

Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

## NOTICE OF FINAL PERMIT

In the Matter of an  
Application for Permit by:

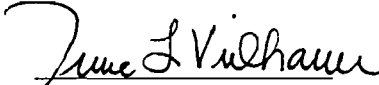
Mr. Donald L. Lockhart  
Executive Director and Responsible Official  
Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, FL 33412

FINAL Permit Revision No. **0990234-004-AV**  
**North County Regional Resource Recovery**  
**Facility**

Enclosed is FINAL Title V Permit Revision Number 0990234-004-AV for the operation of the North County Regional Resource Recovery Facility, located at 6501 North Jog Road, West Palm Beach, Palm Beach County, issued pursuant to Chapter 403, Florida Statutes (F.S.).

Any party to this order (permit) has the right to seek judicial review of the permit 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 Legal Office; 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 (thirty) days from the date this Notice is filed with the Clerk of the permitting authority.

Executed in Tallahassee, Florida.

  
Trina Vielhauer, Chief  
Bureau of Air Regulation

"More Protection, Less Process"

Printed on recycled paper.

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF FINAL PERMIT (including the FINAL permit) was sent by certified mail (\*) and copies were mailed by U.S. Mail before the close of business on 12/12/02 to the person(s) listed or as otherwise noted:

Donald L. Lockhart\*  
U.S. EPA, Region 4 (INTERNET E-mail Memorandum)  
Mary Beth Mihalik, Solid Waste Authority of Palm Beach County  
Thomas Tittle, Southeast District Office

12/12/02 cc: Tom Cascio  
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.

Paula J. Friday 12/12/02  
(Clerk) (Date)

**FINAL PERMIT DETERMINATION**

**I. Comment(s).**

*No comments* were received from U.S. EPA, Region 4, concerning the PROPOSED Title V Permit Revision that was posted on the Department's web site on September 9, 2002.

**II. Conclusion.**

The permitting authority hereby issues the FINAL Permit Revision No. 0990234-004-AV. The only change made was to the language of a permitting note for Statewide consistency, as noted below:

*From:*

{Permitting note: The averaging time for this condition is based on the run time of the specified test method.}

*To:*

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:  
 Mr. Donald L. Lockhart  
 Executive Director and  
 Responsible Official  
 Solid Waste Authority of  
 Palm Beach County  
 7501 North Jog Road  
 West Palm Beach, Florida 33412

2. Article Number  
 (Transfer from service label) 7001 1140 0002 1577 5207

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) *Marlene Ortiz*  
 C. Date of Delivery *12/16/00*  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 4. Restricted Delivery? (Extra Fee)  Yes

7001 1140 0002 1577 5207

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT  
 (Domestic Mail Only; No Insurance Coverage Provided)**

**OFFICIAL USE**  
 Mr. Donald L. Lockhart

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
Here

**Sent To**  
 Mr. Donald L. Lockhart  
 Street, Apt. No.,  
 or Box No. North Jog Road  
 City, State, ZIP+4  
 West Palm Beach, Florida 33412  
 PS Form 3800, January 2001 See Reverse for Instructions

## STATEMENT OF BASIS

### Solid Waste Authority of Palm Beach North County Regional Resource Recovery Facility

#### Title V Air Operation Permit Revision FINAL Permit Revision No. 0990234-004-AV

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

This facility consists of a *very large MWC plant* designed to process 2000 TPD of municipal solid waste (MSW). The facility burns processed MSW which is called "refuse derived fuel" (RDF). The RDF plant is equipped with three MSW processing lines, any two of which can handle the 2000 TPD of incoming MSW. The boiler plant includes two B&W boilers, each designed to operate up to a maximum heat input of 412.5 MMBtu/hr with a steam flow rating of 324,000 lbs/hr. At a reference heating value of 5500 Btu/lb, this is equivalent to 900 TPD of RDF per boiler. Emissions from each boiler are controlled by a B&W spray dryer followed by a B&W/BSH Krefield 4-field ESP. Each precipitator has a gas flow rating of 198,000 ACFM and is designed to operate with three of the four fields in service. The turbine-generator rating of 62 MW matches the full output of the boilers.

These emission units are solid waste combustors and are designated as Boiler Nos. 1 and 2. They are B&W Sterling Boilers and each designed to operate up to a maximum heat input of 412.5 MMBtu/hr with a steam flow rating of 324,000 lbs/hr. At a reference heating value of 5500 Btu/lb, this is equivalent to 75,000 pounds per hour (900 TPD of RDF or 816 megagrams per day) of RDF from mixed solid waste per boiler. Emissions from the boilers are controlled by spray dryers and electrostatic precipitators. The boilers have individual flues contained in a single stack casing. The facility began commercial operation in 1989. These emissions units are in substantial compliance with the new NSPS - 40 CFR 60, Subpart Cb standards.

These emissions units are regulated under NSPS - 40 CFR 60, Subpart Cb, Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994, adopted and incorporated by reference, subject to provisions, in Rule 62-204.800(8)(b), F.A.C.; Rule 62-212.400(5), F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-212.400(6), F.A.C., Best Available Control Technology (BACT). Also, please note that conditions in 40 CFR 60, Subpart Cb, are contained in 40 CFR 60, Subpart Eb.

The heat input limitations have been placed in the permit to identify the capacity of each emissions unit for purposes of confirming that emissions testing is conducted within 90-100 percent of the emissions unit's rated 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.

Two landfills are on this property: a Class I Landfill and a Class III Landfill, each with its own gas collection system. Emissions from each landfill are controlled by flares. Additional facilities include: storage and handling facilities for RDF (waste) as well as storage and handling facilities for ash and ash treatment. Also, included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the revised Title V permit application submitted September 30, 1999, this facility is a major source of hazardous air pollutants (HAPs).

**STATEMENT OF BASIS**

Solid Waste Authority of Palm Beach  
**North County Regional Resource Recovery Facility**

*This Title V permit revision reduces the frequency of surface monitoring of methane gas emissions from the Class III Landfill from quarterly to annually, under certain detection threshold conditions.*

Solid Waste Authority of Palm Beach County  
**North County Regional Resource Recovery Facility**  
Facility ID No. **0990234**  
Palm Beach County  
Title V Air Operation Permit  
FINAL Permit Revision No. **0990234-004-AV**

Permitting Authority:

State of Florida  
Department of Environmental Protection  
Division of Air Resource Management  
Bureau of Air Regulation  
Title V Section  
Mail Station #5505  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400  
Telephone: 850/488-0114  
Fax: 850/922-6979

Compliance Authority:

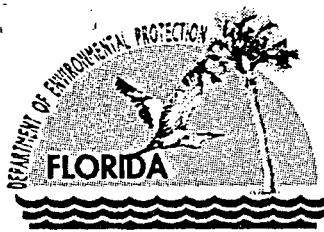
Southeast District Office  
400 North Congress Avenue  
West Palm Beach, FL 33401  
Telephone: 561/681-6600  
Fax: 561/681-6755

Title V Air Operation Permit Revision  
FINAL Permit Revision No. 0990234-004-AV

**TABLE OF CONTENTS**

<u>Section Number</u>	<u>Page</u>
Placard Page .....	1
I. Facility Information.....	2
A. Facility Description.	
B. Summary of Emissions Unit ID No(s). and Brief Description(s).	
C. Relevant Documents.	
II. Facility-wide Conditions.....	4
III. Emissions Unit(s) and Conditions	
A. Emission Unit 001, Municipal Solid Waste Boiler No. 1 .....	6
Emission Unit 002, Municipal Solid Waste Boiler No. 2	
B. Emission Unit 003, Class I Landfill .....	44
Emission Unit 004, Class III Landfill	





Jeb Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

**Permittee:** Solid Waste Authority of Palm Beach County  
**North County Resource Recovery Facility**  
West Palm Beach, Florida 33412

**FINAL Permit Revision No. 0990234-004-AV**  
**Facility ID No. 0990234**  
**SIC Nos.: 49; 4953**  
**Project: Title V Air Operation Permit Revision**

This permit revision is for the operation of the Solid Waste Authority of Palm Beach County, North County Regional Resource Recovery Facility. This facility is located at 6501 North Jog Road, West Palm Beach, Palm Beach County; UTM Coordinates: Zone 17, 585.82 km East and 2960.474 km North; Latitude: 26° 45' 53" North and Longitude: 80° 08' 12" West.

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

**Referenced Attachments made a part of this permit revision:**

Appendix U-1, List of Unregulated Emissions Units and/or Activities  
Appendix I-1, List of Insignificant Emissions Units and/or Activities  
Appendix WWW, Definitions for Subpart WWW - MSW Landfills  
Appendix 40 CFR 60 Subpart A-General Provisions (version dated 7/1/97)  
APPENDIX TV-3, TITLE V CONDITIONS (version dated 04/30/99)  
APPENDIX SS-1, STACK SAMPLING FACILITIES (version dated 10/07/96)  
TABLE 297.310-1, CALIBRATION SCHEDULE  
FIGURE 1 - SUMMARY REPORT-GASEOUS AND OPACITY EXCESS EMISSION AND  
MONITORING SYSTEM PERFORMANCE REPORT (version dated 7/96)  
Order Granting Variance dated August 25, 1997

**Effective Date:** October 30, 2000

**Permit Revision Effective Date:** November 24, 2002

**Renewal Application Due Date:** May 3, 2005

**Expiration Date:** October 29, 2005

Howard L. Rhodes, Director  
Division of Air Resource  
Management

HLR/tbc

"More Protection, Less Process"

Printed on recycled paper.

**Section I. Facility Information.**

**Subsection A. Facility Description.**

This facility consists of a *very large* municipal waste combustor plant designed to process 2,000 tons per day (TPD) of municipal solid waste (MSW). The facility burns processed MSW that is called "refuse derived fuel" (RDF). The RDF plant is equipped with three MSW processing lines, any two of which can handle the 2,000 TPD of incoming MSW. The boiler plant includes two B&W boilers, each designed to operate up to a maximum heat input of 412.5 MMBtu/hr with a steam flow rating of 324,000 lbs./hr. At a reference heating value of 5,500 Btu/lb., this is equivalent to 900 TPD of RDF per boiler. Emissions from each boiler are controlled by a B&W spray dryer followed by a B&W/BSH Kreffield 4-field electrostatic precipitator (ESP). Each precipitator has a gas flow rating of 198,000 acfm and is designed to operate with three of the four fields in service. The turbine-generator rating of 62 MW matches the full output of the boilers.

Two landfills are on this property: a Class I Landfill and a Class III Landfill, each with its own gas collection system. Additional facilities include: storage and handling facilities for RDF (waste) as well as storage and handling facilities for ash and ash treatment. Also, included in this permit are miscellaneous unregulated/insignificant emissions units and/or activities. Based on the revised Title V permit application submitted September 30, 1999, this facility is classified as a major source of hazardous air pollutants (HAPs).

**Subsection B. Summary of Emissions Unit ID Nos. and Brief Descriptions.**

<b>E.U. ID Nos.</b>	<b>Brief Description</b>
001	Municipal Solid Waste Boiler No. 1
002	Municipal Solid Waste Boiler No. 2
003	Class I Landfill Flare
004	Class III Landfill Flare

Unregulated Emissions Units and/or Activities

<b>E.U. ID Nos.</b>	<b>Brief Description</b>
005	RDF Storage
006	RDF Processing Lines
007	Oversized Bulk Waste Processing Line

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

**Subsection C. Relevant Documents.**

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

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

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

Table 1-2, Summary of Compliance Requirements.

Table 2-1, Summary of Monitoring Requirements for MSW Landfills.

Table 2-2, Summary of Recordkeeping Requirements for MSW Landfills.

Table 2-3, Summary of Compliance Reporting Requirements for MSW Landfills.

Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 2/05/97).

Appendix H-1, Permit History/ID Number Changes.

Appendix BW, Biomedical Waste Definitions.

These documents are on file with the permitting authority:

Letter from Richard Statom, dated November 24, 1999, received on November 24, 1999.

E-mail received January 4, 2000, from Richard Statom.

Initial Title V Permit Application received June 13, 1996.

Letter dated August 13, 1986, from Donald L. Lockhart indicating that Solid Waste Authority's North County Resource Recovery is in compliance with the 40 CFR 60, Subpart Cb new emission guidelines. 111(d) Plan for 40 CFR 60, Subpart Cb approved by EPA effective January 12, 1998.

Order granting a variance from the quarterly mercury testing requirements of Rule 62-296.416(3)(b)2., F.A.C. 111(d) Plan submitted to USEPA March 31, 1999.

Revised Title V application submitted September 30, 1999.

EPA letter dated April 6, 2000, on 40 CFR 61, Subpart C, applicability.

EPA letter dated June 7, 2002, approving implementation of an alternate methane monitoring frequency plan for the Class III Landfill.

Application for a Title V Permit Revision received on July 17, 2002.

DRAFT Title V Permit Revision clerked on August 15, 2002..

PROPOSED Title V Permit Revision posted for EPA review on September 9, 2002.

**Section II. Facility-wide Specific Conditions.**

**The following Specific Conditions apply facility-wide:**

1. APPENDIX TV-3, TITLE V CONDITIONS, is a part of this permit.  
{Permitting note: APPENDIX TV-3, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a copy when requested or otherwise appropriate.}
2. **Not federally enforceable. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited.** No person shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]
3. **General Particulate Emission Limiting Standards. General Visible Emissions Standard.** Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.  
[Rules 62-296.320(4)(b)1. & 4., F.A.C.]
4. **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; and
  - 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]
5. **Unregulated Emissions Units and/or Activities.** Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.  
[Rule 62-213.440(1), F.A.C.]
6. **Insignificant Units and/or Activities.** Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.  
[Rules 62-213.440(1), 62-213.430(6) and 62-4.040(1)(b), F.A.C.]
7. **General Pollutant Emission Limiting Standards. Volatile Organic Compounds Emissions or Organic Solvents Emissions.** The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department.  
[Rule 62-296.320(1)(a), F.A.C.]

{Permitting Note: The Department has not ordered any control devices or systems under the referenced rule}.

8. Reasonable Precautions. The following techniques shall be used to control unconfined particulate matter emissions on an as needed basis:

- a. Chemical or water application to unpaved road and unpaved yard and landfill areas;
- b. Paving and maintenance of roads, parking areas and yards;
- c. Landscaping or planting of vegetation;
- d. Confining abrasive blasting where possible and appropriate;
- e. Landfill roads are sprayed with a water truck;
- f. Ash is quenched with water prior to landfilling; and,
- g. Waste transfer trucks are tarped.

[Rule 62-296.320(4)(c)2., F.A.C.; Items e., f., and g. proposed by the applicant.]

{Note: This condition implements the requirements of Rule 62-296.320(4)(c)1., 3., & 4., F.A.C. (Appendix TV-3, Title V Conditions, Condition No. 58)}

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

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

10. The permittee shall submit all compliance related notifications and reports required of this permit to the Department's Southeast District office:

Department of Environmental Protection  
Southeast District Office  
400 North Congress Avenue  
West Palm Beach, FL 33401  
Telephone: 561/681-6600  
Fax: 561/681-6755

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

United States Environmental Protection Agency  
Region 4  
Air, Pesticides & Toxics Management Division  
Air and EPCRA Enforcement Branch, Air Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303  
Telephone: 404/562-9155, Fax: 404/562-9164

**Section III. Emissions Unit(s) and Specific Conditions.**

**Subsection A. This section addresses the following emissions units.**

<b>E.U. ID No.</b>	<b>Brief Description</b>
001	Municipal Solid Waste Boiler No. 1
002	Municipal Solid Waste Boiler No. 2

These emission units are solid waste combustors and are designated as Boiler Nos. 1 and 2. The boilers are B&W Sterling Power Boilers, and each is rated at a heat input of 412.5 MMBtu./hr. at a steam flow rating of 324,000 lbs./hr. At a reference heating value of 5500 Btu/lb., this is equivalent to 900 TPD of RDF (75,000 lbs./hr. or 816 megagrams/day) per boiler. The facility is designed to process 2,000 TPD of mixed municipal solid waste with an annual throughput of 624,000 tons. Emissions from the boilers are controlled by spray dryer absorbers and electrostatic precipitators. The boilers have individual flues contained in a single stack casing. The facility began commercial operation in 1989.

These emissions units are in substantial compliance with the new NSPS - 40 CFR 60, Subpart Cb standards.

{Permitting note(s). These emissions units are regulated under NSPS - 40 CFR 60, Subpart Cb, Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994, adopted and incorporated by reference, subject to provisions, in Rule 62-204.800(8)(b), F.A.C.; Rule 62-212.400(5), F.A.C., Prevention of Significant Deterioration (PSD); Rule 62-212.400(6), F.A.C., Best Available Control Technology (BACT). Also, please note that conditions in 40 CFR 60, Subpart Cb, are contained in 40 CFR 60, Subpart Eb.}

**The following Specific Conditions apply to the emissions units listed above:**

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

**A.1.0. Permitted Capacity.** The maximum heat input rates (operation rates) are as follows:

<b>E.U. ID No.</b>	<b>Steam Flow Rate <sup>a</sup></b>	<b>Heat Input Rate <sup>b</sup></b>	<b>Fuel Type</b>
001	324,000 lb/hour	412.5 MMBtu/hour	RDF
002	324,000 lb/hour	412.5 MMBtu/hour	RDF

**Notes:**

<sup>a</sup> 4 hour block average {See Specific Condition **R.19.**}

<sup>b</sup> Maximum heat input rate is based upon a reference heating value of 5500 BTU/lb. of RDF. Actual heating values range from 4500 to 6200 BTU/lb.

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each emissions unit for purposes of confirming that emissions testing is conducted within 90-100 percent of the emissions unit's rated 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.}

[Rules 62-4.160(2) and 62-210.228(PTE), F.A.C. and PSD-FL-108A]

**A.1.1. Capacity.** The procedures specified below shall be used for calculating municipal waste combustor unit capacity as defined under 40 CFR 60.51b.

(1) For municipal waste combustor units capable of combusting municipal solid waste continuously for a 24-hour period, municipal waste combustor unit capacity shall be calculated based on 24 hours of operation at the maximum charging rate. The maximum charging rate shall be determined as specified in paragraph (i).

For combustors that are designed based on heat capacity, the maximum charging rate shall be calculated based on the maximum design heat input capacity of the unit and a heating value of 12,800 kilojoules per kilogram for combustors firing refuse-derived fuel and a heating value of 10,500 kilojoules per kilogram for combustors firing municipal solid waste that is not refuse-derived fuel.

[40 CFR 60.31b and 40 CFR 60.58b(j)]

**A.1.2. Emissions Unit Operating Rate Limitation After Testing.** See Specific Condition T.12.  
[Rule 62-297.310(2), F.A.C.]

**A.2. Maximum Demonstrated Municipal Waste Combustor Unit Load.** Maximum demonstrated municipal waste combustor unit load means the highest 4-hour arithmetic average municipal waste combustor unit load achieved during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for municipal waste combustor organics specified in Specific Condition A.17.

[40 CFR 60.34b(b) and 40 CFR 60.51b]

**A.3. Maximum Demonstrated Particulate Matter Control Device Temperature.** Maximum demonstrated particulate matter control device temperature means the highest 4-hour arithmetic average flue gas temperature measured at the particulate matter control device inlet during four consecutive hours during the most recent dioxin/furan performance test demonstrating compliance with the applicable limit for municipal waste combustor organics specified in Specific Condition A.17.

[40 CFR 60.34b(b) and 40 CFR 60.51b]

**A.4.0. Methods of Operation - Fuels.** Only refuse derived fuel (RDF) from mixed municipal solid waste (MSW) shall be fired in the combustors. No suspected or known hazardous, toxic or infectious wastes as defined by federal, state or local statutes, rules, regulations or ordinances shall be burned or landfilled at the site. No sludge from sewage treatment plants shall be used as fuel. Use of alternate fuels would necessitate application for a modification to this permit. Auxiliary burners firing gas fuel are to be used during periods of start-up and shut-down, and their annual capacity factor as determined by 40 CFR 60.43b(d) shall be less than 10%.

[Rule 62-213.410(1), F.A.C.; PSD-FL-108A; and PA 84-20]

**A.4.1. Methods of Operation - Fuels** The only fuel allowed to be burned in the MWCs is refuse derived fuel (RDF) from mixed municipal solid waste. Other wastes shall not be burned without written prior approval from the Department. **The primary fuel for the facility is municipal solid waste (MSW), including the items and materials that fit within the definition of MSW contained in either 40 CFR 60.51b or Section 403.706(5), F.S.**

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.2.** Subject to the limitations contained in this permit, the authorized fuels for the facility also include the other solid wastes that are not MSW which are described below. However, the facility shall not knowingly burn: (a) those materials that are prohibited by state or federal law;

(b) those materials that are prohibited by this permit;

- (c) lead acid batteries;
- (d) hazardous waste;
- (e) nuclear waste;
- (f) radioactive waste;
- (g) sewage sludge;
- (h) explosives;
- (i) beryllium-containing waste, as defined in 40 CFR 61, Subpart C\*;
- (j) untreated biomedical waste from biomedical waste generators regulated pursuant to Chapter 64E-16, F.A.C., and from other similar generators (or sources); and,
- (k) segregated loads of biological waste.

{\*See EPA letter dated April 6, 2000 on 40 CFR 61, Subpart C applicability.}  
[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.3.** The fuel may be received either as a mixture or as a single-item stream (segregated load) of discarded materials. If the facility intends to use an authorized fuel that is segregated non-MSW material, the fuel shall be well mixed with MSW.

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.4.** The facility operator shall prepare and maintain records concerning the description and quantities of all segregated loads of non-MSW material which are received and used as fuel at the facility, and subject to a percentage weight limitation, below (Specific Conditions A.4.7. and A.4.8.). For the purposes of this permit, a segregated load is defined to mean a container or truck that is almost completely or exclusively filled with a single item or homogeneous composition of waste material, as determined by visual observation.

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.5.** To ensure that the facility's fuel does not adversely affect the facility's combustion process or emissions, the facility operator shall:

- (a) comply with good combustion operating practices in accordance with 40 CFR 60.53b;
- (b) install, operate and maintain continuous emissions monitors (CEMS) for oxygen (or carbon dioxide), carbon monoxide, sulfur dioxide, oxides of nitrogen and temperature in accordance with 40 CFR 60.58b; and
- (c) record and maintain the CEMS data in accordance with 40 CFR 60.59b.

These steps shall be used to ensure and verify continuous compliance with the emissions limitations in this permit.

Natural gas may be used as fuel during warm-up, startup, shutdown, and malfunction periods, and at other times when necessary and consistent with good combustion practices.

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.6.** Subject to the conditions and limitations contained in this permit, the following other solid waste may be used as fuel at the facility:

- (a) Confidential, proprietary or special documents (including but not limited to business records, lottery tickets, event tickets, coupons and microfilm);
- (b) Contraband which is being destroyed at the request of appropriately authorized local, state or federal governmental agencies, provided that such material is not an explosive, a propellant, a hazardous waste, or otherwise prohibited at the facility. For the purposes of this section, contraband includes but is not limited to drugs, narcotics, fruits, vegetables, plants, counterfeit money, and counterfeit consumer goods;
- (c) Wood pallets, clean wood, and land clearing debris;



- (d) Packaging materials and containers;
- (e) Clothing, natural and synthetic fibers, fabric remnants, and similar debris, including but not limited to aprons and gloves; or
- (f) Rugs, carpets, and floor coverings, but not asbestos-containing materials or polyethylene or polyurethane vinyl floor coverings.

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

**A.4.7.** Subject to the conditions and limitations contained in this permit, waste tires may be used as fuel at the facility. The total quantity of waste tires received as segregated loads and burned at the facility shall not exceed 3%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined by using a rolling 30 day average.

[Rules 62-4.070(3), 62-213.410, and 62-213.440, F.A.C.]

{Permitting Note: At RDF plants, the 3% (or 5%) restriction applies to the municipal solid waste received. On-site processing of material at the facility is not included in this restriction. Exceedance of this percentage requires prior department approval.}

**A.4.8.** Subject to the conditions and limitations contained in this permit, the following other solid waste materials may be used as fuel at the facility (i.e. the following are authorized fuels that are non-MSW material). The total quantity of the following non-MSW material received as segregated loads and burned at the facility shall not exceed 5%, by weight, of the facility's total fuel. Compliance with this limitation shall be determined by using a rolling 30-day average.

- (a) Construction and demolition debris.
- (b) Oil spill debris from aquatic, coastal, estuarine or river environments. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (c) Items suitable for human, plant or domesticated animal use, consumption or application where the item's shelf-life has expired or the generator wishes to remove the items from the market. Such items or materials include but are not limited to off-specification or expired consumer products, pharmaceuticals, medications, health and personal care products, cosmetics, foodstuffs, nutritional supplements, returned goods, and controlled substances.
- (d) Consumer-packaged products intended for human or domesticated animal use or application but not consumption. Such items or materials include but are not limited to carpet cleaners, household or bathroom cleaners, polishes, waxes and detergents.
- (e) Waste materials that:
  - (i) are generated in the manufacture of items in categories (c) or (d), above and are functionally or commercially useless (expired, rejected or spent); or
  - (ii) are not yet formed or packaged for commercial distribution. Such items or materials must be substantially similar to other items or materials routinely found in MSW.
- (f) Waste materials that contain oil from:
  - (i) the routine cleanup of industrial or commercial establishments and machinery; or
  - (ii) spills of virgin or used petroleum products. Such items or materials include but are not limited to rags, wipes, and absorbents.
- (g) Used oil and used oil filters. Used oil containing a PCB concentration equal or greater than 50 ppm shall not be burned, pursuant to the limitations of 40 CFR 761.20(e).
- (h) Waste materials generated by manufacturing, industrial or agricultural activities, provided that these items or materials are substantially similar to items or materials that are found routinely in MSW, subject to prior approval of the Department.

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

{Permitting Note: At RDF plants, the 3% (or 5%) restriction applies to the municipal solid waste received. On-site processing of material at the facility is not included in this restriction. Exceedance of this percentage requires prior department approval.}

**A.5. Hours of Operation.** These emission units may operate continuously, i.e., 8,760 hours/year. [PSD-FL-108A]

**Emission Limitations and Standards**

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

**A.6. Stack Emissions.** Emissions from each unit shall not exceed the following limits:

Pollutant	PSD-FL-108A Permit Limit <sup>a</sup>	Federal Emission Guidelines <sup>a</sup>
Particulate Matter <sup>b</sup>	0.015 grains/dscf	27 mg/dscm
NOx <sup>b</sup>	0.48 lb/MMBtu (24 hr block avg)	250 ppmvd (24 hr block avg)
Carbon Monoxide <sup>b</sup>	400 ppmvd (1 hr block avg)/ 200 ppmvd (24 hr block avg)	200 ppmvd (24 hr block avg)
Lead <sup>b</sup>	4.0 x 10 <sup>-4</sup> lb/MMBtu	0.440 mg/dscm
Mercury <sup>b</sup>	2.4 x 10 <sup>-4</sup> lb/MMBtu	0.070 mg/dscm
Beryllium	7.3 x 10 <sup>-7</sup> lb/MMBtu	
Fluoride	3.2 x 10 <sup>-3</sup> lb/MMBtu	
VOC	1.6 x 10 <sup>-2</sup> lb/MMBtu	
SO <sub>2</sub> <sup>b</sup>	70% removal or 30 ppmvd	75% removal or 29 ppmvd
Hydrogen Chloride <sup>b</sup>	90% removal or 25 ppmvd	95% removal or 29 ppmvd
Dioxins/Furans <sup>b</sup>	60 ng/dscm	60 ng/dscm
Opacity	10% (6 minute avg)	10% (6 minute avg)
Cadmium <sup>b</sup>		0.040 mg/dscm

Notes: <sup>a</sup> the more stringent limit/guideline applies.

<sup>b</sup> corrected to 7% O<sub>2</sub>.

[40 CFR 60, Subpart Cb; Rule 62-296.416(3)(b)1.b., F.A.C.; and PSD-FL-108A]

**Particulate Matter**

**A.7.** The emission limit for particulate matter contained in the gases discharged to the atmosphere is 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

[40 CFR 60.33b(a)(1)(i)]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

**Visible Emissions**

**A.8.** The emission limit for opacity exhibited by the gases discharged to the atmosphere is 10 percent (6-minute average). CEM readings when the process is not operating shall be excluded from averaging calculations.

[40 CFR 60.33b(a)(1)(iii)]

### Cadmium

**A.9.** The emission limit for cadmium contained in the gases discharged to the atmosphere is 0.040 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.  
[40 CFR 60.33b(a)(2)(i)]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### Mercury

**A.10.** The emission limit for mercury contained in the gases discharged to the atmosphere is 0.070 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (85-percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.  
[40 CFR 60.33b(a)(3); and Rule 62-296.416(3)(a)1., F.A.C.]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

**A.11.** Facilities subject to the mercury emissions limiting standard of Rule 62-296.416(3)(a)1., F.A.C., shall demonstrate individual emissions unit compliance by the compliance date specified in Rule 62-296.416(3)(a)2., F.A.C., and annually thereafter.  
[Rule 62-296.416(3)(a)3., F.A.C.; and Order Granting Variance dated August 25, 1997]

**A.12.** Emissions Standards for Facilities Using Waste Separation. The Department recognizes that reduction of mercury emissions from waste-to-energy facilities may be achieved by implementation of mercury waste separation programs. Such programs would require removal of objects containing mercury from the waste stream before the waste is used as a fuel.

1. Facilities with sulfur dioxide and hydrogen chloride control equipment in place or under construction as of July 1, 1993, and which choose to control mercury emissions exclusively through the use of a waste separation program, shall submit a program plan to the Department by March 1, 1994, and shall comply with the following emissions limiting schedule.

a. After July 1, 1995, mercury emissions shall not exceed 140 micrograms per dry standard cubic meter of flue gas, corrected to 7 percent O<sub>2</sub>.

b. After July 1, 1997, mercury emissions shall not exceed 70 micrograms per dry standard cubic meter of flue gas, corrected to 7 percent O<sub>2</sub>.

2. Beginning no later than July 1, 1994, facilities subject to Rule 62-296.416(3)(b)1., F.A.C., shall perform semiannual individual emissions unit mercury emissions tests. Facilities shall stagger the semiannual testing of individual emissions units such that at least one test is performed quarterly. All tests conducted after July 1, 1995, shall be used to demonstrate compliance with the mercury emissions limiting standards of Rule 62-296.416(3)(b)1., F.A.C.

3. Facilities which do not have sulfur dioxide and hydrogen chloride control equipment in place or under construction as of July 1, 1993, and which choose to control mercury emissions exclusively through the use of a waste separation program, shall comply with a mercury emission limitation of 70 micrograms per dry standard cubic meter of flue gas, corrected to 7 percent O<sub>2</sub>, by the later of July 1, 1997, or the date that the facility is required to demonstrate compliance with sulfur dioxide and hydrogen chloride emission limits, which limits are established after July 1, 1993. If the facility is required to demonstrate compliance with sulfur dioxide and hydrogen chloride emission limits by a date prior to July 1, 1997, it shall comply with a mercury emission limitation of 140 micrograms per dry standard cubic meter of flue gas, corrected to 7 percent O<sub>2</sub>, by that date and until July 1, 1997.

4. Facilities subject to Rule 62-296.416(3)(b)3., F.A.C., shall demonstrate individual emissions unit compliance with the mercury emission limiting standard by the date specified therein and semiannually thereafter. Facilities shall stagger the semiannual testing of individual emissions units such that at least one test is performed quarterly.  
[Rule 62-296.416(3)(b), F.A.C.]

**A.13. Mercury Emissions Inventory.** For emissions inventory purposes, all waste-to-energy facilities with charging rates of 40 tons or more per day shall perform annual individual emissions unit mercury emissions tests and report the results to the Department. This testing shall begin during calendar year 1993 and end upon initiation of mercury testing pursuant to Rule 62-296.416(3)(a) or (b), F.A.C.  
[Rule 62-296.416(3)(c), F.A.C.]

### **Lead**

**A.14.** The emission limit for lead contained in the gases discharged to the atmosphere is 0.44 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.  
[40 CFR 60.33b(a)(4)]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### **Sulfur Dioxide**

**A.15.** The emission limit for sulfur dioxide contained in the gases discharged to the atmosphere is 29 parts per million by volume or 25 percent of the potential sulfur dioxide emission concentration (75-percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24-hour daily geometric mean.  
[40 CFR 60.33b(b)(3)(i)]

### **Hydrogen Chloride**

**A.16.** The emission limit for hydrogen chloride contained in the gases discharged to the atmosphere is 29 parts per million by volume or 5 percent of the potential hydrogen chloride emission concentration (95-percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.  
[40 CFR 60.33b(b)(3)(ii)]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### **Dioxins/Furans**

**A.17.** The emission limit for dioxins/furans contained in the gases discharged to the atmosphere that employ an electrostatic precipitator-based emission control system is 60 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen.  
[40 CFR 60.33b(c)(1)(i)]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### Nitrogen Oxides

A.18. The emission limit for nitrogen oxides contained in the gases discharged to the atmosphere is 250 parts per million by volume, corrected to 7 percent oxygen, dry basis calculated as an arithmetic average. The averaging time is a 24-hour block average.  
[40 CFR 60.33b(d); and PSD-FL-108A]

### Carbon Monoxide

A.19. The emission limit for carbon monoxide contained in the gases discharged to the atmosphere is 200 parts per million by volume (24-hour block average) and 400 ppmv (1-hour block average), measured at the combustor outlet in conjunction with a measurement or calculation of oxygen concentration, corrected to 7 percent oxygen, dry basis. Calculated as an arithmetic average.  
[40 CFR 60.34b(a); and PSD-FL-108A]

### Volatile Organic Compounds

A.20. Volatile organic compound (VOC) emissions shall not exceed  $1.6 \times 10^{-2}$  lb/MMBTU.  
[PSD-FL-108A]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### Beryllium

A.21. Beryllium emissions shall not exceed  $7.3 \times 10^{-7}$  lb/MMBTU.  
[PSD-FL-108A]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### Fluoride

A.22. Fluoride emissions shall not exceed  $3.2 \times 10^{-3}$  lb/MMBTU.  
[PSD-FL-108A]

{Permitting note: Unless otherwise specified, the averaging time for this condition is based on the specified averaging time of the applicable test method.}

### Fugitive Ash Emissions

A.23. Fugitive Ash Emissions

(a) On and after the date on which the initial performance test is completed or is required to be completed under 40 CFR 60.8 of Subpart A, no owner or operator of an affected facility shall cause to be discharged to the atmosphere visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) in excess of 5 percent of the observation period (i.e., 9 minutes per 3-hour period), as determined by EPA Reference Method 22 observations as specified in 40 CFR 60.58b(k), except as provided in paragraphs (b) and (c). See Specific Condition T.10.

(b) The emission limit specified in paragraph (a) does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, the emission limit specified in paragraph (a) does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems.

(c) The provisions of paragraph (a) do not apply during maintenance and repair of ash conveying systems.

[40 CFR 60.36b and 40 CFR 60.55b]

### **Excess Emissions**

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

**E.1.** The opacity standards set forth in 40 CFR 60 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

[40 CFR 60.11(c)]

**E.2.** At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 CFR 60.11(d)]

**E.3.a. Startup, Shutdown and Malfunction.** The provisions for startup, shutdown, and malfunction are provided in paragraph (1).

(1) Except as provided by 40 CFR 60.56b, the standards under 40 CFR 60, Subpart Eb apply at all times except during periods of startup, shutdown, or malfunction. Duration of startup or shutdown periods are limited to 3 hours per occurrence.

(i) The startup period commences when the affected facility begins the continuous burning of municipal solid waste and does not include any warm-up period when the affected facility is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.

(ii) Continuous burning is the continuous, semicontinuous, or batch feeding of municipal solid waste for purposes of waste disposal, energy production, or providing heat to the combustion system in preparation for waste disposal or energy production. The use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate is not considered to be continuous burning.

[40 CFR 60.38b; and 40 CFR 60.58b(a)]

**E.3.b. Startup, Shutdown and Malfunction.** Excess emissions resulting from malfunction, startup or shutdown shall be permitted providing:

(1) during boiler startup, the auxiliary gas burners shall be operating at their maximum capacity prior to the introduction of RDF to the boilers, and shall remain in operation until the lime spray dryer and particulate control device are fully operational.

(2) during normal, non-emergency boiler shutdown, the auxiliary gas burners shall be operated at their maximum capacity until all RDF has been combusted.

[Rule 62-210.700(1), F.A.C.; and PSD-FL-108A]

**E.4.** Excess emissions resulting from malfunction shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized but in no case exceed **three** hours per occurrence unless specifically authorized by the Department for longer duration.

Malfunction shall mean any sudden and unavoidable failure of air pollution control equipment or process equipment to operate in a normal and usual manner.

[Rule 62-210.700(1), F.A.C.; and, PSD-FL-108A]

**E.5.** 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.]

### **Operating Practices and Requirements**

**O.1.** No owner or operator of an affected facility shall cause such facility to operate at a load level greater than 110 percent of the maximum demonstrated municipal waste combustor unit load as defined in Specific Condition **A.2.**, except as specified below. The averaging time is specified in Specific Condition **O.3.**

(1) During the annual dioxin/furan performance test and the two weeks preceding the annual dioxin/furan performance test, no municipal waste combustor unit load limit is applicable.

(2) The municipal waste combustor unit load limit may be waived in accordance with permission granted by the Administrator or delegated State regulatory authority for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

[40 CFR 60.34b(b) and 40 CFR 60.53b(b)]

**O.2.** No owner or operator of an affected facility shall cause such facility to operate at a temperature, measured at the particulate matter control device inlet, exceeding 17°C above the maximum demonstrated particulate matter control device temperature as defined in Specific Condition **A.3.**, except as specified below. The averaging time is specified in Specific Condition **O.3.** These requirements apply to each particulate matter control device utilized at the affected facility.

(1) During the annual dioxin/furan performance test and the two weeks preceding the annual dioxin/furan performance test, no particulate matter control device temperature limitations are applicable.

(2) The particulate matter control device temperature limits may be waived in accordance with permission granted by the Administrator or delegated State regulatory authority for the purpose of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance or advancing the state-of-the-art for controlling facility emissions.

[40 CFR 60.34b(b) and 40 CFR 60.53b(c)]

**O.3. Operating Requirements.** The procedures specified in paragraphs (1) through (12) shall be used for determining compliance with the operating requirements under 40 CFR 60.53b.

(1) Compliance with the carbon monoxide emission limits in 40 CFR 60.53b(a) shall be determined using a 4-hour block arithmetic average for all types of affected facilities except mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers.

(2) For affected mass burn rotary waterwall municipal waste combustors and refuse-derived fuel stokers, compliance with the carbon monoxide emission limits in 40 CFR 60.53b(a) shall be determined using a 24-hour daily arithmetic average.

(3) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring carbon monoxide at the combustor outlet and record the output of the system and shall follow the procedures and methods specified in paragraphs(i) through(iii).

(i) The continuous emission monitoring system shall be operated according to Performance Specification 4A in appendix B of 40 CFR 60.

(ii) During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 4A in appendix B of 40 CFR 60, carbon monoxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (A) and (B).

(A) For carbon monoxide, EPA Reference Method 10, 10A, or 10B shall be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, as applicable shall be used.

(iii) The span value of the continuous emission monitoring system shall be 125 percent of the maximum estimated hourly potential carbon monoxide emissions of the municipal waste combustor unit.

(4) The 4-hour block and 24-hour daily arithmetic averages specified in paragraphs (1) and (2) shall be calculated from 1-hour arithmetic averages expressed in parts per million by volume corrected to 7 percent oxygen (dry basis). The 1-hour arithmetic averages shall be calculated using the data points generated by the continuous emission monitoring system. At least two data points shall be used to calculate each 1-hour arithmetic average.

(5) The owner or operator of an affected facility may request that compliance with the carbon monoxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 40 CFR 60.58b(b)(6).

(6) The procedures specified in paragraphs (i) through (v) shall be used to determine compliance with load level requirements under 40 CFR 60.53b(b).

(i) The owner or operator of an affected facility with steam generation capability shall install, calibrate, maintain, and operate a steam flow meter or a feedwater flow meter; measure steam (or feedwater) flow in kilograms per hour (or pounds per hour) on a continuous basis; and record the output of the monitor. Steam (or feedwater) flow shall be calculated in 4-hour block arithmetic averages.

(ii) The method included in the "American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1-1964 (R1991)" section 4 (incorporated by reference, see 40 CFR 60.17) shall be used for calculating the steam (or feedwater) flow required under paragraph (6)(i). The recommendations in "American Society of Mechanical Engineers Interim Supplement 19.5 on Instruments and Apparatus: Application, Part II of Fluid Meters, 6th edition (1971)," chapter 4 (incorporated by reference-see 40 CFR 60.17) shall be followed for design, construction, installation, calibration, and use of nozzles and orifices except as specified in (iii).

(iii) Measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed.

(iv) All signal conversion elements associated with steam (or feedwater flow) measurements must be calibrated according to the manufacturer's instructions before each dioxin/furan performance test, and at least once per year.

(7) To determine compliance with the maximum particulate matter control device temperature requirements under 40 CFR 60.53b(c), the owner or operator of an affected facility shall install, calibrate, maintain, and operate a device for measuring on a continuous basis the temperature of the flue gas stream



at the inlet to each particulate matter control device utilized by the affected facility. Temperature shall be calculated in 4-hour block arithmetic averages.

(8) The maximum demonstrated municipal waste combustor unit load shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in 40 CFR 60.52b(c) is achieved. The maximum demonstrated municipal waste combustor unit load shall be the highest 4-hour arithmetic average load achieved during four consecutive hours during the most recent test during which compliance with the dioxin/furan emission limit was achieved.

(9) For each particulate matter control device employed at the affected facility, the maximum demonstrated particulate matter control device temperature shall be determined during the initial performance test for dioxins/furans and each subsequent performance test during which compliance with the dioxin/furan emission limit specified in 40 CFR 60.52b(c) is achieved. The maximum demonstrated particulate matter control device temperature shall be the highest 4-hour arithmetic average temperature achieved at the particulate matter control device inlet during four consecutive hours during the most recent test during which compliance with the dioxin/furan limit was achieved.

(10) At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in paragraphs(i) and(ii) for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

(i) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.

(ii) At a minimum, each carbon monoxide 1-hour arithmetic average shall be corrected to 7 percent oxygen on an hourly basis using the 1-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

(11) All valid continuous emission monitoring system data must be used in calculating the parameters specified under 40 CFR 60.58b(i) even if the minimum data requirements of paragraph (10) are not met. When carbon monoxide continuous emission data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the Administrator or EPA Reference Method 10 to provide, as necessary, the minimum valid emission data.

(12) Quarterly accuracy determinations and daily calibration drift tests for the carbon monoxide continuous emission monitoring system shall be performed in accordance with procedure 1 in appendix F of 40 CFR 60.

[40 CFR 60.38b and 40 CFR 60.58b(i)]

### **Operator Training and Certification**

#### **OT.1. Standards for municipal waste combustor operator training and certification.**

(a) No later than the date 6 months after the date of startup of an affected facility or 12 months after State plan approval [40 CFR 60.39b(c)(4)(ii)], whichever is later, each chief facility operator and shift supervisor shall obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers [QRO-1-1994 (incorporated by reference - see 40 CFR 60.17 of Subpart A)] or a State certification program.

(b) No later than the date 6 months after the date of startup of an affected facility or 12 months after State plan approval [40 CFR 60.39b(c)(4)(ii)], whichever is later, each chief facility operator and shift supervisor shall have completed full certification or shall have scheduled a full certification exam with either the American Society of Mechanical Engineers [QRO-1-1994 (incorporated by reference - see 40 CFR 60.17 of Subpart A)] or a State certification program.

(c) No owner or operator of an affected facility shall allow the facility to be operated at any time unless one of the following persons is on duty and at the affected facility: A fully certified chief facility

operator, a provisionally certified chief facility operator who is scheduled to take the full certification exam according to the schedule specified in paragraph (b), a fully certified shift supervisor, a provisionally certified shift supervisor who is scheduled to take the full certification exam according to the schedule specified in paragraph (b).

(1) The requirement specified in paragraph (c) shall take effect 6 months after the date of startup of the affected facility or 12 months after State plan approval [40 CFR 60.39b(c)(4)(ii)], whichever is later.

(2) If one of the persons listed in paragraph (c) must leave the affected facility during their operating shift, a provisionally certified control room operator who is onsite at the affected facility may fulfill the requirement in paragraph (c).

(d) All chief facility operators, shift supervisors, and control room operators at affected facilities must complete the EPA or State municipal waste combustor operator training course no later than the date 6 months after the date of startup of the affected facility, or by 12 months after State plan approval [40 CFR 60.39b(c)(4)(iii)], whichever is later.

(e) The owner or operator of an affected facility shall develop and update on a yearly basis a site-specific operating manual that shall, at a minimum, address the elements of municipal waste combustor unit operation specified in paragraphs (e)(1) through (e)(11).

(1) A summary of the applicable standards;

(2) A description of basic combustion theory applicable to a municipal waste combustor unit;

(3) Procedures for receiving, handling, and feeding municipal solid waste;

(4) Municipal waste combustor unit startup, shutdown, and malfunction procedures;

(5) Procedures for maintaining proper combustion air supply levels;

(6) Procedures for operating the municipal waste combustor unit within the standards established;

(7) Procedures for responding to periodic upset or off-specification conditions;

(8) Procedures for minimizing particulate matter carryover;

(9) Procedures for handling ash;

(10) Procedures for monitoring municipal waste combustor unit emissions; and

(11) Reporting and recordkeeping procedures.

(f) The owner or operator of an affected facility shall establish a training program to review the operating manual according to the schedule specified in paragraphs (f)(1) and (f)(2) with each person who has responsibilities affecting the operation of an affected facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers.

(1) Each person specified in paragraph (f) shall undergo initial training no later than the date specified in paragraph (f)(1)(i), (f)(1)(ii), or (f)(1)(iii), whichever is later.

(i) The date 6 months after the date of startup of the affected facility;

(ii) The date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; or

(iii) 12 months after State plan approval [40 CFR 60.39b(c)(4)(iii)].

(2) Annually, following the initial review required by paragraph (f)(1).

(g) The operating manual required by paragraph (e) shall be kept in a readily accessible location for all persons required to undergo training under paragraph (f). The operating manual and records of training shall be available for inspection by the EPA or its delegated enforcement agency upon request.

[40 CFR 60.35b, 40 CFR 60.39b(c)(4)(ii) & (iii), and 40 CFR 60.54b]

**OT.2.** The requirement specified in 40 CFR 60.54b(d) does not apply to chief operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before the date of State plan approval.

[40 CFR 60.39b(c)(4)(iii)(A)]

**OT.3.** The owner or operator of a designated facility may request that the EPA Administrator waive the requirement specified in 40 CFR 60.54b(d) for chief operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers on or before the date of State plan approval.  
[40 CFR 60.39b(c)(4)(iii)(B)]

**OT.4.** The initial training requirements specified in 40 CFR 60.54b(f)(1) shall be completed no later than the date specified in (1), (2), or (3), whichever is later.

- (1) The date six (6) months after the date of startup of the affected facility;
- (2) Twelve (12) months after State plan approval; or
- (3) The date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation.

[40 CFR 60.39b(c)(4)(iii)(C)]

### **Test Methods and Procedures**

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

**T.1.** These combustors are regulated individually and must be tested individually.  
[Rules 62-4.070(3) and 62-213.440(1), F.A.C.]

#### **T.2. 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 this paragraph 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.

(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.

[40 CFR 60.8]

### **Particulate Matter and Opacity**

**T.3.** The procedures and test methods specified in paragraphs (1) through (11) shall be used to determine compliance with the emission limits for particulate matter and opacity.

- (1) The EPA Reference Method 1 shall be used to select sampling site and number of traverse points.
- (2) The EPA Reference Method 3, 3A, or 3B, as applicable shall be used for gas analysis.
- (3) The EPA Reference Method 5 shall be used for determining compliance with the particulate matter emission limit. The minimum sample volume shall be 1.7 cubic meters. The probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than  $160 \pm 14$  °C. An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 5 run.
- (4) The owner or operator of an affected facility may request that compliance with the particulate matter emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph (6).
- (5) As specified under 40 CFR 60.8, all performance tests shall consist of three test runs. The average of the particulate matter emission concentrations from the three test runs is used to determine compliance.
- (6) In accordance with paragraphs (7) and (11), EPA Reference Method 9 shall be used for determining compliance with the opacity limit except as provided under 40 CFR 60.11(e)
- (7) The owner or operator of an affected facility shall conduct an initial performance test for particulate matter emissions and opacity as required under 40 CFR 60.8.

(8) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous opacity monitoring system for measuring opacity and shall follow the methods and procedures specified in paragraphs (8)(i) through (8)(iv).

(i) The output of the continuous opacity monitoring system shall be recorded on a 6-minute average basis.

(ii) The continuous opacity monitoring system shall be installed, evaluated, and operated in accordance with 40 CFR 60.13.

(iii) The continuous opacity monitoring system shall conform to Performance Specification 1 in appendix B of 40 CFR 60.

(iv) The initial performance evaluation shall be completed no later than 180 days after the date of the initial startup of the municipal waste combustor unit, as specified under 40 CFR 60.8.

(9) Following the date that the initial performance test for particulate matter is completed or is required to be completed under 40 CFR 60.8 for an affected facility, the owner or operator shall conduct a performance test for particulate matter on an annual basis (no more than 12 calendar months following the previous performance test).

(10) [reserved]

(11) Following the date that the initial performance test for opacity is completed or is required to be completed under 40 CFR 60.8 for an affected facility, the owner or operator shall conduct a performance test for opacity on an annual basis (no more than 12 calendar months following the previous performance test) using the test method specified in paragraph (6).

[40 CFR 60.38b and 40 CFR 60.58b(c)]

### **Cadmium, Lead and Mercury**

**T.4.** The procedures and test methods specified in paragraphs (1) and (2) shall be used to determine compliance with the emission limits for cadmium, lead, and mercury.

(1) The procedures and test methods specified in paragraphs (1)(i) through (1)(ix) shall be used to determine compliance with the emission limits for cadmium and lead.

(i) The EPA Reference Method 1 shall be used for determining the location and number of sampling points.

(ii) The EPA Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

(iii) The EPA Reference Method 29 shall be used for determining compliance with the cadmium and lead emission limits.

(iv) An oxygen or carbon dioxide measurement shall be obtained simultaneously with each Method 29 test run for cadmium and lead required under paragraph (1)(iii).

(v) The owner or operator of an affected facility may request that compliance with the cadmium or lead emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph 40 CFR 60.58b(b)(6).

(vi) All performance tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average of the cadmium or lead emission concentrations from three test runs or more shall be used to determine compliance.

(vii) Following the date of the initial performance test or the date on which the initial performance test is required to be completed under 40 CFR 60.8, the owner or operator of an affected facility shall conduct a performance test for compliance with the emission limits for cadmium and lead on an annual basis (no more than 12 calendar months following the previous performance test).

(viii) [reserved]

(ix) [reserved]

(2) The procedures and test methods specified in paragraphs (2)(i) through (2)(xi) shall be used to determine compliance with the mercury emission limit.

(i) The EPA Reference Method 1 shall be used for determining the location and number of sampling points.

(ii) The EPA Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.

(iii) The EPA Reference Method 29 shall be used to determine the mercury emission concentration. The minimum sample volume when using Method 29 for mercury shall be 1.7 cubic meters.

(iv) An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Method 29 test run for mercury required under paragraph (2)(iii).

(v) The percent reduction in the potential mercury emissions (%P<sub>Hg</sub>) is computed using equation 1:

$$[\%P_{HG}] = \left[ \frac{E_i - E_o}{E_i} \right] \times 100 \quad (\text{equation 1})$$

where:

%P<sub>HG</sub> = percent reduction of the potential mercury emissions achieved.

E<sub>i</sub> = potential mercury emission concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis).

E<sub>o</sub> = controlled mercury emission concentration measured at the mercury control device outlet, corrected to 7 percent oxygen (dry basis).

(vi) All performance tests shall consist of a minimum of three test runs conducted under representative full load operating conditions. The average of the mercury emission concentrations or percent reductions from three test runs or more is used to determine compliance.

(vii) The owner or operator of an affected facility may request that compliance with the mercury emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in paragraph 40 CFR 60.58b(b)(6).

(viii) The owner or operator of an affected facility shall conduct an initial performance test for mercury emissions as required under 40 CFR 60.8.

(ix) Following the date that the initial performance test for mercury is completed or is required to be completed under 40 CFR 60.8, the owner or operator of an affected facility shall conduct a performance test for mercury emissions on an annual basis (no more than 12 calendar months from the previous performance test).

(x) [reserved]

(xi) [not applicable]

[40 CFR 60.38b and 40 CFR 60.58b(d)]

**T.5. Mercury Emissions Test Method and Procedures.** All mercury emissions tests performed pursuant to the requirements of this rule shall comply with the following provisions.

1. The test method for mercury shall be EPA Method 29 adopted in Chapter 62-297, F.A.C.

2. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

(4) Flue Gas Temperature Standard. Waste-to-energy facilities choosing to control mercury emissions through the use of post-combustion control equipment designed to remove mercury from flue gases shall comply with the flue gas temperature standard of Rule 62-296.416(4)(a), F.A.C.

(a) Temperature Standard. The flue gas temperature standard set forth in 40 CFR 60.53b(c), incorporated by reference in Rule 62-04.800, F.A.C., shall apply.

(b) Temperature Monitoring. The temperature monitoring requirements set forth in 40 CFR 60.58b(i), incorporated by reference in Rule 62-204.800, F.A.C., shall apply.  
[Rule 62-296.416(3)(d), F.A.C.]

### Sulfur Dioxide

**T.6.** The procedures and test methods specified in paragraphs (1) through (14) shall be used for determining compliance with the sulfur dioxide emission.

(1) The EPA Reference Method 19, section 4.3, shall be used to calculate the daily geometric average sulfur dioxide emission concentration.

(2) The EPA Reference Method 19, section 5.4, shall be used to determine the daily geometric average percent reduction in the potential sulfur dioxide emission concentration.

(3) The owner or operator of an affected facility may request that compliance with the sulfur dioxide emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 40 CFR 60.58b(b)(6).

(4) The owner or operator of an affected facility shall conduct an initial performance test for sulfur dioxide emissions as required under 40 CFR 60.8. Compliance with the sulfur dioxide emission limit (concentration or percent reduction) shall be determined by using the continuous emission monitoring system specified in paragraph (5) to measure sulfur dioxide and calculating a 24-hour daily geometric average emission concentration or a 24-hour daily geometric average percent reduction using EPA Reference Method 19, sections 4.3 and 5.4, as applicable.

(5) The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring sulfur dioxide emissions discharged to the atmosphere and record the output of the system.

(6) Following the date that the initial performance test for sulfur dioxide is completed or is required to be completed under 40 CFR 60.8, compliance with the sulfur dioxide emission limit shall be determined based on the 24-hour daily geometric average of the hourly arithmetic average emission concentrations using continuous emission monitoring system outlet data if compliance is based on an emission concentration, or continuous emission monitoring system inlet and outlet data if compliance is based on a percent reduction.

(7) At a minimum, valid continuous monitoring system hourly averages shall be obtained as specified in paragraphs (7)(i) and (7)(ii) for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

(i) At least two data points per hour shall be used to calculate each 1-hour arithmetic average.

(ii) Each sulfur dioxide 1-hour arithmetic average shall be corrected to 7 percent oxygen on an hourly basis using the 1-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.

(8) The 1-hour arithmetic averages required under paragraph (6) shall be expressed in parts per million corrected to 7 percent oxygen (dry basis) and used to calculate the 24-hour daily geometric average emission concentrations and daily geometric average emission percent reductions. The 1-hour arithmetic averages shall be calculated using the data points required under 40 CFR 60.13(e)(2).

(9) All valid continuous emission monitoring system data shall be used in calculating average emission concentrations and percent reductions even if the minimum continuous emission monitoring system data requirements of paragraph (7) are not met.

(10) The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the continuous emission monitoring system.

(11) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the municipal waste combustor as specified under 40 CFR 60.8.

(12) The continuous emission monitoring system shall be operated according to Performance Specification 2 in 40 CFR 60 appendix B.

(i) During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 2 in 40 CFR 60 appendix B, sulfur dioxide and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (A) and (B).

(A) For sulfur dioxide, EPA Reference Method 6, 6A, or 6C shall be used.

(B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, as applicable shall be used.

(ii) The span value of the continuous emissions monitoring system at the inlet to the sulfur dioxide control device shall be 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit. The span value of the continuous emission monitoring system at the outlet of the sulfur dioxide control device shall be 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the municipal waste combustor unit.

(13) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in appendix F of 40 CFR 60.

(14) When sulfur dioxide emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained by using other monitoring systems as approved by the Administrator or EPA Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75 percent of the hours per day that the affected facility is operated and combusting municipal solid waste for 90 percent of the days per calendar quarter that the affected facility is operated and combusting municipal solid waste.

[40 CFR 60.38b and 40 CFR 60.58b(e)]

### Hydrogen Chloride

**T.7.** The procedures and test methods specified in paragraphs (1) through (8) shall be used for determining compliance with the hydrogen chloride emission limit.

(1) The EPA Reference Method 26 or 26A, as applicable, shall be used to determine the hydrogen chloride emission concentration. The minimum sampling time for Method 26 shall be 1 hour.

(2) An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Method 26 test run for hydrogen chloride required by paragraph (1).

(3) The percent reduction in potential hydrogen chloride emissions (% P<sub>HCl</sub>) is computed using equation 2:

$$[\%P_{HCl}] = \left[ \frac{E_i - E_o}{E_i} \right] \times 100 \quad (\text{equation 2})$$

where:

%P<sub>HCl</sub>=percent reduction of the potential hydrogen chloride emissions achieved.

E<sub>i</sub>=potential hydrogen chloride emission concentration measured at the control device inlet, corrected to 7 percent oxygen (dry basis).

E<sub>o</sub>=controlled hydrogen chloride emission concentration measured at the control device outlet, corrected to 7 percent oxygen (dry basis).



- (4) The owner or operator of an affected facility may request that compliance with the hydrogen chloride emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 40 CFR 60.58b(b)(6).
- (5) As specified under 40 CFR 60.8, all performance tests shall consist of three test runs. The average of the hydrogen chloride emission concentrations or percent reductions from the three test runs is used to determine compliance.
- (6) The owner or operator of an affected facility shall conduct an initial performance test for hydrogen chloride as required under 40 CFR 60.8.
- (7) Following the date that the initial performance test for hydrogen chloride is completed or is required to be completed under 40 CFR 60.8, the owner or operator of an affected facility shall conduct a performance test for hydrogen chloride emissions on an annual basis (no more than 12 calendar months following the previous performance test).
- (8) [reserved]  
[40 CFR 60.38b and 40 CFR 60.58b(f)]

### **Dioxin/Furan**

**T.8.** The procedures and test methods specified in paragraphs (1) through (9) shall be used to determine compliance with the limits for dioxin/furan emissions.

- (1) The EPA Reference Method 1 shall be used for determining the location and number of sampling points.
- (2) The EPA Reference Method 3, 3A, or 3B, as applicable, shall be used for flue gas analysis.
- (3) The EPA Reference Method 23 shall be used for determining the dioxin/furan emission concentration.
  - (i) The minimum sample time shall be 4 hours per test run.
  - (ii) An oxygen (or carbon dioxide) measurement shall be obtained simultaneously with each Method 23 test run for dioxins/furans.
- (4) The owner or operator of an affected facility shall conduct an initial performance test for dioxin/furan emissions in accordance with paragraph (3), as required under 40 CFR 60.8.
- (5) Following the date that the initial performance test for dioxins/furans is completed or is required to be completed under 40 CFR 60.8, the owner or operator of an affected facility shall conduct performance tests for dioxin/furan emissions in accordance with paragraph (3), according to one of the schedules specified in paragraphs (i) through (iii).
  - (i) For affected facilities, performance tests shall be conducted on an annual basis (no more than 12 calendar months following the previous performance test.)
  - (ii) [reserved]
  - (iii) Where all performance tests over a 2-year period indicate that dioxin/furan emissions are less than or equal to 15 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen for all affected facilities located within a municipal waste combustor plant, the owner or operator of the municipal waste combustor plant may elect to conduct annual performance tests for one affected facility (i.e., unit) per year at the municipal waste combustor plant. At a minimum, a performance test for dioxin/furan emissions shall be conducted annually (no more than 12 months following the previous performance test) for one affected facility at the municipal waste combustor plant. Each year a different affected facility at the municipal waste combustor plant shall be tested, and the affected facilities at the plant shall be tested in sequence (e.g., unit 1, unit 2, unit 3, as applicable). If each annual performance test continues to indicate a dioxin/furan emission level less

than or equal to 15 nanograms per dry standard cubic meter (total mass), the owner or operator may continue conducting a performance test on only one affected facility per year. If any annual performance test indicates a dioxin/furan emission level greater than 15 nanograms per dry standard cubic meter (total mass), performance tests thereafter shall be conducted annually on all affected facilities at the plant until and unless all annual performance tests for all affected facilities at the plant over a 2-year period indicate a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter (total mass).

(6) The owner or operator of an affected facility that selects to follow the performance testing schedule specified in paragraph (5)(iii) shall follow the procedures specified in 40 CFR 60.59b(g)(4) for reporting the selection of this schedule.

(7) The owner or operator of an affected facility where activated carbon is used to comply with the dioxin/furan emission limits specified in 40 CFR 60.52b(c) or the dioxin/furan emission level specified in paragraph (5)(iii) shall follow the procedures specified in 40 CFR 60.58b(m) for measuring and calculating the carbon usage rate.

(8) The owner or operator of an affected facility may request that compliance with the dioxin/furan emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 40 CFR 60.58b(b)(6).

(9) As specified under 40 CFR 60.8, all performance tests shall consist of three test runs. The average of the dioxin/furan emission concentrations from the three test runs is used to determine compliance. [40 CFR 60.38b and 40 CFR 60.58b(g)]

### **Nitrogen Oxides**

**T.9.** The procedures and test methods specified in paragraphs (1) through (12) shall be used to determine compliance with the nitrogen oxides emission limit for affected facilities under Sec. 60.52b(d).

(1) The EPA Reference Method 19, section 4.1, shall be used for determining the daily arithmetic average nitrogen oxides emission concentration.

(2) The owner or operator of an affected facility may request that compliance with the nitrogen oxides emission limit be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. The relationship between oxygen and carbon dioxide levels for the affected facility shall be established as specified in 40 CFR 60.58b(b)(6).

(3) The owner or operator of an affected facility subject to the nitrogen oxides limit shall conduct an initial performance test for nitrogen oxides as required under 40 CFR 60.8. Compliance with the nitrogen oxides emission limit shall be determined by using the continuous emission monitoring system specified in paragraph (4) for measuring nitrogen oxides and calculating a 24-hour daily arithmetic average emission concentration using EPA Reference Method 19, section 4.1.

(4) The owner or operator of an affected facility subject to the nitrogen oxides emission shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring nitrogen oxides discharged to the atmosphere, and record the output of the system.

(5) Following the date that the initial performance test for nitrogen oxides is completed or is required to be completed under 40 CFR 60.8, compliance with the emission limit for nitrogen oxides shall be determined based on the 24-hour daily arithmetic average of the hourly emission concentrations using continuous emission monitoring system outlet data.

(6) At a minimum, valid continuous emission monitoring system hourly averages shall be obtained as specified in paragraphs (i) and (ii) for 75 percent of the operating hours per day for 90 percent of the operating days per calendar quarter that the affected facility is combusting municipal solid waste.

(i) At least 2 data points per hour shall be used to calculate each 1-hour arithmetic average.

- (ii) Each nitrogen oxides 1-hour arithmetic average shall be corrected to 7 percent oxygen on an hourly basis using the 1-hour arithmetic average of the oxygen (or carbon dioxide) continuous emission monitoring system data.
- (7) The 1-hour arithmetic averages required by paragraph (5) shall be expressed in parts per million by volume (dry basis) and used to calculate the 24-hour daily arithmetic average concentrations. The 1-hour arithmetic averages shall be calculated using the data points required under 40 CFR 60.13(e)(2).
- (8) All valid continuous emission monitoring system data must be used in calculating emission averages even if the minimum continuous emission monitoring system data requirements of paragraph (6) are not met.
- (9) The procedures under 40 CFR 60.13 shall be followed for installation, evaluation, and operation of the continuous emission monitoring system. The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the municipal waste combustor unit, as specified under 40 CFR 60.8.
- (10) The owner or operator of an affected facility shall operate the continuous emission monitoring system according to Performance Specification 2 in appendix B of 40 CFR 60 and shall follow the procedures and methods specified in paragraphs(i) and (ii).
- (i) During each relative accuracy test run of the continuous emission monitoring system required by Performance Specification 2 of appendix B of 40 CFR 60, nitrogen oxides and oxygen (or carbon dioxide) data shall be collected concurrently (or within a 30- to 60-minute period) by both the continuous emission monitors and the test methods specified in paragraphs (A) and (B).
- (A) For nitrogen oxides, EPA Reference Method 7, 7A, 7C, 7D, or 7E shall be used.
- (B) For oxygen (or carbon dioxide), EPA Reference Method 3, 3A, or 3B, as applicable shall be used.
- (ii) The span value of the continuous emission monitoring system shall be 125 percent of the maximum estimated hourly potential nitrogen oxide emissions of the municipal waste combustor unit.
- (11) Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedure 1 in appendix F of 40 CFR 60.
- (12) When nitrogen oxides continuous emissions data are not obtained because of continuous emission monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data shall be obtained using other monitoring systems as approved by the Administrator or EPA Reference Method 19 to provide, as necessary, valid emissions data for a minimum of 75 percent of the hours per day for 90 percent of the days per calendar quarter the unit is operated and combusting municipal solid waste.
- [40 CFR 60.38b and 40 CFR 60.58b(h)]

### **Fugitive Ash**

**T.10.** The procedures specified in paragraphs (1) through (4) shall be used for determining compliance with the fugitive ash emission limit under 40 CFR 60.55b.

- (1) The EPA Reference Method 22 shall be used for determining compliance with the fugitive ash emission limit under 40 CFR 60.55b. The minimum observation time shall be a series of three 1-hour observations. The observation period shall include times when the facility is transferring ash from the municipal waste combustor unit to the area where ash is stored or loaded into containers or trucks.
- (2) The average duration of visible emissions per hour shall be calculated from the three 1-hour observations. The average shall be used to determine compliance with 40 CFR 60.55b.
- (3) The owner or operator of an affected facility shall conduct an initial performance test for fugitive ash emissions as required under 40 CFR 60.8.

(4) Following the date that the initial performance test for fugitive ash emissions is completed or is required to be completed under Sec. 60.8 for an affected facility, the owner or operator shall conduct a performance test for fugitive ash emissions on an annual basis (no more than 12 calendar months following the previous performance test).

[40 CFR 60.38b and 40 CFR 60.58b(k)]

**T.11. Required Number of Test Runs.** For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

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

**T.12. Operating Rate During Testing.** Testing of emissions shall be conducted with the emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

[Rules 62-297.310(2) & (2)(b), F.A.C.]

**T.13. Calculation of Emission Rate.** The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule.

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

**T.14. Applicable Test Procedures.**

(a) Required Sampling Time.

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

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

a. For batch, cyclical processes, or other operations which are normally completed within less than the minimum observation period and do not recur within that time, the

period of observation shall be equal to the duration of the batch cycle or operation completion time.

b. The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard.

c. The minimum observation period for opacity tests conducted by employees or agents of the Department to verify the day-to-day continuing compliance of a unit or activity with an applicable opacity standard shall be twelve minutes.

(b) Minimum Sample Volume. Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet.

(c) Required Flow Rate Range. For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained.

(d) Calibration of Sampling Equipment. Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1, attached as part of this permit.

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

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

**T.15. Required Stack Sampling Facilities**. When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.

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

**T.16.1. 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.

2. For excess emission limitations for particulate matter specified in Rule 62-210.700, F.A.C., a compliance test shall be conducted annually while the emissions unit is operating under soot blowing conditions in each federal fiscal year during which soot blowing is part of normal emissions unit operation, except that such test shall not be required in any federal fiscal year in which a fossil fuel steam generator does not burn liquid and/or solid fuel for more than 400 hours other than during startup.

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to 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.

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.

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.

(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 in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

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

**T.16.2.** Beryllium and fluoride emissions shall be tested every 5 years. The test method for beryllium is EPA Method 104 and for fluoride is EPA Method 13A or 13B. The test method for VOC is EPA Method 25 or 25A.

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

### **Compliance With Standards and Maintenance Requirements**

**T.17.** Compliance with standards in 40 CFR 60, 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.

[40 CFR 60.11(a)]

**T.18.** Compliance with opacity standards in 40 CFR 60 shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of 40 CFR 60, any alternative method that is approved by the Administrator, or as provided in 40 CFR 60.11(e)(5).

[40 CFR 60.11(b)]

**T.19.** 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 EPA Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he or she shall notify the

Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which EPA Method 9 data indicates noncompliance, the EPA Method 9 data will be used to determine opacity compliance.

[40 CFR 60.11(e)(5)]

### **Monitoring Requirements**

**T.20.** For the purposes of 40 CFR 60.13, all continuous monitoring systems (CMS) required under applicable subparts shall be subject to the provisions of 40 CFR 60.13 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 of 40 CFR 60, unless otherwise specified in an applicable subpart or by the Administrator. Appendix F is applicable December 4, 1987.

[40 CFR 60.13(a)]

**T.21.** 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 shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, Appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in Appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

(1) The owner or operator of an affected facility using a COMS to determine opacity compliance during any performance test required under 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 60.8 is conducted.

[40 CFR 60.13(c)(1)]

**T.22.** (1) Owners and operators of all continuous emission monitoring systems (CEMS) installed in accordance with the provisions of this part shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in Appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous

monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

(2) Unless otherwise approved by the 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.

[40 CFR 60.13(d)(1) and (2)]

**T.23.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 40 CFR 60.13(d), all continuous monitoring systems (CMS) 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.

[40 CFR 60.13(e)(1) and (2)]

**T.24.** All continuous monitoring systems (CMS) 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.

[40 CFR 60.13(f)]

**T.25.** When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems (CMS) on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install an applicable continuous monitoring system on each separate effluent unless the installation of fewer systems is approved by the Administrator. When more than one continuous monitoring system is used to measure the emissions from one affected facility (e.g., multiple breechings, multiple outlets), the owner or operator shall report the results as required from each continuous monitoring system.

[40 CFR 60.13(g)]



**T.26.** 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 monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data may be recorded in reduced or non reduced form (e.g., ppm pollutant and percent O<sub>2</sub> or ng/J of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits as used in the applicable subparts to specify the emission limit (e.g., rounded to the nearest 1 percent opacity).  
[40 CFR 60.13(h)]

**T.27. 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.]

**CEM for Oxygen or Carbon Dioxide**

**C.1.** The owner or operator of an affected facility shall install, calibrate, maintain, and operate a continuous emission monitoring system and record the output of the system for measuring the oxygen or carbon dioxide content of the flue gas at each location where carbon monoxide, sulfur dioxide, or nitrogen oxides emissions are monitored and shall comply with the test procedures and test methods specified in paragraphs (1) through (7).

- (1) The span value of the oxygen (or carbon dioxide) monitor shall be 25 percent oxygen (or carbon dioxide).
- (2) The monitor shall be installed, evaluated, and operated in accordance with 40 CFR 60.13.
- (3) The initial performance evaluation shall be completed no later than 180 days after the date of initial startup of the affected facility, as specified under 40 CFR 60.8.
- (4) The monitor shall conform to Performance Specification 3 in appendix B of 40 CFR 60 except for section 2.3 (relative accuracy requirement).
- (5) The quality assurance procedures of appendix F of 40 CFR 60 except for section 5.1.1 (relative accuracy test audit) shall apply to the monitor.
- (6) If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels shall be established during the initial performance test according to the procedures and methods specified in paragraphs (i) through (iv). This relationship may be reestablished during performance compliance tests.

- (i) The fuel factor equation in Method 3B shall be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3, 3A, or 3B, as applicable, shall be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.
  - (ii) Samples shall be taken for at least 30 minutes in each hour.
  - (iii) Each sample shall represent a 1-hour average.
  - (iv) A minimum of three runs shall be performed.
- (7) The relationship between carbon dioxide and oxygen concentrations that is established in accordance with paragraph (6) shall be submitted to the EPA Administrator as part of the initial performance test report and, if applicable, as part of the annual test report if the relationship is reestablished during the annual performance test.  
[40 CFR 60.38b and 40 CFR 60.58b(b)]

### **Recordkeeping and Reporting Requirements**

**R.1.** The owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification as follows:

(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 40 CFR 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.  
[40 CFR 60.7(a)(4)]

**R.2.** The owner or operator subject to the provisions of 40 CFR 60 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.  
[40 CFR 60.7(b)]

**R.3.** 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 40 CFR 60.7(d)] to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or, the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; 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 calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

- (1) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.
- (2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.
- (3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.  
[40 CFR 60.7(c)(1), (2), (3), and (4)]

**R.4.** The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Administrator. One summary report form shall be submitted for each pollutant monitored at each affected facility.

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

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

[40 CFR 60.7(d)(1) and (2)]

*{See attached Figure 1: Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance} (electronic file name: figure1.doc)*

**R.5.** (1) Notwithstanding the frequency of reporting requirements specified in 40 CFR 60.7(c), an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

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

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

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

(2) The frequency of reporting of excess emissions and monitoring systems performance (and summary) reports may be reduced only after the owner or operator notifies the 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 40 CFR 60.7(e)(1) and (e)(2).  
[40 CFR 60.7(e)(1)]

**R.6.** Any owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and, all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 (five) years following the date of such measurements, maintenance, reports, and records.  
[40 CFR 60.7(f); and, Rule 62-213.440(1)(b)2.b., F.A.C.]

**R.7. Notification of Construction or Reconstruction.** The owner or operator of an affected facility with a capacity to combust greater than 250 tons per day shall submit a notification of construction, which includes the information specified in paragraphs (1) through (4).

- (1) Intent to construct.
  - (2) Planned initial startup date.
  - (3) The types of fuels that the owner or operator plans to combust in the affected facility.
  - (4) The municipal waste combustor unit capacity and supporting capacity calculations prepared in accordance with 40 CFR 60.58b(j).
- [40 CFR 60.39b and 40 CFR 60.59b(b)]

**R.8.** The owner or operator of an affected facility subject to the standards under 40 CFR. 60.53b, 60.54b, and 60.55b shall maintain records of the information specified in paragraphs (1) through (14), as applicable, for each affected facility for a period of at least 5 years.

- (1) The calendar date of each record.
- (2) The emission concentrations and parameters measured using continuous monitoring systems as specified under paragraphs (i) and (ii).
  - (i) The measurements specified in paragraphs (A) through (D) shall be recorded and be available for submittal to the Administrator or review onsite by an inspector.
    - (A) All 6-minute average opacity levels as specified under 40 CFR 60.58b(c).
    - (B) All 1-hour average sulfur dioxide emission concentrations as specified under 40 CFR 60.58b(e).
    - (C) All 1-hour average nitrogen oxides emission concentrations as specified under 40 CFR 60.58b(h).
    - (D) All 1-hour average carbon monoxide emission concentrations, municipal waste combustor unit load measurements, and particulate matter control device inlet temperatures as specified under 40 CFR 60.58b(i).
  - (ii) The average concentrations and percent reductions, as applicable, specified in paragraphs (2)(ii)(A) through (2)(ii)(D) shall be computed and recorded, and shall be available for submittal to the Administrator or review on-site by an inspector.
    - (A) All 24-hour daily geometric average sulfur dioxide emission concentrations and all 24-hour daily geometric average percent reductions in sulfur dioxide emissions as specified under 40 CFR 60.58b(e).
    - (B) All 24-hour daily arithmetic average nitrogen oxides emission concentrations as specified under 40 CFR 60.58b(h).

- (C) All 4-hour block or 24-hour daily arithmetic average carbon monoxide emission concentrations, as applicable, as specified under 40 CFR 60.58b(i).
- (D) All 4-hour block arithmetic average municipal waste combustor unit load levels and particulate matter control device inlet temperatures as specified under 40 CFR 60.58b(i).
- (3) Identification of the calendar dates when any of the average emission concentrations, percent reductions, or operating parameters recorded under paragraphs (2)(ii)(A) through (2)(ii)(D), or the opacity levels recorded under paragraph (2)(i)(A) are above the applicable limits, with reasons for such exceedances and a description of corrective actions taken.
- (4) For affected facilities that apply activated carbon for mercury or dioxin/furan control, the records specified in paragraphs (i) through (v).
- (i) The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 40 CFR 60.58b(m)(1)(i) during the initial mercury performance test and all subsequent annual performance tests, with supporting calculations.
  - (ii) The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated as required under 40 CFR 60.58b(m)(1)(ii) during the initial dioxin/furan performance test and all subsequent annual performance tests, with supporting calculations.
  - (iii) The average carbon mass feed rate (in kilograms per hour or pounds per hour) estimated for each hour of operation as required under 40 CFR 60.58b(m)(3)(ii), with supporting calculations.
  - (iv) The total carbon usage for each calendar quarter estimated as specified by 40 CFR 60.58b(m)(3), with supporting calculations.
  - (v) Carbon injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon feed rate (e.g., screw feeder speed).
- (5) [Reserved]
- (6) Identification of the calendar dates for which the minimum number of hours of any of the data specified in paragraphs (i) through (v) have not been obtained including reasons for not obtaining sufficient data and a description of corrective actions taken.
- (i) Sulfur dioxide emissions data;
  - (ii) Nitrogen oxides emissions data;
  - (iii) Carbon monoxide emissions data;
  - (iv) Municipal waste combustor unit load data; and
  - (v) Particulate matter control device temperature data.
- (7) Identification of each occurrence that sulfur dioxide emissions data, nitrogen oxides emissions data (large municipal waste combustors only), or operational data (i.e., carbon monoxide emissions, unit load, and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters, and the reasons for excluding the data.
- (8) The results of daily drift tests and quarterly accuracy determinations for sulfur dioxide, nitrogen oxides, and carbon monoxide continuous emission monitoring systems, as required under appendix F of this part, procedure 1.
- (9) The test reports documenting the results of the initial performance test and all annual performance tests listed in paragraphs (i) and (ii) shall be recorded along with supporting calculations.
- (i) The results of the initial performance test and all annual performance tests conducted to determine compliance with the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission limits.
  - (ii) For the initial dioxin/furan performance test and all subsequent dioxin/furan performance tests recorded under paragraph (9)(i), the maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature (for each particulate matter control device).
- (10) [Reserved]
- (11) The records specified in paragraphs (i) through (iii).

- (i) Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been provisionally certified by the American Society of Mechanical Engineers or an equivalent State-approved certification program as required by 40 CFR 60.54b(a) including the dates of initial and renewal certifications and documentation of current certification.
  - (ii) Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have been fully certified by the American Society of Mechanical Engineers or an equivalent State-approved certification program as required by 40 CFR 60.54b(b) including the dates of initial and renewal certifications and documentation of current certification.
  - (iii) Records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the EPA municipal waste combustor operator training course or a State-approved equivalent course as required by 40 CFR 60.54b(d) including documentation of training completion.
- (12) Records showing the names of persons who have completed a review of the operating manual as required by 40 CFR 60.54b(f) including the date of the initial review and subsequent annual reviews.
- (13) For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the average carbon mass feed rates recorded under (4)(iii) were less than either of the hourly carbon feed rates estimated during performance tests for mercury or dioxin/furan emissions and recorded under paragraphs (4)(i) and (4)(ii), respectively, with reasons for such feed rates and a description of corrective actions taken.
- (14) For affected facilities that apply activated carbon for mercury or dioxin/furan control, identification of the calendar dates when the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate (e.g., screw feeder speed) recorded under paragraph (4)(v) are below the level(s) estimated during the performance tests as specified in 40 CFR 60.58b(m)(1)(i) and 40 CFR 60.58b(m)(1)(ii), with reasons for such occurrences and a description of corrective actions taken. [40 CFR 60.39b and 40 CFR 60.59b(d)]

**R.9.** The owner or operator of an affected facility shall submit the information specified in paragraphs (1) through (6) in the initial performance test report.

- (1) The initial performance test data as recorded under 40 CFR 60.59b(d)(2)(ii)(A) through (d)(2)(ii)(D) for the initial performance test for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, and particulate matter control device inlet temperature.
- (2) The test report documenting the initial performance test recorded under 40 CFR 60.59b(d)(9) for particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emissions.
- (3) The performance evaluation of the continuous emission monitoring system using the applicable performance specifications in appendix B of this part.
- (4) The maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device inlet temperature(s) established during the initial dioxin/furan performance test as recorded under 40 CFR 60.59b(d)(9).
- (5) For affected facilities that apply activated carbon injection for mercury control, the owner or operator shall submit the average carbon mass feed rate recorded under 40 CFR 60.59b(d)(4)(i).
- (6) For those affected facilities that apply activated carbon injection for dioxin/furan control, the owner or operator shall submit the average carbon mass feed rate recorded under 40 CFR 60.59b(d)(4)(ii). [40 CFR 60.39b and 40 CFR 60.59b(f)]

**R.10.** Following the first year of municipal combustor operation, the owner or operator of an affected facility shall submit an annual report including the information specified in paragraphs (1) through (4), as

applicable, no later than February 1 of each year following the calendar year in which the data were collected (once the unit is subject to permitting requirements under Title V of the Act, the owner or operator of an affected facility must submit these reports semiannually).

(1) A summary of data collected for all pollutants and parameters regulated under this subpart, which includes the information specified in paragraphs (i) through (v).

(i) A list of the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels achieved during the performance tests recorded under 40 CFR 60.59b (d)(9).

(ii) A list of the highest emission level recorded for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, and particulate matter control device inlet temperature based on the data recorded under 40 CFR 60.59b(d)(2)(ii)(A) through (d)(2)(ii)(D).

(iii) List the highest opacity level measured, based on the data recorded under 40 CFR 60.59b(d)(2)(i)(A).

(iv) The total number of days that the minimum number of hours of data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature data were not obtained based on the data recorded under 40 CFR 60.59b(d)(6).

(v) The total number of hours that data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device temperature were excluded from the calculation of average emission concentrations or parameters based on the data recorded under 40 CFR 60.59b(d)(7).

(2) The summary of data reported under paragraph (1) shall also provide the types of data specified in paragraphs (1)(i) through (1)(vi) for the calendar year preceding the year being reported, in order to provide the Administrator with a summary of the performance of the affected facility over a 2-year period.

(3) The summary of data including the information specified in paragraphs (1) and (2) shall highlight any emission or parameter levels that did not achieve the emission or parameter limits specified under this subpart.

(4) A notification of intent to begin the reduced dioxin/furan performance testing schedule specified in 40 CFR 60.58b(g)(5)(iii) during the following calendar year.

[40 CFR 60.39b and 40 CFR 60.59b(g)]

**R.11.** The owner or operator of an affected facility shall submit a semiannual report that includes the information specified in paragraphs (1) through (5) for any recorded pollutant or parameter that does not comply with the pollutant or parameter limit specified under this subpart, according to the schedule specified under paragraph (6).

(1) The semiannual report shall include information recorded under 40 CFR 60.59b(d)(3) for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, and opacity.

(2) For each date recorded as required by 40 CFR 60.59b(d)(3) and reported as required by paragraph (1), the semiannual report shall include the sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load level, particulate matter control device inlet temperature, or opacity data, as applicable, recorded under 40 CFR 60.59b(d)(2)(ii)(A) through (d)(2)(ii)(D) and (d)(2)(i)(A), as applicable.

(3) If the test reports recorded under 40 CFR 60.59b(d)(9) document any particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels that were above the applicable pollutant limits, the semiannual report shall include a copy of the test report documenting the emission levels and the corrective actions taken.

(4) The semiannual report shall include the information recorded under 40 CFR 60.59b(d)(15) for the carbon injection system operating parameter(s) that are the primary indicator(s) of carbon mass feed rate.

(5) For each operating date reported as required by paragraph (4), the semiannual report shall include the carbon feed rate data recorded under 40 CFR 60.59b(d)(4)(iii).

(6) Semiannual reports required by this condition shall be submitted according to the schedule specified in paragraphs (i) and (ii).

(i) If the data reported in accordance with paragraphs (1) through (5) were collected during the first calendar half, then the report shall be submitted by August 1 following the first calendar half.

(ii) If the data reported in accordance with paragraphs (1) through (5) were collected during the second calendar half, then the report shall be submitted by February 1 following the second calendar half.

[40 CFR 60.39b and 40 CFR 60.59b(h)]

**R.12.** All reports specified under 40 CFR 60.59b(a), (b), (c), (f), (g), (h), and (i) shall be submitted as a paper copy, postmarked on or before the submittal dates specified under these paragraphs, and maintained onsite as a paper copy for a period of 5 years.

[40 CFR 60.39b and 40 CFR 60.59b(j)]

**R.13.** All records specified under 40 CFR 60.59b(d) and (e) shall be maintained onsite in either paper copy or computer-readable format, unless an alternative format is approved by the Administrator.

[40 CFR 60.39b and 40 CFR 60.59b(k)]

**R.14.** If the owner or operator of an affected facility would prefer a different annual or semiannual date for submitting the periodic reports required by 40 CFR 60.59b(g), (h) and (i), then the dates may be changed by mutual agreement between the owner or operator and the Administrator according to the procedures specified in 40 CFR 60.19(c) of subpart A of this part.

[40 CFR 60.39b and 40 CFR 60.59b(l)]

**R.15.** In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Department in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Department.

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

**R.16.** Submit to the Department a written report of emissions in excess of emission limiting 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 62-210.700(6) and 62-213.440, F.A.C.]

**R.17. Test Reports.**

(a) The owner or operator of an emissions unit for which a compliance test is required shall file a report with the Department on the results of each such test.

(b) The required test report shall be filed with the Department as soon as practical but no later than 45 days after the last sampling run of each test is completed.

(c) The test report shall provide sufficient detail on the emissions unit tested and the test procedures used to allow the Department to determine if the test was properly conducted and the test results properly computed. As a minimum, the test report, other than for an EPA or DEP Method 9 test, shall provide the following information:

1. The type, location, and designation of the emissions unit tested.
2. The facility at which the emissions unit is located.
3. The owner or operator of the emissions unit.



4. The normal type and amount of fuels used and materials processed, and the types and amounts of fuels used and material processed during each test run.
5. The means, raw data and computations used to determine the amount of fuels used and materials processed, if necessary to determine compliance with an applicable emission limiting standard.
6. The type of air pollution control devices installed on the emissions unit, their general condition, their normal operating parameters (pressure drops, total operating current and GPM scrubber water), and their operating parameters during each test run.
7. A sketch of the duct within 8 stack diameters upstream and 2 stack diameters downstream of the sampling ports, including the distance to any upstream and downstream bends or other flow disturbances.
8. The date, starting time and duration of each sampling run.
9. The test procedures used, including any alternative procedures authorized pursuant to Rule 62-297.620, F.A.C. Where optional procedures are authorized in this chapter, indicate which option was used.
10. The number of points sampled and configuration and location of the sampling plane.
11. For each sampling point for each run, the dry gas meter reading, velocity head, pressure drop across the stack, temperatures, average meter temperatures and sample time per point.
12. The type, manufacturer and configuration of the sampling equipment used.
13. Data related to the required calibration of the test equipment.
14. Data on the identification, processing and weights of all filters used.
15. Data on the types and amounts of any chemical solutions used.
16. Data on the amount of pollutant collected from each sampling probe, the filters, and the impingers, are reported separately for the compliance test.
17. The names of individuals who furnished the process variable data, conducted the test, analyzed the samples and prepared the report.
18. All measured and calculated data required to be determined by each applicable test procedure for each run.
19. The detailed calculations for one run that relate the collected data to the calculated emission rate.
20. The applicable emission standard, and the resulting maximum allowable emission rate for the emissions unit, plus the test result in the same form and unit of measure.
21. A certification that, to the knowledge of the owner or his authorized agent, all data submitted are true and correct. When a compliance test is conducted for the Department or its agent, the person who conducts the test shall provide the certification with respect to the test procedures used. The owner or his authorized agent shall certify that all data required and provided to the person conducting the test are true and correct to his knowledge.  
[Rule 62-297.310(8), F.A.C.]

### **Recordkeeping and Reporting Requirements**

**R.18. Flue Gas Temperature Recording.** The temperature at the exit of the dry scrubber shall not exceed 300°F (4 hour block average). Appropriate instrumentation shall remain installed at the proper location to continuously monitor and record these operating temperatures.  
[PSD-FL-108A]

**R.19. Steam Flow Recording.** The lb/hr of steam produced, corrected for pressure and temperature, shall be continuously monitored and recorded on a 4 hour block average. This monitor and data record shall be properly calibrated and maintained at all times.  
[PSD-FL-108A]

**R.20. Daily Waste Logs Required.** The permittee shall maintain a daily log of the municipal solid waste received. Such a log must record, at a minimum, the amount of waste, the time, and the type of waste received. The permittee shall also retain records of all information resulting from monitoring activities and indicating operating parameters as specified in this permit for a minimum of five years from the date of recording.

[PSD-FL-108A and Rule 62-213.440(1)(b)2.b., F.A.C.]

**R.21. Continuous Monitoring Program.** The owner or operator of this source shall install (if not already installed), maintain, operate and submit reports of excessive emissions for the SO<sub>2</sub>, NO<sub>x</sub>, CO, oxygen (or carbon dioxide) and opacity. All averaging periods for emissions monitors shall be based on a midnight to midnight averaging period. The facility shall be operated by personnel properly trained for the operation herein. Continuous monitoring data shall be collected and recorded during periods of startup, shutdown and malfunction. Emissions during periods of startup, shutdown and malfunction shall be excluded from averaging calculations, and from determinations of compliance with emission limits of this permit provided, however, that the duration of startups, shutdowns or malfunctions shall not exceed three hours per occurrence. The start-up period as stated in this condition shall mean the period when the boilers begin continuous burning of RDF, and does not include any warm-up period when only the auxiliary gas burners are utilized, and no RDF is being combusted. Malfunction shall be as defined in Specific Conditions **E.3.a. and b.**

[PSD-FL-108A]

### **Miscellaneous Requirements.**

**M.1. Definitions.** For the purposes of Rules 62-204.800(7), (8), and (9), F.A.C., the definitions contained in the various provisions of 40 CFR Parts 60 and 61, adopted herein shall apply except that the term "Administrator" when used in 40 CFR Parts 60 and 61, shall mean the Secretary or the Secretary's designee except as noted in 40 CFR 61.157.

[40 CFR 60.2; and, Rules 62-204.800(7)(a), (8)(a)2., and, (9)(a), F.A.C.]

**M.2. Circumvention.** No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

**M.3. General Applicability and Definitions.** The Standards of Performance for New Stationary Sources adopted by reference in Rule 62-204.800(7), F.A.C., the Emission Guidelines for Existing Sources adopted by reference in Rule 62-204.800(8), F.A.C., and the National Emissions Standards for Hazardous Air Pollutants adopted by reference in Rule 62-204.800(9), F.A.C., shall be controlling over other standards in the air pollution rules of the Department except that any emissions limiting standard contained in or determined pursuant to the air pollution rules of the Department which is more stringent than one contained in a Standard of Performance, an Emission Guideline, or a National Emission Standard, or which regulates emissions of pollutants or emissions units not regulated by an applicable Standard of Performance, Emission Guideline, or National Emission Standard, shall apply.

[Rules 62-204.800(7)(c), (8)(a)1., and (9)(c), F.A.C.]

**M.4. Acid Rain Program Application.** For any unit which was a solid waste incinerator, burning less than 20 percent fossil fuel as described in 40 CFR 72.6(b)(7), adopted and incorporated by reference at

Rule 62-204.800, F.A.C., the designated representative of the source containing the unit shall submit a complete Acid Rain Program application governing such unit to the Department before the later of January 1, 1998, or March 1 of the year following the three calendar year period in which the incinerator consumed 20 percent or more fossil fuel on a British thermal unit (BTU) basis.

[Chapter 62-214.320(1)(h), F.A.C.]

**Subsection B. This section addresses the following emissions unit.**

<b>E.U. ID No.</b>	<b>Brief Description</b>
003	Class I Landfill Flare
004	Class III Landfill Flare

Two landfills are on this property: a Class I Landfill and a Class III Landfill, each with its own gas collection system. Emissions from each landfill are controlled by flares.

{Permitting note(s): These emissions units are regulated under 40 CFR 60 Subpart WWW, Standards for air emissions from municipal solid waste landfills.}

**The following Specific Conditions apply to the emissions units listed above:**

**B.0. Hours of Operation:** These emissions units may operate continuously, i.e., 8,760 hours/year. [Rule 62-210.200, F.A.C., Definitions-potential to emit (PTE) and PSD-FL-108(D)]

**Sections 60.752(a)-(d) Standards for air emissions from municipal solid waste landfills.**

**B.1. Reporting of design capacity.**

(a) Each owner or operator of an MSW landfill having a design capacity less than 2.5 million megagrams by mass or 2.5 million cubic meters by volume shall submit an initial design capacity report to the Administrator as provided in 40 CFR 60.757(a). The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. Any density conversions shall be documented and submitted with the report. Submittal of the initial design capacity report shall fulfill the requirements of 40 CFR 60, Subpart WWW except as provided for in paragraphs (a)(1) and (a)(2) of this section.

(1) The owner or operator shall submit to the Administrator an amended design capacity report, as provided for in 40 CFR 60.757(a)(3).

(2) When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.752(b) through 40 CFR 60.759 on the basis of the design capacity exemption in paragraph(a) of this section results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of 40 CFR 60.752(b).

[Rule 62-204.800, F.A.C.; and 40 CFR 60.752(a)]

**B.2. Determination of non-methane organic compounds.**

(b) Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with paragraph (b)(2) of this section or calculate an NMOC emission rate for the landfill using the procedures specified in 40 CFR 60.754. The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR 60.757(b)(1)(ii). The owner or operator of an MSW landfill subject to 40 CFR 60, Subpart WWW with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to 40 CFR 70 or 71 permitting requirements.

(1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

(i) Submit an annual emission report to the Administrator, except as provided for in 40 CFR 60.757(b)(1)(ii); and

(ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.

(A) If the NMOC emission rate, upon recalculation required in paragraph (b)(1)(ii) of this section, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (b)(2) of this section.

(B) If the landfill is permanently closed, a closure notification shall be submitted to the Administrator as provided for in 40 CFR 60.757(d).

(2) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

(i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within **1 year**:

(A) The collection and control system as described in the plan shall meet the design requirements of paragraph (b)(2)(ii) of this section.

(B) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 60.758 proposed by the owner or operator.

(C) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR 60.759.

(D) The Administrator shall review the information submitted under paragraphs (b)(2)(i) (A),(B) and (C) of this section and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

(ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (b)(2)(ii)(A) or (B) and (b)(2)(iii) of this section within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 40 CFR 60.757(c)(1) or (2).

(A) An active collection system shall:

(1) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

(2) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of:

(i) 5 years or more if active; or

(ii) 2 years or more if closed or at final grade;

(3) Collect gas at a sufficient extraction rate;

(4) Be designed to minimize off-site migration of subsurface gas.

(B) A passive collection system shall:

(1) Comply with the provisions specified in paragraphs (b)(2)(ii), (A) (1), (2), and (4) of this section.

- (2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR 258.40.
- (iii) Route all the collected gas to a control system that complies with the requirements in either paragraph (b)(2)(iii) (A), (B) or (C) of this section.
- (A) An open flare designed and operated in accordance with 40 CFR 60.18;
- (B) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR 60.754(d).
- (1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.
- (2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR 60.756;
- (C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (b)(2)(iii) (A) or (B) of this section.
- (iv) Operate the collection and control device installed to comply with 40 CFR 60, Subpart WWW in accordance with the provisions of 40 CFR 60.753, 60.755 and 60.756.
- (v) The collection and control system may be capped or removed provided that all the conditions of paragraphs (b)(2)(v) (A), (B), and (C) of this section are met:
- (A) The landfill shall be a closed landfill as defined in 40 CFR 60.751. A closure report shall be submitted to the Administrator as provided in 40 CFR 60.757(d);
- (B) The collection and control system shall have been in operation a minimum of 15 years; and
- (C) Following the procedures specified in 40 CFR 60.754(b), the calculated NMOC gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

[Rule 62-204.800, F.A.C.; 40 CFR 60.752(b)]

**B.3. Requirement to obtain a Title V Permit.**

(c) For purposes of obtaining an operating permit under title V of the Act, the owner or operator of a MSW landfill subject to 40 CFR 60, Subpart WWW with a design capacity less than 2.5 million megagrams or 2.5 million cubic meters is not subject to the requirement to obtain an operating permit for the landfill under 40 CFR 70 or 71, unless the landfill is otherwise subject to either 40 CFR 70 or 71. For purposes of submitting a timely application for an operating permit under 40 CFR 70 or 71, the owner or operator of a MSW landfill subject to 40 CFR 60, Subpart WWW with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, and not otherwise subject to either 40 CFR 70 or 71, becomes subject to the requirements of 40 CFR 70.5(a)(1)(i) or 71.5(a)(1)(i), regardless of when the design capacity report is actually submitted, no later than:

- (1) June 10, 1996 for MSW landfills that commenced construction, modification, or reconstruction on or after May 30, 1991 but before March 12, 1996;
- (2) Ninety days after the date of commenced construction, modification, or reconstruction for MSW landfills that commence construction, modification, or reconstruction on or after March 12, 1996.

[Rule 62-204.800, F.A.C.; 40 CFR 60.752(c)]

**B.4. Closure of landfill.**

(d) When a MSW landfill subject to 40 CFR 60, Subpart WWW is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit under 40 CFR 70 or 71 for the landfill if the landfill is not otherwise subject to the requirements of either 40 CFR 70 or 71 and if either of the following conditions are met:

- (1) The landfill was never subject to the requirement for a control system under 40 CFR 60.752(b)(2); or
- (2) The owner or operator meets the conditions for control system removal specified in 40 CFR 60.752(b)(2)(v).

[Rule 62-204.800, F.A.C.; 40 CFR 60.752(d)]

**Section 60.753 Operational standards for collection and control systems.**

**B.5. Length of time required to operate control system.**

Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR 60.752(b)(2)(ii) shall:

(a) Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for:

- (1) 5 years or more if active; or
- (2) 2 years or more if closed or at final grade.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(a)]

**B.6. Collection system pressure requirements.**

(b) Operate the collection system with negative pressure at each wellhead except under the following conditions:

- (1) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR 60.757(f)(1);
- (2) Use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan;
- (3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Administrator.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(b)]

**B.7. Collection system temperature, oxygen and nitrogen requirements.**

(c) Operate each interior wellhead in the collection system with a landfill gas temperature less than 55° C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

- (1) The nitrogen level shall be determined using Method 3C, unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i).

(2) Unless an alternative test method is established as allowed by 40 CFR 60.752(b)(2)(i), the oxygen shall be determined by an oxygen meter using Method 3A except that:

- (i) The span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
- (ii) A data recorder is not required;
- (iii) Only two calibration gases are required, a zero and span, and ambient air may be used as the span;
- (iv) A calibration error check is not required;
- (v) The allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(c)]

**B.8. Collection system background methane requirements.**

(d) Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(d)]

**B.9. Collection system venting requirements.**

(e) Operate the system such that all collected gases are vented to a control system designed and operated in compliance with 40 CFR 60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within 1 hour; and

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(e)]

**B.10. Requirement for continuous operation.**

(f) Operate the control or treatment system at all times when the collected gas is routed to the system.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(f)]

**B.11. Requirement to take corrective action.**

(g) If monitoring demonstrates that the operational requirement in 40 CFR 60.753(b), (c), or (d) are not met, corrective action shall be taken as specified in 40 CFR 60.755(a) (3) through (5) or 40 CFR 60.755(c). If corrective actions are taken as specified in 40 CFR 60.755, the monitored exceedance is not a violation of the operational requirements in this section.

[Rule 62-204.800, F.A.C.; 40 CFR 60.753(g)]

**Section 60.754 Test methods and procedures.**

**B.12. Method of calculation of NMOC emissions when actual solid waste acceptance rates are unknown.**

(a)(1) The landfill owner or operator shall calculate the NMOC emission rate using either the equation provided in paragraph (a)(1)(i) of this section or the equation provided in paragraph (a)(1)(ii) of this section. Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in paragraph (a)(1)(i), for part of the life of the landfill and the actual year-to-year solid waste



acceptance rate is unknown, as specified in paragraph (a)(1)(ii), for part of the life of the landfill. The values to be used in both equations are 0.05 per year for  $k$ , 170 cubic meters per megagram for  $L_o$ , and 4,000 parts per million by volume as hexane for the  $C_{NMOC}$ . For landfills located in geographical areas with a thirty year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site, the  $k$  value to be used is 0.02 per year.

(i) The following equation shall be used if the actual year-to-year solid waste acceptance rate is known.

$$M_{NMOC} = \sum_{i=1}^n 2kL_oM_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where,

$M_{NMOC}$  = Total NMOC emission rate from the landfill, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_o$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section, years

$C_{NMOC}$  = concentration of NMOC, parts per million by volume as hexane

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for  $M_i$  if documentation of the nature and amount of such wastes is maintained.

(ii) The following equation shall be used if the actual year-to-year solid waste acceptance rate is unknown.

$$M_{NMOC} = 2L_o R (e^{-kc} - e^{-kt})(C_{NMOC})(3.6 \times 10^{-9})$$

where,

$M_{NMOC}$  = mass emission rate of NMOC, megagrams per year

$L_o$  = methane generation potential, cubic meters per megagram solid waste

$R$  = average annual acceptance rate, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$t$  = age of landfill, years

$C_{NMOC}$  = concentration of NMOC, parts per million by volume as hexane

$c$  = time since closure, years. For active landfill  $c = 0$  and  $e^{-kc} = 1$

$3.6 \times 10^{-9}$  = conversion factor

The mass of nondegradable solid waste may be subtracted from the average annual acceptance rate when calculating a value for  $R$ , if documentation of the nature and amount of such wastes is maintained.

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(a)(1)]

**B.13. Requirements if calculated NMOC emissions are less than 50 megagrams per year.**

(a)(2) Tier 1. The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

(i) If the NMOC emission rate calculated in 40 CFR 60.754(a)(1) is less than 50 megagrams per year, then the landfill owner shall submit an emission rate report as provided in 40 CFR

60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under 40 CFR 60.752(b)(1).

(ii) If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with 40 CFR 60.752(b)(2), or determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in 40 CFR 60.754(a)(3).

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(a)(2)]

**B.14. Method for determining site-specific NMOC emissions.**

(a)(3) Tier 2. The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25C of 40 CFR 60, Appendix A or Method 18 of 40 CFR 60, Appendix A. If using Method 18 of 40 CFR 60, Appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the NMOC concentration from Method 25C of 40 CFR 60, Appendix A by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

(i) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in 40 CFR 60.754(a)(1)(i) or (a)(1)(ii) and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in 40 CFR 60.754(a)(1).

(ii) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with 40 CFR 60.752(b)(2), or determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in 40 CFR 60.754(a)(4).

(iii) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in 40 CFR 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in 40 CFR 60.754(a)(3).

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(a)(3)]

**B.15. Method for determining site-specific methane emissions.**

(a)(4) Tier 3. The site-specific methane generation rate constant shall be determined using the procedures provided in Method 2E of 40 CFR 60, Appendix A. The landfill owner or operator shall estimate the NMOC mass emission rate using equations in 40 CFR 60.754(a)(1)(i) or (a)(1)(ii) and using a site-specific methane generation rate constant  $k$ , and the site-specific NMOC concentration as determined in 40 CFR 60.754(a)(3) instead of the default values provided in 40 CFR 60.754(a)(1). The landfill owner or operator shall compare the resulting NMOC mass emission rate to the standard of 50 megagrams per year.

(i) If the NMOC mass emission rate as calculated using the site-specific methane generation rate and concentration of NMOC is equal to or greater than 50 megagrams per year, the owner or operator shall comply with 40 CFR 60.752(b)(2).

(ii) If the NMOC mass emission rate is less than 50 megagrams per year, then the owner or operator shall submit a periodic emission rate report as provided in 40 CFR 60.757(b)(1) and

shall recalculate the NMOC mass emission rate annually, as provided in 40 CFR 60.757(b)(1) using the equations in 40 CFR 60.754(a)(1) and using the site-specific methane generation rate constant and NMOC concentration obtained in 40 CFR 60.754(a)(3). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(a)(4)]

**B.16. Alternative methods.**

(a)(5) The owner or operator may use other methods to determine the NMOC concentration or a site-specific  $k$  as an alternative to the methods required in 40 CFR 60.754(a)(3) and (a)(4) if the method has been approved by the Administrator.

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(a)(5)]

**B.17. Calculating NMOC rate to determine when a collection and control system may be removed.**

(b) After the installation of a collection and control system in compliance with 40 CFR 60.755, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 40 CFR 60.752(b)(2)(v), using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

$M_{\text{NMOC}}$  = mass emission rate of NMOC, megagrams per year

$Q_{\text{LFG}}$  = flow rate of landfill gas, cubic meters per minute

$C_{\text{NMOC}}$  = NMOC concentration, parts per million by volume as hexane

(1) The flow rate of landfill gas,  $Q_{\text{LFG}}$ , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of 40 CFR 60, Appendix A.

(2) The average NMOC concentration,  $C_{\text{NMOC}}$ , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of 40 CFR 60, Appendix A. If using Method 18 of 40 CFR 60, Appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C of 40 CFR 60, Appendix A by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

(3) The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the Administrator.

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(b)]

**B.18. Calculating emissions for PSD purposes.**

(c) When calculating emissions for PSD purposes, the owner or operator of each MSW landfill subject to the provisions of 40 CFR 60, Subpart WWW shall estimate the NMOC emission rate for comparison to the PSD major source and significance levels in 40 CFR 51.166 or 52.21 using AP-42 or other approved measurement procedures.

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(c)]

**B.19. Performance test methods.**

(d) For the performance test required in 40 CFR 60.752(b)(2)(iii)(B), Method 25C or Method 18 of 40 CFR 60, Appendix A shall be used to determine compliance with 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by 40 CFR 60.752(b)(2)(i)(B). If using Method 18 of 40 CFR 60, Appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC<sub>in</sub> = mass of NMOC entering control device

NMOC<sub>out</sub> = mass of NMOC exiting control device

[Rule 62-204.800, F.A.C.; 40 CFR 60.754(d)]

**Section 60.755 Compliance provisions.**

**B.20. Methods for ensuring collection system accuracy.**

(a) Except as provided in 40 CFR 60.752(b)(2)(i)(B), the specified methods in paragraphs (a)(1) through (a)(6) of this section shall be used to determine whether the gas collection system is in compliance with 40 CFR 60.752(b)(2)(ii).

(1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 40 CFR 60.752(b)(2)(ii)(A)(1), one of the following equations shall be used. The k and L<sub>o</sub> kinetic factors should be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42) or other site specific values demonstrated to be appropriate and approved by the Administrator. If k has been determined as specified in 40 CFR 60.754(a)(4), the value of k determined from the test shall be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

(i) For sites with unknown year-to-year solid waste acceptance rate:

$$Q_m = 2L_o R (e^{-kc} - e^{-kt})$$

where,

Q<sub>m</sub> = maximum expected gas generation flow rate, cubic meters per year

L<sub>o</sub> = methane generation potential, cubic meters per megagram solid waste

R = average annual acceptance rate, megagrams per year

k = methane generation rate constant, year<sup>-1</sup>

t = age of the landfill at equipment installation plus the time the owner or operator intends to use the gas mover equipment or active life of the landfill, whichever is less. If the equipment is installed after closure, t is the age of the landfill at installation, years

c = time since closure, years (for an active landfill c = 0 and e<sup>-kc</sup> = 1)

(ii) For sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum_{i=1}^n 2kL_o M_i (e^{-kt_i})$$

where,

$Q_M$  = maximum expected gas generation flow rate, cubic meters per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_o$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section, years

(iii) If a collection and control system has been installed, actual flow data may be used to project the maximum expected gas generation flow rate instead of, or in conjunction with, the equations in 40 CFR 60.755(a)(1) (i) and (ii). If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equations in 40 CFR 60.755(a)(1) (i) or (ii) or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.

(2) For the purposes of determining sufficient density of gas collectors for compliance with 40 CFR 60.752(b)(2)(ii)(A)(2), the owner or operator shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

(3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 40 CFR 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under 40 CFR 60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

(4) Owners or operators are not required to expand the system as required in 40 CFR 60.755(a)(3) during the first 180 days after gas collection system startup.

(5) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 40 CFR 60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

(6) An owner or operator seeking to demonstrate compliance with 40 CFR 60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in 40 CFR 60.759 shall provide information satisfactory to the Administrator as specified in 40 CFR 60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.

[Rule 62-204.800, F.A.C.; 40 CFR 60.755(a)]

**B.21. Installation according to design plan.**

(b) For purposes of compliance with 40 CFR 60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 40 CFR 60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- (1) 5 years or more if active; or
- (2) 2 years or more if closed or at final grade.

[Rule 62-204.800, F.A.C.; 40 CFR 60.755(b)]

**B.22. Surface methane requirements.**

(c) The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR 60.753(d).

- (1) After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on (A) an annual\* basis for the Class III Landfill, and (B) a quarterly basis for the Class I Landfill, using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR 60.755(d).

\*The frequency of surface monitoring of methane gas emissions shall be *annual* for the Class III Landfill, provided that the methane concentration level remains below 250 parts per million (ppm). If the methane concentration equals or exceeds 250 ppm, then the surface monitoring shall revert back to a quarterly monitoring frequency. If no readings of 250 ppm or greater are detected in three consecutive subsequent quarterly samples, the frequency shall again become annual.

Note that although quarterly monitoring shall be required if the methane concentration equals or exceeds 250 ppm, corrective action measures, as required by Specific Condition B.22(c)(4), shall only be required when the concentration level equals or exceeds 500 ppm or more above background at any location.

[Rule 62-204.800(7)(b), F.A.C.; 40 CFR 60 Subpart WWW; 40 CFR 60.13(i); USEPA approval letter to the Department dated June 7, 2002; and 0990234-005-AC, Specific Condition 2.]

- (2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
- (3) Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of 40 CFR 60, Appendix A, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- (4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in 40 CFR 60.755(c)(4) (i) through (v) shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 40 CFR 60.753(d).
  - (i) The location of each monitored exceedance shall be marked and the location recorded.

(ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.

(iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in 40 CFR 60.755(c)(4)(v) shall be taken, and no further monitoring of that location is required until the action specified in 40 CFR 60.755(c)(4)(v) has been taken.

(iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in 40 CFR 60.755(c)(4) (ii) or (iii) shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in 40 CFR 60.755(c)(4) (iii) or (v) shall be taken.

(v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

(5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

[Rule 62-204.800, F.A.C.; 40 CFR 60.755(c)]

**B.23. Method for ensuring accuracy of surface methane measurements.**

(d) Each owner or operator seeking to comply with the provisions in 40 CFR 60.755(c) shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

(1) The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of 40 CFR 60, Appendix A, except that "methane" shall replace all references to VOC.

(2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.

(3) To meet the performance evaluation requirements in section 3.1.3 of Method 21 of 40 CFR 60, Appendix A, the instrument evaluation procedures of section 4.4 of Method 21 of 40 CFR 60, Appendix A shall be used.

(4) The calibration procedures provided in section 4.2 of Method 21 of 40 CFR 60, Appendix A shall be followed immediately before commencing a surface monitoring survey.

[Rule 62-204.800, F.A.C.; 40 CFR 60.755(d)]

**B.24. Applicability of permit provisions.**

(e) The provisions of 40 CFR 60, Subpart WWW apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.

[Rule 62-204.800, F.A.C.; 40 CFR 60.755(e)]

**Section 60.756 Monitoring of operations.**

**B.25. Active gas collection system.**

Except as provided in 40 CFR 60.752(b)(2)(i)(B),

(a) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(ii)(A) for an active gas collection system shall install a sampling port and a thermometer other temperature measuring device, or an access port for temperature measurements at each wellhead and:

- (1) Measure the gauge pressure in the gas collection header on a monthly basis as provided in 40 CFR 60.755(a)(3); and
- (2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR 60.755(a)(5); and
- (3) Monitor temperature of the landfill gas on a monthly basis as provided in 40 CFR 60.755(a)(5).

[Rule 62-204.800, F.A.C.; 40 CFR 60.756(a)]

**B.26. Enclosed combustor.**

(b) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(iii) using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

- (1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5^\circ$  C, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity greater than 44 megawatts.
- (2) A device that records flow to or bypass of the control device. The owner or operator shall either:
  - (i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
  - (ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

[Rule 62-204.800, F.A.C.; 40 CFR 60.756(b)]

**B.27. Open flare.**

(c) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(iii) using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

- (1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.
- (2) A device that records flow to or bypass of the flare. The owner or operator shall either:
  - (i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
  - (ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

[Rule 62-204.800, F.A.C.; 40 CFR 60.756(c)]



**B.28. Other control devices.**

(d) Each owner or operator seeking to demonstrate compliance with 40 CFR 60.752(b)(2)(iii) using a device other than an open flare or an enclosed combustor shall provide information satisfactory to the Administrator as provided in 40 CFR 60.752(b)(2)(i)(B) describing the operation of the control device, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator shall review the information and either approve it, or request that additional information be submitted. The Administrator may specify additional appropriate monitoring procedures. [Rule 62-204.800, F.A.C.; 40 CFR 60.756(d)]

**B.29. Alternate methods of compliance.**

(e) Each owner or operator seeking to install a collection system that does not meet the specifications in 40 CFR 60.759 or seeking to monitor alternative parameters to those required by 40 CFR 60.753 through 40 CFR 60.756 shall provide information satisfactory to the Administrator as provided in 40 CFR 60.752(b)(2)(i) (B) and (C) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The Administrator may specify additional appropriate monitoring procedures. [Rule 62-204.800, F.A.C.; 40 CFR 60.756(e)]

**B.30. Surface methane operational standard.**

(f) Each owner or operator seeking to demonstrate compliance with 40 CFR 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 40 CFR 60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring. [Rule 62-204.800, F.A.C.; 40 CFR 60.756(f)]

**Section 60.757 Reporting requirements.**

**B.31. Notification of any increase in design capacity.**

Except as provided in 40 CFR 60.752(b)(2)(i)(B),

(a) Each owner or operator subject to the requirements of 40 CFR 60, Subpart WWW shall submit an initial design capacity report to the Administrator.

(1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required by 40 CFR 60.7(a)(1) and shall be submitted no later than:

- (i) June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991 but before March 12, 1996 or
- (ii) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996.

(2) The initial design capacity report shall contain the following information:

- (i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by the State, local, or tribal agency responsible for regulating the landfill.
- (ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by the State, local, or tribal agency responsible for

regulating the landfill, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. The State, Tribal, local agency or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

(3) An amended design capacity report shall be submitted to the Administrator providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to or above 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 40 CFR 60.758(f).

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(a)]

**B.32. Annual NMOC emission rate.**

(b) Each owner or operator subject to the requirements of 40 CFR 60, Subpart WWW, shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) or (b)(3). The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR 60.754(a) or (b), as applicable.

(i) The initial NMOC emission rate report may be combined with the initial design capacity report required in 40 CFR 60.757(a) and shall be submitted no later than indicated in 40 CFR 60.757(b)(1)(i)(A) and (B). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and (b)(3).

(A) June 10, 1996, for landfills that commenced construction, modification, or reconstruction on or after May 30, 1991, but before March 12, 1996, or

(B) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction on or after March 12, 1996.

(ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Administrator. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Administrator. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(2) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

(3) Each owner or operator subject to the requirements of 40 CFR 60, Subpart WWW, is exempted from the requirements of 40 CFR 60.757(b)(1) and (2), after the installation of a

collection and control system in compliance with 40 CFR 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.753 and 60.755. [Rule 62-204.800, F.A.C.; 40 CFR 60.757(b)]

**B.33. Collection and control system design plan.**

(c) Each owner or operator subject to the provisions of 40 CFR 60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report, required under 40 CFR 60.757(b), in which the emission rate exceeds 50 megagrams per year, except as follows:

(1) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 40 CFR 60.754(a)(3) and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

(2) If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in 40 CFR 60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 40 CFR 60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 megagrams per year.

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(c)]

**B.34. Closure report.**

(d) Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR 258.60. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR 60.7(a)(4).

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(d)]

**B.35. Equipment removal report.**

(e) Each owner or operator of a controlled landfill shall submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.

(1) The equipment removal report shall contain all of the following items:

(i) A copy of the closure report submitted in accordance with 40 CFR 60.757(d);

(ii) A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and

(iii) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.

(2) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in 40 CFR 60.752(b)(2)(v) have been met.

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(e)]

**B.36. Active collection system annual reports.**

(f) Each owner or operator of a landfill seeking to comply with 40 CFR 60.752(b)(2) using an active collection system designed in accordance with 40 CFR 60.752(b)(2)(ii) shall submit to the Administrator annual reports of the recorded information in (f)(1) through (f)(6) of this paragraph. The initial annual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR 60.758(c).

(1) Value and length of time for exceedance of applicable parameters monitored under 40 CFR 60.756(a), (b), (c), and (d).

(2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR 60.756.

(3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.

(4) All periods when the collection system was not operating in excess of 5 days.

(5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.

(6) The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR 60.755(a)(3), (b), and (c)(4).

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(f)]

**B.37. Passive collection system reporting.**

(g) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(iii) shall include the following information with the initial performance test report required under 40 CFR 60.8:

(1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;

(2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

(3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

(4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and

(5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

(6) The provisions for the control of off-site migration.

[Rule 62-204.800, F.A.C.; 40 CFR 60.757(g)]

**Section 60.758 Recordkeeping requirements.**

**B.38. Capacity and acceptance reports.**

(a) Except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of 40 CFR 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered 40 CFR 60.752(b), the current amount of solid

waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.  
[Rule 62-204.800, F.A.C.; 40 CFR 60.758(a)]

**B.39. Control equipment test results.**

(b) Except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (b)(1) through (b)(4) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.

(1) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(ii):

(i) The maximum expected gas generation flow rate as calculated in 40 CFR 60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

(ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR 60.759(a)(1).

(2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than 44 megawatts:

(i) The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.

(ii) The percent reduction of NMOC determined as specified in 40 CFR 60.752(b)(2)(iii)(B) achieved by the control device.

(3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(iii)(B)(1) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

(4) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR 60.752(b)(2)(iii)(A) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

[Rule 62-204.800, F.A.C.; 40 CFR 60.758(b)]

**B.40. Equipment operating parameters.**

(c) Except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill subject to the provisions of this subpart shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

(1) The following constitute exceedances that shall be recorded and reported under 40 CFR 60.757(f):

(i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average combustion temperature was more

than 28 °C below the average combustion temperature during the most recent performance test at which compliance with 40 CFR 60.752(b)(2)(iii) was determined.

(ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under 40 CFR 60.758(b)(3)(i).

(2) Each owner or operator subject to the provisions of this subpart shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 60.756.

(3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR 60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater.

(Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State, local, Tribal, or Federal regulatory requirements.)

(4) Each owner or operator seeking to comply with the provisions of this subpart by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame

monitoring specified under 40 CFR 60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

[Rule 62-204.800, F.A.C.; 40 CFR 60.758(c)]

**B.41. Plot map.**

(d) Except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator subject to the provisions of 40 CFR 60, Subpart WWW shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

(1) Each owner or operator subject to the provisions of 40 CFR 60, Subpart WWW shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 40 CFR 60.755(b).

(2) Each owner or operator subject to the provisions of 40 CFR 60, Subpart WWW shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR 60.759(a)(3)(ii).

[Rule 62-204.800, F.A.C.; 40 CFR 60.758(d)]

**B.42. Exceedances.**

(e) Except as provided in 40 CFR 60.752(b)(2)(i)(B), each owner or operator subject to the provisions of 40 CFR 60, Subpart WWW shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

[Rule 62-204.800, F.A.C.; 40 CFR 60.758(e)]

**B.43. Design capacity calculations.**

(f) Landfill owners or operators who convert design capacity from volume to mass or mass to volume to demonstrate that landfill design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, as provided in the definition of "design capacity", shall keep readily accessible, on-site records of the

annual recalculation of site-specific density, design capacity, and the supporting documentation. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

[Rule 62-204.800, F.A.C.; 40 CFR 60.758(f)]

### Section 60.759 Specifications for active collection systems.

#### B.44. Placement of collection devices.

(a) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i) shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator as provided in 40 CFR 60.752(b)(2)(i)(C) and (D):

(1) The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.

(2) The sufficient density of gas collection devices determined in 40 CFR 60.759(a)(1) shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

(3) The placement of gas collection devices determined in 40 CFR 60.759(a)(1) shall control all gas producing areas, except as provided by paragraphs (a)(3)(i) and (a)(3)(ii) below.

(i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40 CFR 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.

(ii) Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

$Q_i$  = NMOC emission rate from the  $i$ th section, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_o$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of the degradable solid waste in the  $i$ th section, megagram

$t_i$  = age of the solid waste in the  $i$ th section, years

$C_{NMOC}$  = concentration of nonmethane organic compounds, parts per million by volume

$3.6 \times 10^{-9}$  = conversion factor

(iii) The values for  $k$  and  $C_{NMOC}$  determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for  $k$ ,  $L_0$  and  $C_{NMOC}$  provided in 40 CFR 60.754(a)(1) or the alternative values from 40 CFR 60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in 40 CFR 60.759(a)(3)(i).

[Rule 62-204.800, F.A.C.; 40 CFR 60.759(a)]

**B.45. Design of collection devices.**

(b) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i)(A) shall construct the gas collection devices using the following equipment or procedures:

(1) The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.

(2) Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

(3) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

[Rule 62-204.800, F.A.C.; 40 CFR 60.759(b)]

**B.46. Capacity of collection system.**

(c) Each owner or operator seeking to comply with 40 CFR 60.752(b)(2)(i)(A) shall convey the landfill gas to a control system in compliance with 40 CFR 60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

(1) For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (c)(2) below shall be used.

(2) For new collection systems, the maximum flow rate shall be in accordance with 40 CFR 60.755(a)(1).

[Rule 62-204.800, F.A.C.; 40 CFR 60.759(c)]

**B.47. Landfill Gas Flow Rate:** The owner or operator shall not allow more than 1800 scfm of landfill gas to be directed to each flare. The actual flow rate shall be determined for each flare on a monthly



average basis by dividing the measured flow by the hours that each flare was operated each month. Compliance with this limitation shall be by measuring landfill gas flows to each flare and recording flows with a totalizing meter. Records of the totalizing meter values shall be recorded in an operators log monthly, or whenever the meter is reset for any purpose, whichever is more frequent. The owner or operator shall maintain a strip chart recorder to record the flow rate to each flare as a backup device in the event that the totalizer meter is not functioning; the strip chart recorder shall also be used in conjunction with an operators log to document the hours each month that each flare was operated. [Rule 62-4.070(3), F.A.C., and PSD-FL-108(D)]

**B.48. Pursuant to 40 CFR 60.18 General Control Device Requirements:** The owner or operator shall comply with the following requirements for 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) Flares shall be used only with the net heating value of the gas being combusted being 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted shall be determined by the methods specified in paragraph (f).
- (4) (iii) 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.
- (d) Owners or operators of flares used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.
- (e) Flares used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.
- (f) (1) Reference Method 22 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:

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

where:

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

$K$  = Constant,  $1.740 \times 10^{-7}$  (1/ppm) (g mole/scm) (MJ/kcal) where the standard temperature for (g mole/scm) is 20°C;

$C_i$  = Concentration of sample component  $i$  in ppm on a wet basis, as measured for organics by Reference Method 18 and measured for hydrogen and carbon monoxide by ASTM D1946-77 (Incorporated by reference as specified in 40 CFR 60.17); and

$H_i$  = Net heat of combustion of sample component  $i$ , kcal/ g mole at 25°C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 (incorporated by reference as specified in 40 CFR 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 flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.**

(5) The maximum permitted velocity,  $V_{max}$ , for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation.

$$\text{Log}_{10} (V_{max}) = (HT+28.8)/31.7$$

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

28.8 = Constant

31.7 = Constant

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

[Rule 62-204.800(7)(b), F.A.C., and 40 CFR 60.18]

**B.49. Reporting Requirements.** The owner or operator shall annually determine and report the actual exit velocity of each flare using the methods specified in 40 CFR 60.18. The owner or operator shall annually analyze and report the sulfur content of the landfill gas directed to each flare using ASTM Method D1072-90, or later method. The actual exit velocity and sulfur content shall be reported to the Department as an attachment to the facility's annual operating report.

[Rule 62-4.070(3), F.A.C., and PSD FL-108(D)]

**B.50. Title V Applicability.** Any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, and which has a design capacity equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal solid waste landfill subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart WWW, shall file an application for an operation permit under Chapter 62-213, F.A.C., by the later of March 12, 1997, or 180 days after the issuance of the solid waste permit that modifies the design capacity of the facility to be equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters. In addition to the initial design capacity report and nonmethane organic compound (NMOC) emission rate report, as applicable, submitted earlier to the U.S. Environmental Protection Agency, any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, shall submit to the Department a design capacity and NMOC emission rate report as outlined in 40 CFR 60.757 no later than December 31, 1996.

[Rule 62-204.800(7)(b)72., F.A.C.]

## Appendix WWW-1, Definitions associated with 40 CFR 60 Subpart WWW (p.1/ 2)

*Active collection system* means a gas collection system that uses gas mover equipment.

*Active landfill* means a landfill in which solid waste is being placed or a landfill that is planned to accept waste in the future.

*Closed landfill* means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under Sec. 60.7(a)(4). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A landfill is considered closed after meeting the criteria of Sec. 258.60 of this title.

*Closure* means that point in time when a landfill becomes a closed landfill.

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

*Controlled landfill* means any landfill at which collection and control systems are required under this subpart as a result of the nonmethane organic compounds emission rate. The landfill is considered controlled at the time a collection and control system design plan is submitted in compliance with Sec. 60.752(b)(2)(i).

*Design capacity* means the maximum amount of solid waste a landfill can accept, as indicated in terms of volume or mass in the most recent permit issued by the permitting authority, plus any in-place waste not accounted for in the most recent permit. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site specific density, which must be recalculated annually.

*Disposal facility* means all contiguous land and structures, other appurtenances, and improvements on the land used for the disposal of solid waste.

*Emission rate cutoff* means the threshold annual emission rate to which a landfill compares its estimated emission rate to determine if control under the regulation is required.

*Enclosed combustor* means an enclosed firebox which maintains a relatively constant limited peak temperature generally using a limited supply of combustion air. An enclosed flare is considered an enclosed combustor.

*Flare* means an open combustor without enclosure or shroud.

*Gas mover equipment* means the equipment (i.e., fan, blower, compressor) used to transport landfill gas through the header system.

*Household waste* means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including, but not limited to, single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

*Industrial solid waste* means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act, parts 264 and 265 of this title. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

**Appendix WWW-1, Definitions associated with 40 CFR 60 Subpart WWW (p. 2/2)**

*Interior well* means any well or similar collection component located inside the perimeter of the landfill waste. A perimeter well located outside the landfilled waste is not an interior well.

*Landfill* means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under Sec. 257.2 of this title.

*Lateral expansion* means a horizontal expansion of the waste boundaries of an existing MSW landfill. A lateral expansion is not a modification unless it results in an increase in the design capacity of the landfill.

*Modification* means an increase in the permitted volume design capacity of the landfill by either horizontal or vertical expansion.

*Municipal solid waste landfill* or *MSW landfill* means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA Subtitle D wastes (Sec. 257.2 of this title) such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion.

*Municipal solid waste landfill emissions* or *MSW landfill emissions* means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste.

*NMOC* means nonmethane organic compounds, as measured according to the provisions of Sec. 60.754.

*Nondegradable waste* means any waste that does not decompose through chemical breakdown or microbiological activity. Examples are, but are not limited to, concrete, municipal waste combustor ash, and metals.

*Passive collection system* means a gas collection system that solely uses positive pressure within the landfill to move the gas rather than using gas mover equipment.

*Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant.

*Solid waste* means any garbage, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under 33 U.S.C. 1342, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C 2011 et seq.).

*Sufficient density* means any number, spacing, and combination of collection system components, including vertical wells, horizontal collectors, and surface collectors, necessary to maintain emission and migration control as determined by measures of performance set forth in this part.

*Sufficient extraction rate* means a rate sufficient to maintain a negative pressure at all wellheads in the collection system without causing air infiltration, including any wellheads connected to the system as a result of expansion or excess surface emissions, for the life of the blower.

**60.18 General control device requirements. (Updated 7/1/98 with FED REG rev. 5/4/98)**

(a) Introduction. This section contains requirements for control devices used to comply with [part 60 subpart WWW].

(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:

$$V_{\max} = (X_{H_2} - K_1) * K_2$$

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.

$X_{H_2}$  = 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.

(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) Reference Method 22 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:

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

where:

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

$K$  = Constant,  $1.740 \times 10^{-7}$  (1/ppm) (gmole/scm) (MJ/kcal), where the standard temperature for (gmole/scm) is 20°C;

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

$H_i$  = Net heat of combustion of sample component  $i$ , kcal/g mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 (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,  $V_{max}$ , for flares complying with paragraph (c)(4)(iii) shall be determined by the following equation:

$$\text{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

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

28.8 = Constant

31.7 = Constant

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

(6) The maximum permitted velocity,  $V_{max}$ , for air-assisted flares shall be determined by the following equation:

$$V_{max} = 8.706 + 0.7084 (H_T)$$

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

8.706 = Constant

0.7084 = Constant

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

APPENDIX 40 CFR 60 Subpart A - General Provisions  
(version dated 07/01/97)

**G.1. Quarterly Report.** The Permittee shall submit a quarterly excess emissions and monitoring systems performance report. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

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

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

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

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

[40 CFR 60.7(c)]

**G.2. Summary Report.** The summary report form shall contain the information and be in the format shown in Figure 1 (attached) unless otherwise specified by the Department. One summary report form shall be submitted for each pollutant monitored.

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

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

*{See attached Figure 1: Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance} (electronic file name: figure1.doc)*

[40 CFR 60.7(d)]

**G.3. Reporting Frequency.** (1) Notwithstanding the frequency of reporting requirements specified in 40 CFR 60.7(c), an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the following conditions are met:

(i) For 1 full year (e.g., 4 quarterly or 12 monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;

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

**APPENDIX 40 CFR 60 Subpart A - General Provisions**  
**(version dated 07/01/97)**

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

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

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the Permittee shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the Permittee may again request approval from the Department to reduce the frequency of reporting for that standard as provided for in 40 CFR 60.7(e)(1) and (e)(2).

[40 CFR 60.7(e)]

**G.4. Records Retention.** The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and, all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 (five) years following the date of such measurements, maintenance, reports, and records.

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

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

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



APPENDIX 40 CFR 60 Subpart A - General Provisions  
(version dated 07/01/97)

G.6. Performance tests shall be conducted under such conditions as the Department shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Department such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions for the purpose of a performance test nor shall emissions in excess of the level of the applicable emission limit during periods of startup, shutdown, and malfunction be considered a violation of the applicable emission limit unless otherwise specified in the applicable standard.

[40 CFR 60.8(c)].

G.7. Department Notification.

(a) The Permittee shall provide to the Department's South District office at least 15 days prior notice of any compliance or performance test, except as specified under other subparts, to afford the District office the opportunity to have an observer present. Test results shall be submitted to the District office no later than 45 days after completion of the test.

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

[40 CFR 60.8(d) and Rule 62-297.310(7)(a)8., F.A.C.]

G.8. The Permittee shall provide, or cause to be provided, performance testing facilities as follows:

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

2. Safe sampling platform(s).

3. Safe access to sampling platform(s).

4. Utilities for sampling and testing equipment. [40 CFR 60.8(e)]

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

[40 CFR 60.8(f)].

APPENDIX 40 CFR 60 Subpart A - General Provisions  
(version dated 07/01/97)

Compliance with Standards and Maintenance Requirements

G.10. Compliance with opacity standards in 40 CFR 60 shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60, any alternative method that is approved by the Department, or as provided in 40 CFR 60.11(e)(5). For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

[40 CFR 60.11(b)].

G.11. The Permittee shall follow the manufacturer's instructions during periods of start-up, shutdown, malfunction, or load change to ensure that the best operational practices to minimize emissions will be adhered to and the duration of any excess emissions will be minimized. The instructions shall be kept on file at the plant site and made available for inspection upon request by the Department.

[40 CFR 60.11(d)]

G.12. Credible Evidence. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR 60, nothing in 40 CFR 60 shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[40 CFR 60.11(g)].

G.13. Circumvention. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

[40 CFR 60.12]

Modifications

G.14. 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.

[40 CFR 60.14(a)].

APPENDIX 40 CFR 60 Subpart A - General Provisions

(version dated 07/01/97)

G.15. Emission rate shall be expressed as kg/hr (lb./hour) of any pollutant discharged into the atmosphere for which a standard is applicable. The Department shall use the following to determine emission rate:

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

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

[40 CFR 60.14(b)].

G.16. The addition of an affected facility to a stationary source as an expansion to that source or as a replacement for an existing facility shall not by itself bring within the applicability of 40 CFR 60 any other facility within that source.

[40 CFR 60.14(c)].

G.17. The following shall not, by themselves, be considered modifications under 40 CFR 60:

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

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

(3) An increase in the hours of operation.

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

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

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

**APPENDIX 40 CFR 60 Subpart A - General Provisions**  
**(version dated 07/01/97)**

[40 CFR 60.14(e)].

**G.18.** Special provisions set forth under an applicable subpart of 40 CFR 60 shall supersede any conflicting provisions of this section.

[40 CFR 60.14(f)].

**G.19.** 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.

[40 CFR 60.14(g)].

**G.20. Definitions.** For the purposes of Rule 62-204.800(7), F.A.C., the definitions contained in the various provisions of 40 CFR 60, shall apply except that the term "Administrator" when used in 40 CFR 60, shall mean the Secretary or the Secretary's designee.

[40 CFR 60.2; Rule 62-204.800(7)(a), F.A.C.]

[electronic file name: appa798.doc]

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

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

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

### Chapter 62-4, F.A.C.

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

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

### 2. **Not federally enforceable. Procedure to Obtain Permits: Application.**

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

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

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

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

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

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

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

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

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

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application.

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

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

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

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

---

**4. Modification of Permit Conditions.**

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

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

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

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

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

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

[Rule 62-4.090(1), F.A.C.]

**6. Suspension and Revocation.**

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

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

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

- (a) Submitted false or inaccurate information in application or operational reports.
- (b) Has violated law, Department orders, rules or permit conditions.
- (c) Has failed to submit operational reports or other information required by Department rules.
- (d) Has refused lawful inspection under Section 403.091, F.S.

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

7. **Not federally enforceable. Financial Responsibility.** The Department may require an applicant to submit proof of financial responsibility and may require the applicant to post an appropriate bond to guarantee compliance with the law and Department rules.

[Rule 62-4.110, F.A.C.]

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

8. Transfer of Permits.

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

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

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

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

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

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

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

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

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

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

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

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

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:

(1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

(2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

(3) As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

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

---

- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
- (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
- (a) Have access to and copy any records that must be kept under conditions of the permit;
  - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and,
  - (c) Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: (**also, see Condition No. 10**)
- (a) A description of and cause of noncompliance; and,
  - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
  - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
  - (c) Records of monitoring information shall include:
    - 1. the date, exact place, and time of sampling or measurements;
    - 2. the person responsible for performing the sampling or measurements;
    - 3. the dates analyses were performed;
    - 4. the person responsible for performing the analyses;
    - 5. the analytical techniques or methods used; and,
    - 6. the results of such analyses.
- (15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
- [Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]



13. Construction Permits.

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

- (a) A completed application on forms furnished by the Department.
- (b) An engineering report covering:
  1. plant description and operations,
  2. types and quantities of all waste material to be generated whether liquid, gaseous or solid,
  3. proposed waste control facilities,
  4. the treatment objectives,
  5. the design criteria on which the control facilities are based, and,
  6. other information deemed relevant.

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 62-204, F.A.C.

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

Compliance with Chapter 62-257, F.A.C., and 40 CFR 61, Subpart M, Section 61.145, is required for any asbestos demolition or renovation at the source.

[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

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

Chapter 62-210, F.A.C.

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

(1) Air Construction Permits.

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

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

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

- a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;
- b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and
- c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(10)(d)2., F.A.C., 62-212.400 or 62-212.500, F.A.C., as appropriate.

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

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

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

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

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.

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

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.
- a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.
  - b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:
    - (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
    - (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
    - (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.
  - c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.
  - d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.
4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

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

19. **Not federally enforceable.** Notification of Startup. The owner or operator of any emissions unit or facility which has a valid air operation permit and which has been shut down more than one (1) year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of sixty (60) days prior to the intended startup date.

- (a) The notification shall include the planned startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.
- (b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

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

20. Emissions Unit Reclassification.

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

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

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

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

### 21. Public Notice and Comment.

#### (1) Public Notice of Proposed Agency Action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.

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

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

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

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

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

(c) The notice shall identify:

1. The facility;
2. The name and address of the office at which processing of the permit occurs;
3. The activity or activities involved in the permit action;
4. The emissions change involved in any permit revision;
5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;
6. A brief description of the comment procedures required by Rule 62-210.350(3), F.A.C.;
7. The time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled); and,
8. The procedures by which persons may petition the Administrator to object to the issuance of the proposed permit after expiration of the Administrator's 45-day review period.

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

**22. Administrative Permit Corrections.**

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

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) A change requiring more frequent monitoring or reporting by the permittee;
- (d) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (e) Changes listed at 40 CFR 72.83(a)(11), hereby adopted and incorporated by reference, to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(d), F.A.C.; and
- (f) Any other similar minor administrative change at the source.

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

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

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

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

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

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

23. Reports.

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

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

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

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

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

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

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

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

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

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

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

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

4. Phase II NO<sub>x</sub> Compliance Plan, Form and Instructions (Effective 1-6-98).

5. Phase II NO<sub>x</sub> Averaging Plan, Form (Effective 1-6-98).

(b) Reserved.

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

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

Chapter 62-213, F.A.C.

26. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in accordance with Rule 62-213.205, F.A.C., and the appropriate form and associated instructions.

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

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

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

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

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

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

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

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

---

30. Air Operation Permit Fees. After December 31, 1992, no permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source.

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

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

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

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

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

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

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

- (1) Permitted sources may change among those alternative methods of operation allowed by the source's permit as provided by the terms of the permit;
- (2) Permitted sources may implement the terms or conditions of a new or revised construction permit if;
  - (a) The application for construction permit complied with the requirements of Rule 62-213.420(3) and (4), F.A.C.;
  - (b) The terms or conditions were subject to federally enforceable preconstruction review pursuant to Chapter 62-212, F.A.C.;and,
  - (c) The new or revised construction permit was issued after the Department and the applicant complied with all the requirements of Rule 62-213.430(1), F.A.C.;
- (3) A permitted source may implement operating changes after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;
  - (a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;
  - (b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;
- (4) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

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

33. Immediate Implementation Pending Revision Process.

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

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

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

---

- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.
- (2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.
- (3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action until all the requirements of Rule 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.
- (4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit.
- (5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.
- (6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.
- [Rule 62-213.412, F.A.C.]

34. Permit Applications.

- (1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, 62-4.050(1) & (2), and 62-210.900, F.A.C.
- (a) Timely Application.
3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.
- (b) Complete Application.
1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.
2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4. F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.



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

---

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

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

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

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

36. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. [Rule 62-213.420(3), F.A.C.]

37. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. [Rule 62-213.420(4), F.A.C.]

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

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

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

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

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

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

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

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

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

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

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

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

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

40. Permit Duration. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five (5) years.

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (also, see Condition No. 35.)

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

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

51. **Statement of Compliance.** The permittee shall submit a statement of compliance with all terms and conditions of the permit. Such statements shall be submitted to the Department and EPA annually, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement. Such statements shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C. The statement of compliance shall include all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C.

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

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

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

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

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

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

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

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

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

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

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

(1) Major Air Pollution Source Annual Emissions Fee (AEF) Form.

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

Chapter 62-256, F.A.C.

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

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

Chapter 62-281, F.A.C.

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

(1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;

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

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

Chapter 62-296, F.A.C.

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

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

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

57. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any emissions unit whatsoever, including, but not limited to, vehicular movement, transportation of materials, construction, alteration, demolition or wrecking, or industrially related activities such as loading, unloading, storing or handling, without taking reasonable precautions to prevent such emission.

3. Reasonable precautions may include, but shall not be limited to the following:
  - a. Paving and maintenance of roads, parking areas and yards.
  - b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing.
  - c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar emissions units.
  - d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the emissions unit to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne.
  - e. Landscaping or planting of vegetation.
  - f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter.
  - g. Confining abrasive blasting where possible.
  - h. Enclosure or covering of conveyor systems.

4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice.

[Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

[electronic file name: tv-3.doc]

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

---

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

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

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

(c) Sampling Ports.

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

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

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

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

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

(d) Work Platforms.

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

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

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

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

(e) Access to Work Platform.

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

---

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

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

(f) Electrical Power.

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

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

(g) Sampling Equipment Support.

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

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

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

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

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

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

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

TABLE 297.310-1  
CALIBRATION SCHEDULE

ITEM	MINIMUM CALIBRATION FREQUENCY	REFERENCE INSTRUMENT	TOLERANCE
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. thermometer or equivalent, or thermometric points	$\pm 0.2\%$
Bimetallic thermometer	Quarterly	Calib. liq. in glass thermometer	5 degrees F
Thermocouple	Annually	ASTM Hg in glass ref. thermometer, NBS calibrated reference and potentiometer	5 degrees F
Barometer	Monthly	Hg barometer or NOAA station	$\pm 0.1\%$ 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	$\pm 0.001$ " mean of at least three readings Max. deviation between readings $.004$ "
Dry Gas Meter and Orifice Meter	1. Full Scale: When received, When 5% change observed, Annually 2. One Point: Semiannually 3. Check after each test series	Spirometer or calibrated wet test or dry gas test meter	2%
		Comparison check	5%



# BEST AVAILABLE COPY

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

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

Pollutant (Circle One):    SO<sub>2</sub>    NO<sub>x</sub>    TRS    H<sub>2</sub>S    CO    Opacity

Reporting period dates: From \_\_\_\_\_ to \_\_\_\_\_

Company: \_\_\_\_\_

Emission Limitation: \_\_\_\_\_

Address: \_\_\_\_\_

Monitor Manufacturer: \_\_\_\_\_

Model No.: \_\_\_\_\_

Date of Latest CMS Certification or Audit: \_\_\_\_\_

Process Unit(s) Description: \_\_\_\_\_

Total source operating time in reporting period: \_\_\_\_\_

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

<sup>1</sup> For opacity, record all times in minutes. For gases, record all times in hours.

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

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

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

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

**Best Available Copy**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of a request  
for variance by:

Solid Waste Authority of Palm Beach County  
7501 North Jog Road  
West Palm Beach, Florida 33412

ORDER GRANTING VARIANCE

By this order the Department of Environmental Protection (Department) takes agency action in response to a petition for variance filed by the Solid Waste Authority of Palm Beach County (SWAPBC) under Section 120.542, Florida Statutes (F.S.), which permits the granting of a variance when the person subject to a rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means or when application of a rule would create a substantial hardship or would violate principles of fairness. The petitioner seeks a variance from Rule 62-296.416(3)(b)2., Florida Administrative Code (F.A.C.).

Having considered Petitioner's request for variance and supporting documentation, the following Findings of Fact, Conclusions of Law, and Order are entered:

FINDINGS OF FACT

1. Petitioner's request for variance from the quarterly mercury testing requirements of Rule 62-296.416(3)(b)2., F.A.C., was received by the Department on May 29, 1997.
2. A notice of receipt of petition for variance was published in the Florida Administrative Weekly (F.A.W.) on June 13, 1997, in Volume 23, Number 24, page 2967. No comments were received concerning this petition for variance. A notice of the Department's intent to issue the variance was published in the F.A.W. on July 25, 1997.
3. Rule 62-296.416(3)(b)2., F.A.C., requires all municipal waste combustion (MWC) units using mercury waste separation (the removal of objects containing mercury from the waste stream before the waste is used as a fuel) to comply with the mercury emission limiting standard of Rule 62-296.416(3)(b)1., F.A.C., to demonstrate compliance with the standard by testing each MWC unit twice every calendar year. The testing of multiple units must be staggered so that at least one unit is tested every calendar quarter.

## BEST AVAILABLE COP.

4. The purpose of the quarterly testing requirement in Rule 62-296.416(3)(b)2., F.A.C., is to confirm that mercury emissions are being adequately controlled at those MWC facilities that use waste separation programs to reduce mercury emissions. In 1993, when Rule 62-296.416, F.A.C., was adopted by the Environmental Regulation Commission, it was unclear whether waste separation programs would adequately control the mercury emissions from MWC units. Given this uncertainty, the Department required quarterly stack testing for those MWC facilities that use waste separation programs. By comparison, the Department required annual stack testing in Rule 62-296.416(3)(a)3., F.A.C., and operating parameter monitoring in Rules 62-296.416(4)(b) and (5), F.A.C., for those MWC facilities that use post-combustion mercury control equipment to reduce mercury emissions.

5. Test results over the last eight years demonstrate that mercury emissions from the SWAPBC units have decreased.

6. From the time the mercury emission limiting standard was promulgated (October 1993) through January 1997, no single test of the SWAPBC units has exceeded 30 percent of the limit currently allowed and, when averaged, the test results are approximately 17 percent of the mercury limit currently allowed. Thus, there exists a substantial database demonstrating that the facility's mercury emissions are significantly less than the emissions allowed under Rule 62-296.416(3)(b)1., F.A.C.

7. Quarterly testing for mercury also poses practical problems and hardships for the SWAPBC. For most pollutants, the petitioner performs stack tests once each year. Quarterly testing requires SWAPBC to spend its manpower and other resources on the mobilization, setup, and initiation of the stack sampling on three extra occasions each year. Logistically and practically, it is not efficient or cost-effective to perform stack tests to measure only one parameter.

8. The conditions of this variance will provide a significant cost savings. SWAPBC estimates that annual testing rather than quarterly testing will save the citizens of Palm Beach County approximately \$200,000 over the next 20 years.

### CONCLUSIONS OF LAW

1. The Department has jurisdiction to consider the petitioner's request pursuant to Section 120.542, F.S.

2. The Department has determined that the petitioner has complied with the requirements of the law and has provided sufficient information to enable the Department to evaluate the merits of the request.

3. In Section 403.021(3), F.S., the legislature declared the purpose of the Florida Air and Water Pollution Control Act to be, in part, "to achieve and maintain such levels of air quality as will protect human health and safety and, to the greatest degree

## Best Available Copy

practicable, prevent injury to plant and animal life and property, . . . .” The Department’s duty under Section 403.061(9), F.S., is to “[a]dopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state, and from time to time review and modify such program as necessary.” The Department’s authority and duty to “[c]ause field studies to be made and samples to be taken out of the air and from the waters of the state periodically and in a logical geographic manner . . . .,” is declared in Section 403.061(12)(a), F.S. Further, under Section 403.061(13), F.S., the Department is granted the authority to “[r]equire persons engaged in operations which may result in pollution to file reports which may contain information relating to . . . rate and period of emission.”

4. Petitioner’s historical database of compliance, which has consistently been significantly below the emissions limits, demonstrates that the health and environmental concerns addressed by the underlying statute will be met with an annual testing requirement, thus avoiding the onerous and costly requirements of quarterly testing.

### ORDER

Having considered Petitioner’s request for variance and supporting documentation, it is hereby ordered that:

1. Petitioner’s request for variance from the quarterly mercury testing requirements of Rule 62-296.416(3)(b)2., F.A.C., is granted subject to the terms of this Order.
2. The variance will permanently exempt SWAPBC from the quarterly mercury testing requirements of Rule 62-296.416(3)(b)2., F.A.C., and impose the annual mercury testing requirements of Rule 62-296.416(3)(a)3., F.A.C., applicable to MWC units using mercury control equipment rather than waste separation, provided that each future annual test demonstrates compliance with the mercury emission limiting standard of Rule 62-296.416(3)(b)1., F.A.C.
3. The Department retains the right to reinstate the quarterly testing requirement of Rule 62-296.416(3)(b)2., F.A.C., if compliance is not demonstrated by each annual test.
4. The variance shall not apply to any other new or existing state or federal rule which may require more frequent mercury testing.

### RIGHT TO APPEAL

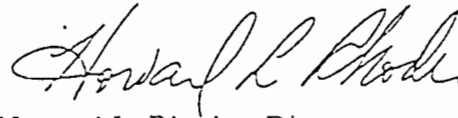
Once this variance becomes final and effective, any party to this variance has the right to seek judicial review of the variance pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department of Environmental Protection 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 Courts of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

Issued this 25 day  
of August, 1997

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



Howard L. Rhodes, Director  
Division of Air Resources  
Management

HLR/mh

cc: Michael Hewett, OPAPM  
Linda Reel, Office of General Counsel  
Isidore Goldman, Southeast District Office  
James Stormer, Palm Beach County Health Dep.

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that copies of this Order Granting Variance were mailed before the close of business on the date indicated below to the listed persons.

Clerk Stamp

FILING AND ACKNOWLEDGMENT

Filed, on this date, pursuant to section 120.52(9) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Charlotta Hayes  
Clerk

8/25/97  
Date

Copies furnished to:

Palm Beach County Solid Waste Authority  
David Dee  
Isidore Goldman, Southeast District Office  
James Stormer, Palm Beach County

## Appendix H-1. Permit History/ID Number Changes.

Solid Waste Authority of Palm Beach County  
North County Regional Resource Recovery Facility

Permit Revision No. 0990234-004-AV  
Facility ID No. 0990234

### Permit History (for tracking purposes):

E.U. ID No	Description	Permit No.	Issue Date	Permit No.	Issue Date	Permit No.	Issue Date <sup>1,2</sup>
-001	Municipal Waste Boiler No. 1	PA 84-20	03/14/86	PSD-FL-108	12/16/86	PSD-FL-108A	01/14/92
-002	Municipal Waste Boiler No. 2	PA 84-20	03/14/86	PSD-FL-108	12/16/86	PSD-FL-108A	01/14/92
						PSD-FL-108C	08/14/97
-003	Class I MSW Landfill	PA 84-20	03/14/86	PSD-FL-108B	02/21/96		
-004	Class III MSW Landfill	PA 84-20	03/14/86	PSD-FL-108B	02/21/96		
				0990234-002-AC	05/11/99		
				PSD-FL-108D	05/11/99		
	All the above emissions units.	0990234-001-AV	10/30/00				
	All the above emissions units.	0990234-003-AV Administrative Correction	4/20/01				

#### Notes:

1 - AO permit(s) automatic extension(s) in Rule 62-210.300(2)(a)3.a., F.A.C., effective 03/21/96.

2 - AC {PSD} permit(s) automatic extension(s) in Rule 62-213.420(1)(a)4., F.A.C., effective 03/20/96.

{Rule 62-213.420(1)(b)2., F.A.C., allows Title V Sources to operate under existing valid permits that were in effect at the time of application until the Title V permit becomes effective}

**Table 1-2, Summary of Compliance Requirements**

Solid Waste Authority of Palm Beach County  
 North County Regional Resource Recovery Facility

Permit No. 0990234-004-AV  
 Facility ID No. 0990234

Emissions Unit		Brief Description					
-001		Municipal Solid Waste Boiler Unit 1					
Pollutant/ Parameter	Fuel(s)	Compliance Method	Testing Time or Frequency <sup>0</sup>	Frequency Base Date <sup>1</sup>	Minimum Compliance Test Time	CMS <sup>2</sup>	See Permit Condition(s)
Opacity (VE)	RDF	EPA Method 9	Annual	N/A	1 hour	Yes	T.3.
SO <sub>2</sub>	RDF	EPA Method 6, 6C or 8	Annual	N/A	1 hour	Yes	T.6.
NO <sub>x</sub>	RDF	EPA Method 7, 7A, 7B, 7C, 7D, or 7E	Annual	N/A	1 hour	Yes	T.9.
PM	RDF	EPA Method 5	Annual	N/A	6 hours	No	T.3.
VOC	RDF	EPA Method 25 or 25A	Annual	N/A	N/A	No	
CO	RDF	EPA Method 10	Annual	N/A	N/A	Yes	
HCl	RDF	EPA Method 26	Annual	N/A	N/A	No	T.7.
Cd	RDF	EPA Method 29	Annual	N/A	N/A	No	T.4.
Dioxins/Furans	RDF	EPA Method 23	Annual	N/A	N/A	No	T.8.
F	RDF	EPA Method 13A or 13B	Renewal	N/A	N/A	No	
Hg	RDF	EPA Method 101A	Annual	N/A	N/A	No	T.4 & T.5
Pb	RDF	EPA Method 12	Annual	N/A	N/A	No	T.4.
Be	RDF	EPA Method 104	Renewal	N/A	N/A	No	
O <sub>2</sub> or CO <sub>2</sub>	RDF	N/A	N/A	N/A	N/A	Yes	C.1.

Notes:

- 0. See permit conditions T.16.1. and T.16.2.
- 1. Frequency base date established for planning purposes only. [see Rule 62-297.310, F.A.C.]
- 2. Continuous Monitoring System.

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



**Table 1-2, Summary of Compliance Requirements**

Solid Waste Authority of Palm Beach County  
 North County Regional Resource Recovery Facility

Permit No. 0990234-004-AV  
 Facility ID No. 0990234

Emissions Unit	Brief Description
-002	Municipal Solid Waste Boiler Unit 2

Pollutant/ Parameter	Fuel(s)	Compliance Method	Testing Time or Frequency <sup>0</sup>	Frequency Base Date <sup>1</sup>	Minimum Compliance Test Time	CMS <sup>2</sup>	See Permit Condition(s)
Opacity (VE)	RDF	EPA Method 9	Annual	N/A	1 hour	Yes	T.3.
SO <sub>2</sub>	RDF	EPA Method 6, 6C or 8	Annual	N/A	1 hour	Yes	T.6.
NOx	RDF	EPA Method 7, 7A, 7B, 7C, 7D, or 7E	Annual	N/A	1 hour	Yes	T.9.
PM	RDF	EPA Method 5	Annual	N/A	6 hours	No	T.3.
VOC	RDF	EPA Method 25 or 25A	Annual	N/A	N/A	No	
CO	RDF	EPA Method 10	Annual	N/A	N/A	Yes	
HCl	RDF	EPA Method 26	Annual	N/A	N/A	No	T.7.
Cd	RDF	EPA Method 29	Annual	N/A	N/A	No	T.4.
Dioxins/Furans	RDF	EPA Method 23	Annual	N/A	N/A	No	T.8.
F	RDF	EPA Method 13A or 13B	Renewal	N/A	N/A	No	
Hg	RDF	EPA Method 101A	Annual	N/A	N/A	No	T.4 & T.5
Pb	RDF	EPA Method 12	Annual	N/A	N/A	No	T.4.
Be	RDF	EPA Method 104	Renewal	N/A	N/A	No	
O <sub>2</sub> or CO <sub>2</sub>	RDF	N/A	N/A	N/A	N/A	Yes	C.1.


Notes:

- 0. See permit conditions T.16.1 and T.16.2.
- 1. Frequency base date established for planning purposes only. [see Rule 62-297.310, F.A.C.]
- 2. Continuous Monitoring System.

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

## MEMORANDUM

TO: Howard L. Rhodes

FROM: Trina Vielhauer 

DATE: December 4, 2002

SUBJECT: **FINAL Permit Revision No. 0990234-004-AV**  
**Solid Waste Authority of Palm Beach County**  
**North County Regional Resource Recovery Facility**

This facility consists of a very large municipal waste combustor plant designed to process 2,000 tons per day (TPD) of municipal solid waste (MSW). The plant is equipped with three MSW processing lines, any two of which can handle the 2,000 TPD of incoming MSW. The plant also includes two boilers, each designed to operate up to a maximum heat input of 412.5 MMBtu/hr, with a steam flow rating of 324,000 lbs/hr.

Two landfills are also on the property: a Class I Landfill and a Class III Landfill, each with its own gas collection system. Emissions from the landfills are controlled by flares. Based on the revised Title V permit application received on September 30, 1999, this facility is a major source of hazardous air pollutants (HAPs).

*This Title V permit revision reduces the frequency of surface monitoring of methane gas emissions from the Class III Landfill from quarterly to annually, under certain detection threshold conditions.*

*No comments* were received from either the Applicant or the public at large concerning the DRAFT Title V Permit that was clerked on August 15, 2002, and *no comments* were received from U.S. EPA, Region 4, concerning the PROPOSED Title V Permit that was posted on the Department's web site on September 9, 2002.

**I recommend your signature.**

Attachment

TV/tbc