basic Approach.** The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.
 - (1) If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.
 - (2) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
 - (3) If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.
- b. **Continuous Emissions Monitoring System (CEMS).**
 - (1) An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:
 - (a) The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or,
 - (b) The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
 - (2) Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
 - (a) A calibrated flowmeter that records data on a continuous basis, if available; or
 - (b) The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
 - (3) The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.
- c. **Mass Balance Calculations.**
 - (1) An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
 - (a) Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and,

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- (b) Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.
- (2) Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
- (3) In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.
- d. Emission Factors.
 - (1) An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
 - (a) If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
 - (b) Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
 - (c) The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
 - (2) If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
- e. Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.
- f. Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
- g. Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.
- h. Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.

[Rule 62-210.370(1) & (2), F.A.C.]

APPENDIX TV

TITLE V GENERAL CONDITIONS

(version dated 9/12/2008)

Responsible Official

TV31. Designation and Update. The permittee shall designate and update a responsible official as required by Rule 62-213.202, F.A.C.

Prohibitions and Restrictions

TV32. Asbestos. This permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. This permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source. [40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

TV33. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Chapter 62-281, F.A.C.

TV34. Open Burning Prohibited. Unless otherwise authorized by Rule 62-296.320(3) or Chapter 62-256, F.A.C., open burning is prohibited.

APPENDIX U

LIST OF UNREGULATED EMISSIONS UNITS AND/OR ACTIVITIES

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

For those unregulated emissions units subject to the *General Visible Emissions Standard* at Rule 62-296.320(4)(b), F.A.C., then the provisions of Rule 62-210.700, F.A.C., *Excess Emissions*, are available for purposes of compliance.

The below listed emissions units and/or activities are neither ‘regulated emissions units’ nor ‘insignificant emissions units’.

E.I.

ID No.

Brief Description of Emissions Units and/or Activity

-009

Simple-Cycle Combustion Turbine (CT) Unit Nos. 1, 2 and 3, using natural gas or new distillate fuel oils (Nos. 1 or 2). 16.3 MW per CT.

REFERENCED ATTACHMENTS.

The Following Attachments Are Included for Applicant Convenience:

Table 1, Summary of Air Pollutant Standards and Terms.

Table 2, Compliance Requirements.

Table H, Permit History.

Table 1, Summary of Air Pollutant Standards and Terms

City of Gainesville, GRU
J.R. Kelly Generating Station

Draft Permit No. 0010005-008-AV
Facility ID No. 0010005

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

E.U. ID No. **Brief Description**
-007 Fossil Fuel Fired Steam Generator Unit No. 7

Pollutant Name	Fuels	Hours/Year	Allowable Emissions		Equivalent Emissions*		Regulatory Citations	See permit conditions	
			Standards	lbs./hour	TPY	lbs./hour			TPY
VE	Nat. Gas or Nos. 4, 5, 6 F.O.	8760	20% opacity ***				62-296.405(1)(a), F.A.C.	A.5.	
VE(SB)**		1095	60% opacity				62-210.700(3), F.A.C.	A.6.	
PM	Nos. 4, 5, 6 F.O.	8760	0.1 lb/MMBtu			24.9	109.1	62-296.405(1)(b), F.A.C.	A.7.
PM(SB)**	Nos. 4, 5, 6 F.O.	1095	0.3 lb/MMBtu			74.7	40.89	62-210.700(3), F.A.C.	A.8.
SO2	Nos. 4, 5, 6 F.O.	8760	2.75 lb/MMBtu			684.75	2,999.20	62-296.405(1)(c)1.j., F.A.C.	A.9.
SO2	Nos. 4, 5, 6 F.O.	8760	2.50% sulfur content by weight on liquid fuels					62-296.405(1)(e)3., F.A.C.	A.10.

Notes:

* The "Equivalent Emissions" listed are for informational purposes only.

** SB refers to "soot blowing" and "load change".

*** Except for one two-minute period per hour up to 40%

Table 1, Summary of Air Pollutant Standards and Terms (Continued)

City of Gainesville, GRU J.R. Kelly Generating Station			Draft Permit No. 0010005-008-AV Facility ID No.: 0010005						
This table summarizes information for convenience purposes only, and does not supersede any of the terms or conditions of this permit.									
E.U. ID No.	Brief Description								
-010	Combined-Cycle Unit No. 1								
			Allowable Emissions			Equivalent Emissions*			
Pollutant Name	Fuels	Hours/Year	Standards	lbs./hour	TPY	lbs./hour	TPY	Regulatory Citations	See Permit Conditions
VE	Natural Gas Oil	8760 1000	< or = 10% opacity					0010005-002-AC	B.17.
PM/PM10	Natural Gas Oil	8760 1000		5 10		5 10	21.9 5	0010005-002-AC	B.16.
SO2	Natural Gas Oil	8760 1000	20 grains/ 100 scf .05% sulfur by weight					0010005-002-AC	B.15.
NOx	Natural Gas Oil Both fuels	8760 1000	9 ppmvd** 42 ppmvd**	32 166				0010005-002-AC	B.12.
					133				
VOC	Natural Gas Oil	8760 1000	1.4 ppmvw 3.5 ppmvw	1.8 4.5				0010005-002-AC	B.14.
CO	Natural Gas Oil	8760 1000	20 ppmvd 20 ppmvd	43 43				0010005-002-AC	B.13.
Notes:									
* The "Equivalent Emissions" listed are for informational purposes only.									
**at 15% oxygen based on a 720-operating hour block average.									

Table 2, Summary of Compliance Requirements

City of Gainesville, GRU
J.R. Kelly Generating Station

Draft Permit No. 0010005-008-AV
Facility ID No. 0010005

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

E.U. ID No. **Brief Description**
-007 Fossil Fuel Fired Steam Generator Unit No. 7

Pollutant Name or Parameter	Fuels***	Compliance Method	Testing Time Frequency	Frequency Base Date *	Min. Compliance Test Duration	See permit conditions	
						CMS**	
VE	Nos. 4, 5, 6 F.O. or nat. gas	DEP Method 9	annually		1 hour	no	A.11., A.16.
PM	Nos. 4, 5, 6 F.O.	EPA Methods 17, 5, 5B or 5F	annually		1 hour	no	A.12., A.17.
SO2	Nos. 4, 5, 6 F.O.	EPA Methods 6, 6A, 6B, or 6C or	annually		1 hour	no	A.13.
		ASTM D 2622-92 D4294-90, D1552-90, D2622-98, D4294-98, and D129-91	each fuel delivery		N/A		A.15.

Notes:
*The frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C.
**CMS [=] continuous monitoring system.
***May include on-specification used oil.

Table 2, Summary of Compliance Requirements (Continued)

City of Gainesville, GRU
J.R. Kelly Generating Station

Draft Permit No. 0010005-008-AV
Facility ID No. 0010005

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

E.U. ID No.		Brief Description					
-010		Combined-Cycle Unit No. 1					
Pollutant Name or Parameter	Fuels	Compliance Method	Testing Time	Frequency Base Date *	Min. Compliance Test Duration	CMS**	See permit conditions
			Frequency				
VE	Natural Gas Oil	EPA Method 9	N/A Annually***		30 minutes		B.21., C.6.
PM/PM10	Natural Gas Oil	See SO2 methods below	each fuel delivery.				B.24., B.36., B.37.
SO2	Natural Gas Oil	ASTM D4084-82 or D3246-81	each fuel delivery.				B.24., B.36., B.37.
NOx	Natural Gas Oil	CEMS CEMS	Initial****			Yes Yes	B.22. B.22.
VOC	Natural Gas Oil	PA Method 18, 25, or 25	O and VE limits serve as surrogates, except for Initial****.				B.21., B.26.
CO	Natural Gas Oil	EPA Method 10	Annually & Initial. N/A				B.21., B.25.

Notes:

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

**CMS [=] continuous monitoring system.

***Test required only if fuel oil is used for more than 400 hours during the preceding 12-month period.

****Required after substantial modifications of air pollution control equipment (e.g., change of combustors).

TABLE H
PERMIT HISTORY/ID NUMBER CHANGES

Relevant Permits & Projects:

E.U. ID No	Description	Permit No.	Effective Date	Expiration Date	Extended Date	Revised Date(s)	Project Type¹
-001	#1 Combustion Turbine	AO01-241346	12/14/93	03/01/99		12/29/93	
-002	#2 Combustion Turbine	AO01-241346	12/14/93	03/01/99		12/29/93	
-003	#3 Combustion Turbine	AO01-241346	12/14/93	03/01/99		12/29/93	
-006	#6 Fossil Fuel Fired Steam Generator (inactive)	AO01-195854	07/19/91	07/18/96	12/31/98		
-007	#7 Fossil Fuel Fired Steam Generator	AO01-224217	04/30/93	04/01/98	12/31/98	10/06/93 12/14/93 12/29/93	
-008	#8 Fossil Fuel Fired Steam Generator (JRK8) (retired unit)	AO01-224218	04/30/93	06/01/98	12/31/98	12/14/93 12/29/93	
-009	All of the above. Combustion Turbines 1, 2, and 3 (unregulated units)	0010005-001-AV (Initial Title V Permit)	1/01/99	12/31/03			
-010	Combined-Cycle Unit (CC1)	0010005-002-AC/(PSD-276) 0010005-004-AC/(PSD-276A)	02/24/00 06/13/01				
-006 -007 -009 -010	As described above.	0010005-003-AV	12/05/00	12/31/03			Revision
-010	Combined-Cycle Unit (CC1)	0010005-004-AC	06/14/2001	NA			Construction (mod.)
All	Facility	001005-005-AV ²	01/01/2004	12/31/2008			Renewal
		001005-006-AV	pending	pending			Revision (CAIR)
		-007	NA	NA			
All	Facility	001005-008-AV	01/01/2009, pending	12/31/2013, pending			Renewal, pending

¹ Project Type (select one): Title V: Initial, Revision, Renewal, or Admin. Correction; Construction (new or mod.); or, Extension (AC only).

² The most recently posted Title V permit on the web site.

"NA" represents not applicable.

Friday, Barbara

To: stantonjw@gru.com
Cc: swansongp@gru.com; embryrg@gru.com; Tom Davis; Kirts, Christopher; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Attachments: 0010005-008-AVCoverLetter&IntentToIssue.pdf

Click on the link to the documents displayed below and send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0010005.008.AV.D_pdf.zip

This is the official notification of the Draft Permit Renewal and its associated documents for the following project:

Attention: Scott Sheplak

Owner/Company Name: GAINESVILLE REGIONAL UTILITIES
Facility Name: JOHN R KELLY POWER PLANT
Project Number: 0010005-008-AV
Permit Status: DRAFT
Permit Activity: PERMIT RENEWAL
Facility County: ALACHUA

The Bureau of Air Regulation is issuing electronic documents for permits, notices and other correspondence in lieu of hard copies through the United States Postal System, to provide greater service to the applicant and the engineering community. Access these documents by clicking on the link provided above, or search for other project documents using the "Air Permit Documents Search" website at <<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>> .

Permit project documents addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

10/3/2008

Friday, Barbara

From: Stanton, John W [StantonJW@gru.com]
Sent: Wednesday, October 22, 2008 9:56 AM
To: Friday, Barbara
Cc: Swanson, Gary P; Embry, Regina G; Tom Davis; Kirts, Christopher; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Sheplak, Scott
Subject: RE: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Ms. Friday,

As directed below, I have gone to link provided and can confirm that I am able to view the documents.

John Stanton

Assistant General Manager; Energy Supply

Gainesville Regional Utilities

P.O. Box 147117, Station A137

301 S.E. 4th Avenue

Gainesville, Florida 32614-7117

Bus. 352/393-1789

Cell 954/646-1639

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Friday, October 03, 2008 9:13 AM
To: Stanton, John W
Cc: Swanson, Gary P; Embry, Regina G; Tom Davis; Kirts, Christopher; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Click on the link to the documents displayed below and send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

Click on the following link to access the permit project documents:

http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0010005.008.AV.D_pdf.zip

This is the official notification of the Draft Permit Renewal and its associated documents for the following project:

Attention: Scott Sheplak

Owner/Company Name: GAINESVILLE REGIONAL UTILITIES Facility Name: JOHN R KELLY POWER PLANT
Project Number: 0010005-008-AV Permit Status: DRAFT Permit Activity: PERMIT RENEWAL
Facility County: ALACHUA

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<<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>
<<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>> > .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Division of Air Resource Management (DARM)

(850)921-9524

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey <<http://survey.dep.state.fl.us/?refemail=Barbara.Friday@dep.state.fl.us>> . Thank you in advance for completing the survey.

Friday, Barbara

From: Stanton, John W [StantonJW@gru.com]
To: Friday, Barbara
Sent: Friday, October 03, 2008 12:43 PM
Subject: Read: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: StantonJW@gru.com
Subject:

was read on 10/3/2008 12:43 PM.

Friday, Barbara

From: Stanton, John W [StantonJW@gru.com]
Sent: Monday, October 06, 2008 7:32 AM
To: Friday, Barbara
Cc: Swanson, Gary P; Embry, Regina G; Klemans, Robert W; Shaw, Joe W
Subject: RE: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Ms. Friday,

As per your request (below) I am acknowledging receipt of the documents related to the John R. Kelly Power Plant Title V Permit Renewal on this date, Monday, October 06, 2008.

John Stanton

Assistant General Manager; Energy Supply

Gainesville Regional Utilities

P.O. Box 147117, Station A137

301 S.E. 4th Avenue

Gainesville, Florida 32614-7117

Bus. 352/393-1789

Cell 954/646-1639

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Friday, October 03, 2008 9:13 AM
To: Stanton, John W
Cc: Swanson, Gary P; Embry, Regina G; Tom Davis; Kirts, Christopher; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Click on the link to the documents displayed below and send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

Click on the following link to access the permit project documents:
http://ARM-PERMIT2K.dep.state.fl.us/adh/prod/pdf_permit_zip_files/0010005.008.AV.D_pdf.zip

This is the official notification of the Draft Permit Renewal and its associated documents for the following project:

Attention: Scott Sheplak

Owner/Company Name: GAINESVILLE REGIONAL UTILITIES Facility Name: JOHN R KELLY POWER PLANT
Project Number: 0010005-008-AV Permit Status: DRAFT Permit Activity: PERMIT RENEWAL
Facility County: ALACHUA

Friday, Barbara

From: Swanson, Gary P [SWANSONGP@gru.com]
Sent: Friday, October 03, 2008 9:13 AM
To: Friday, Barbara
Subject: Out of Office AutoReply: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

I am on annual vacation. I will return on 20OCT08. Mr. Joe Shaw will be standing in for me.

Joe - 1703

Angie - 1708

Control Room - 1705

-O<

Friday, Barbara

From: Embry, Regina G [EMBRYRG@gru.com]
To: Friday, Barbara
Sent: Tuesday, October 07, 2008 1:31 PM
Subject: Read: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: EMBRYRG@gru.com
Subject:

was read on 10/7/2008 1:31 PM.

Friday, Barbara

From: Sheplak, Scott
To: Friday, Barbara
Sent: Friday, October 03, 2008 9:13 AM
Subject: Read: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: 'stantonjw@gru.com'
Cc: 'swansongp@gru.com'; 'embryrg@gru.com'; 'Tom Davis'; Kirts, Christopher; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Sent: 10/3/2008 9:13 AM

was read on 10/3/2008 9:13 AM.

Friday, Barbara

From: Embry, Regina G [EMBRYRG@gru.com]
Sent: Friday, October 03, 2008 9:13 AM
To: Friday, Barbara
Subject: Out of Office AutoReply: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

I will be away from the office until 7-October.

Regina Embry
Electric Utility Engineer
Gainesville Regional Utilities
Voice - (352) 393-1299
Cell - (352) 538-7143
Fax - (352) 334-3151
embryrg@gru.com

Friday, Barbara

From: Exchange Administrator
Sent: Friday, October 03, 2008 9:13 AM
To: Friday, Barbara
Subject: Delivery Status Notification (Relay)

Attachments: ATT866456.txt; GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV



ATT866456.txt
(283 B)



GAINESVILLE
REGIONAL UTILITIES

This is an automatically generated Delivery Status Notification.

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

tdavis@ectinc.com

Friday, Barbara

From: Tom Davis [tdavis@ectinc.com]
Sent: Friday, October 03, 2008 10:02 AM
To: Friday, Barbara
Subject: RE: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Barbara,

I have received and can view the documents provided.

Thanks.

From: Friday, Barbara [mailto:Barbara.Friday@dep.state.fl.us]
Sent: Friday, October 03, 2008 9:13 AM
To: stantonjw@gru.com
Cc: swansongp@gru.com; embryrg@gru.com; Tom Davis; Kirts, Christopher; Forney.Kathleen@epamail.epa.gov; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV

Click on the link to the documents displayed below and send a "reply" message verifying receipt of the document(s) provided in this email; this may be done by selecting "Reply" on the menu bar of your e-mail software, noting that you can view the documents, and then selecting "Send". We must receive verification that you are able to access the documents. Your reply will preclude subsequent e-mail transmissions to verify receipt of the document(s).

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This is the official notification of the Draft Permit Renewal and its associated documents for the following project:

Attention: Scott Sheplak

Owner/Company Name: GAINESVILLE REGIONAL UTILITIES
Facility Name: JOHN R KELLY POWER PLANT
Project Number: 0010005-008-AV
Permit Status: DRAFT
Permit Activity: PERMIT RENEWAL
Facility County: ALACHUA

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<<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>
<<http://www.dep.state.fl.us/air/eproducts/apds/default.asp>> > .

Permit project documents are addressed in this email may require immediate action within a specified time frame. Please open and review the document(s) as soon as possible, and verify that they are accessible. Please advise this office of any changes to your e-mail address or that of the Engineer-of-Record. If you have any problems opening the documents or would like further information, please contact the Florida Department of Environmental Protection, Bureau of Air Regulation at (850)488-0114.

Barbara Friday

Bureau of Air Regulation

Friday, Barbara

From: System Administrator
To: Gibson, Victoria; Kirts, Christopher
Sent: Friday, October 03, 2008 9:13 AM
Subject: Delivered:GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: 'stantonjw@gru.com'
Cc: 'swansongp@gru.com'; 'embryrg@gru.com'; 'Tom Davis'; Kirts, Christopher; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Sent: 10/3/2008 9:13 AM

was delivered to the following recipient(s):

Gibson, Victoria on 10/3/2008 9:13 AM
Kirts, Christopher on 10/3/2008 9:13 AM

Friday, Barbara

From: Kirts, Christopher
To: Friday, Barbara
Sent: Friday, October 03, 2008 12:37 PM
Subject: Read: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: 'stantonjw@gru.com'
Cc: 'swansonp@gru.com'; 'embryrg@gru.com'; 'Tom Davis'; Kirts, Christopher; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Sent: 10/3/2008 9:13 AM

was read on 10/3/2008 12:37 PM.

Friday, Barbara

From: Gibson, Victoria
To: Friday, Barbara
Sent: Friday, October 03, 2008 9:20 AM
Subject: Read: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: 'stantonjw@gru.com'
Cc: 'swansonp@gru.com'; 'embryrg@gru.com'; 'Tom Davis'; Kirts, Christopher; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria; Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Sent: 10/3/2008 9:13 AM

was read on 10/3/2008 9:20 AM.

Friday, Barbara

From: Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]
Sent: Friday, October 03, 2008 9:13 AM
To: Friday, Barbara
Subject: Successful Mail Delivery Report

Attachments: Delivery report; Message Headers



Delivery report.txt
(499 B)



Message
Headers.txt (2 KB)

This is the mail system at host mseive01.rtp.epa.gov.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<Forney.Kathleen@epamail.epa.gov>: delivery via 127.0.0.1[127.0.0.1]:10025: 250
OK, sent 48E61A58_20987_5399_5 5527D44496

Friday, Barbara

From: System Administrator
To: Sheplak, Scott
Sent: Friday, October 03, 2008 9:13 AM
Subject: Delivered: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT;
0010005-008-AV

Your message

To: 'stantonjw@gru.com'
Cc: 'swansonp@gru.com'; 'embryrg@gru.com'; 'Tom Davis'; Kirts, Christopher; 'Forney.Kathleen@epamail.epa.gov'; Gibson, Victoria;
Sheplak, Scott
Subject: GAINESVILLE REGIONAL UTILITIES - JOHN R KELLY POWER PLANT; 0010005-008-AV
Sent: 10/3/2008 9:13 AM

was delivered to the following recipient(s):

Sheplak, Scott on 10/3/2008 9:13 AM