



ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, Manager  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808-7896  
407-836-1400 • Fax 407-836-1499  
www.ocepd.org

September 22, 2008

Mr. David Hildreth  
Director of Field Operations  
Central Florida Pipeline LLC  
1100 Alderman Drive, Suite 200  
Alpharetta, GA 30005

Subject: DRAFT Title V Air Operation Permit Number 0950069-011-AV  
Bulk Gasoline Terminal Facility

Dear Mr. Hildreth:

One copy of the notice and the DRAFT Title V Air Operation Permit Renewal for the Bulk Gasoline Terminal Facility, located at 9919 South Orange Avenue, Orlando, Orange County, Florida, are enclosed. The "INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT" and the "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT" are also included.

An electronic version of the DRAFT Permit will be posted on the Florida Department of Environmental Protection Division of Air Resources Management's world wide web site for review by the United States Environmental Protection Agency (USEPA) Region 4 office. The web site address is <http://www.dep.state.fl.us/air/eproducts/ards/default.asp>.

The "PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT" must be published as soon as possible upon receipt of this letter. Proof of publication, i.e., newspaper affidavit, must be provided to the Orange County Environmental Protection Division's office within seven days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

Please submit to the permitting engineer, John Kasper, P.E., at the above letterhead address any written comments you wish to have considered concerning the proposed action.

If you have any other questions, please contact me at 407-836-1400.

Sincerely,

A handwritten signature in blue ink that reads "Jodi D. Dittell".

Mrs. Jodi D. Dittell  
Environmental Program Supervisor  
Air Quality Management

Handwritten initials "JMK" in blue ink.  
(4)JK/JD/HP:bh

Enclosures



ENVIRONMENTAL PROTECTION DIVISION

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800 Mercy Drive, Suite 4  
Orlando, Florida 32808-7896  
407-836-1400 • Fax 407-836-1499  
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September 22, 2008

In the Matter of an Application for Permit by:

Central Florida Pipeline LLC  
1100 Alderman Drive, Suite 200  
Alpharetta, GA 30005

**DRAFT** Title V Operation Permit  
Number 0950069-011-AV  
Bulk Gasoline Terminal Facility  
Orange County

Attn: Mr. David Hildreth, Director of Field Operations

**INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT**

The Orange County Environmental Protection Division (permitting authority) gives notice of its intent to issue a DRAFT Title V Air Operation Permit (copy of Draft Title V Air Operation Permit attached) for the Title V source detailed in the application specified above, for the reasons stated below.

The applicant, Central Florida Pipeline LLC, applied on December 28, 2007, to the permitting authority for a Title V Air Operation Permit Renewal for the Bulk Gasoline Terminal Facility, located at 9919 South Orange Avenue, Orlando, Orange County, Florida.

The permit will allow operation of the existing bulk gasoline terminal facility that includes: storage tanks for gasoline, diesel fuel, jet fuel, denatured ethanol, additives and petroleum contaminated water; tanker truck loading racks; and enclosed flares. This permit also incorporates changes to the facility authorized by construction permit 0950069-010-AC. This facility is a source of air emissions.

The permitting authority has permitting jurisdiction under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, and 62-213. This source is not exempt from Title V permitting procedures. The permitting authority has determined that a Title V Air Operation Permit is required to continue operations at the described facility.

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

Pursuant to Sections 403.815 and 403.0872, F.S., and Rules 62-103.150 and 62-210.350(3), F.A.C., you (the applicant) are required to publish at your own expense the enclosed "**PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT.**" The notice shall be published one time only as soon as possible in the legal advertisement section of a newspaper of general circulation in the area affected. For the purpose of these rules, "publication in a newspaper of general circulation in the area affected" means publication in a newspaper meeting the requirements of Sections 50.011 and 50.031, F.S., in the county where the activity is to take place. If you are uncertain that a newspaper meets these requirements, please contact the permitting authority at the address or telephone number listed below.

The applicant shall provide proof of publication to the permitting authority's office, 800 Mercy Drive, Suite 4, Orlando, Florida 32808, (Telephone: 407-836-1400, Fax: 407-836-1499) within seven days of publication. Failure to publish the notice and provide proof of publication within the allotted time may result in the denial of the permit pursuant to Rule 62-110.106(5), F.A.C.

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

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

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000, Telephone: 850/245-2242, Fax: 850/245-2303. Petitions filed by the permit applicant or any of the parties listed below must be filed within 14 (fourteen) days of receipt of this notice of intent. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 (fourteen) days of publication of the public notice or within 14 (fourteen) days of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the permitting authority for notice of agency action may file a petition within 14 (fourteen) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation will not be available in this proceeding.

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

Executed in Orlando, Florida.

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION DIVISION



Mrs. Jodi D. Dittell  
Environmental Program Supervisor  
Air Quality Management



(4)JK/JD/HP:bh

Enclosures

**CERTIFICATE OF SERVICE**

The undersigned duly designated agency clerk hereby certifies that this INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT Title V Air Operation Permit package) and all copies were sent by certified mail or electronically (with Read Receipt) before the close of business on September 22, 2008 to the person(s) listed:

Mr. David Hildreth (david\_hildreth@kindermorgan.com)  
Director of Field Operations  
Central Florida Pipeline LLC  
1100 Alderman Drive, Suite 200  
Alpharetta, GA 30005

In addition, the undersigned duly designated agency clerk hereby certifies that copies of this INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT (including the PUBLIC NOTICE and the DRAFT Title V Air Operation Permit) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the person(s) listed or as otherwise noted:

Mrs. Alice Harman, P.E. (alice\_harman@kindermorgan.com)  
Environmental Specialist  
Central Florida Pipeline LLC  
2101 GATX Drive  
Tampa, FL 33605

Mr. Kevin Golden, P.E. (KGolden@usienvironmental.com)  
UNIVERSAL Solutions, Inc.  
8339 Stone Run Ct.  
Tampa, FL 33615

In addition, the undersigned duly designated agency clerk hereby certifies that copies of this INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT (including the DRAFT Title V Air Operation Permit package) were sent by U.S. mail or electronically (with Read Receipt) on the same date to the persons listed or as otherwise noted:

Mr. James Bradner, P.E., FDEP Central District, Air Program Manager  
(James.Bradner@dep.state.fl.us)  
Ms. Barbara Friday, FDEP BAR (Barbara.Friday@dep.state.fl.us) (for posting with Region 4, USEPA)

**FILED**, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Paul J. Niu                      9/22/08  
Clerk                                      Date

**PUBLIC NOTICE OF INTENT TO ISSUE A TITLE V AIR OPERATION PERMIT**

Orange County Environmental Protection Division

**DRAFT** Title V Air Operation Permit Number 0950069-011-AV

Central Florida Pipeline LLC  
Bulk Gasoline Terminal Facility  
Orange County

The Orange County Environmental Protection Division (permitting authority) gives notice of its intent to issue a Title V Air Operation Permit to Central Florida Pipeline LLC, for the bulk gasoline terminal facility located at 9919 South Orange Avenue, Orlando, Orange County, Florida. The applicant's name and address are: Central Florida Pipeline LLC, 1100 Alderman Drive, Suite 200

Alpharetta, GA 30005, Attention: Mr. David Hildreth, Director of Field Operations.

Title V Air Operation Permit Number 0950069-011-AV will allow operation of the existing bulk gasoline terminal facility that includes: storage tanks for gasoline, diesel fuel, jet fuel, denatured ethanol, additives and petroleum contaminated water; tanker truck loading racks; and enclosed flares. This permit also incorporates changes to the facility authorized by construction permit 0950069-010-AC. This facility is a source of air emissions.

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

The permitting authority will accept written comments concerning the proposed Title V Air Operation Permit issuance action for a period of 30 (thirty) days from the date of publication of this Public Notice. Written comments must be post-marked and all facsimile comments must be received by the close of business (5:00 pm), on or before the end of this 30-day period, by the Permitting Authority at the Orange County Environmental Protection Division, 800 Mercy Drive, Suite 4, Orlando, Florida 32808, Telephone: 407-836-1400, Fax: 407-836-1499. As part of his or her comments, any person may also request that the Permitting Authority hold a public meeting on this permitting action. If the Permitting Authority determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on Orange County's official web site for notices at [www.orangecountyfl.net/cms/DEPT/CEsrvc/epd/default.htm](http://www.orangecountyfl.net/cms/DEPT/CEsrvc/epd/default.htm) and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the Permitting Authority at the above address or phone number. If written comments or comments received at a public meeting result in a significant change in this DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. All comments filed will be made available for public inspection.

A person whose substantial interests are affected by the proposed permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57 of the Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, FL 32399-3000, Telephone: 850-245-2242, Fax: 850-245-2303. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), F.S., must be filed within fourteen days of publication of the public notice or within fourteen days of receipt of the notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person

who asked the permitting authority for notice of agency action may file a petition within fourteen days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above, at the time of filing. The failure of any person to file a petition within the applicable time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code (F.A.C.).

All petitions filed under these rules shall contain:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts upon which the permitting authority's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

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

Mediation is not available for this proceeding.

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

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

Permitting Authority: Orange County Environmental Protection Division  
800 Mercy Drive, Suite 4  
Orlando, Florida 32808  
Telephone: 407-836-1400  
Fax: 407-836-1499

The complete project file includes the DRAFT Title V Air Operation Permit, the application, and the information submitted by the responsible official, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact John Kasper, P.E., at the above address or call 407-836-1400 for additional information.

**Central Florida Pipeline, LLC  
Orlando Terminal  
Facility ID Number 0950069  
Orange County**

**Title V Air Operation Permit Revision**

**DRAFT Permit Number 0950069-011-AV  
Title V Air Operation Permit Renewal**

**Permitting and Compliance Authority:**

Orange County Environmental Protection Division  
Air Quality Management  
800 Mercy Drive  
Suite 4  
Orlando, Florida 32808  
Telephone: (407) 836-1400  
Fax: (407) 836-1498

**Title V Air Operation Permit Renewal**

**FINAL Title V Air Operation Permit Number 0950069-011-AV**

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ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, Manager  
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www.ocepd.org

September 22, 2008

**Permittee:**

Central Florida Pipeline LLC  
1100 Alderman Drive, Suite 200  
Alpharetta, GA 30005

**DRAFT Permit Number:** 0950069-011-AV  
**Facility ID Number:** 0950069  
**SIC Numbers:** 51, 5171  
**Project:** Renew Title V Air Operation Permit

Attention: Mr. David Hildreth,  
Director of Field Operations

This permit is for the operation of the Central Florida Pipeline LLC Orlando Terminal. This facility is located at 9919 South Orange Avenue, Orlando, Orange County; UTM Coordinates: Zone 17, 463.8 km East and 3143.8 km North; Latitude: 28° 25' 19" North and Longitude: 81° 22' 01" West.

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

**Referenced attachments made a part of this permit:**

- Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers
- Appendix CAM, Compliance Assurance Monitoring
- Appendix H-1, Permit History/I.D. Number Changes
- Appendix I-1, LIST of INSIGNIFICANT EMISSION UNITS and/or ACTIVITIES
- Appendix TV-6, TITLE V CONDITIONS
- Appendix 60- A: NSPS Subpart A, General Provisions  
(Modified for Subparts K, Ka, Kb and XX)
- Table 297.310-1, Calibration Schedule

**Effective Date:** TBD  
**Renewal Application Due Date:** May 19, 2012  
**Expiration Date:** December 30, 2012

ORANGE COUNTY  
ENVIRONMENTAL PROTECTION DIVISION

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John M. Kasper, P.E.  
Engineer III  
Air Quality Management

**Section I. Facility Information.**

**Subsection A. Facility Description.**

This facility is a bulk gasoline terminal, which contains the following emission units:

- a) EU 040: Twelve Gasoline Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
1061	Gasoline	840,000	IFR
1062	Gasoline	840,000	IFR
25-1	Gasoline	1,050,000	IFR
37-1	Gasoline	1,575,000	IFR
37-2	Gasoline	1,575,000	IFR
37-3	Gasoline	1,575,000	IFR
40-1	Gasoline	1,680,000	IFR
60-1	Gasoline	2,520,000	IFR
80-1	Gasoline	3,360,000	IFR
80-2	Gasoline	3,360,000	IFR
80-3	Gasoline	3,360,000	IFR
80-4	Gasoline	3,360,000	IFR

- b) EU 009: One Diesel Fuel Storage Tank as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
37-4	Diesel Fuel	1,575,000	FCR

- c) EU 041: Fourteen Additive Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
9	Additive	14,700	FCR
10	Additive	8,000	HORZ
11	Additive	8,000	HORZ
A-13	Additive	8,000	HORZ
A-15	Additive	8,273	FCR
A-19	Additive	4,000	HORZ
A-20	Additive	8,000	HORZ
A-21	Additive	8,000	FCR
A-22	Additive	15,540	HORZ
A-23	Additive	15,540	FCR
A-24	Additive	15,540	FCR
A-25	Additive	2,000	HORZ
A-26	Additive	500	HORZ
A-27	Additive	500	HORZ

d) EU 039: Three Interface, Wastewater, and PCW Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
4	Wastewater	23,900	FCR
5	PCW	14,414	FCR
6	PCW	14,414	FCR

Legend: FCR = fixed cone roof      HORZ = horizontal      IFR = internal floating roof  
PCW = petroleum contact water

e) EU 012: Petroleum Loading Racks numbers 1, 3, 4 and 5, equipped with a vapor recovery system and two John Zinc enclosed flares to control Volatile Organic Compound (VOC) emissions.

Also included in this permit are miscellaneous insignificant emission units and/or activities (see Appendix I-1).

Based upon the Title V permit applications received October 21, 2005 and December 28, 2007, this facility is not a major source of hazardous air pollutants (HAPs).

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

##### **Emission Unit ID Number and Brief Description**

EU 040: Twelve Gasoline Storage Tanks

EU 009: One Diesel Fuel Storage Tank

EU 041: Fourteen Additive Storage Tanks

EU 039: Three Interface, Wastewater, and PCW Storage Tanks

EU 012: Petroleum Loading Racks #1, #3, #4, and #5 with Flares

Please reference the permit number, facility ID number, and appropriate Emissions Unit ID numbers on all correspondence, test report submittals, applications, etc.

#### **Subsection C. Relevant Documents.**

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

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

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

Appendix H-1, Permit History/ID Number Changes

These documents are on file with permitting authority:

Renewal Title V Permit Application received December 20, 2002.

Additional Information Requested February 17, 2003.

Combined Application for a Construction Permit and a Revised Title V Operation Permit received October 21, 2005.

Construction permit application received September 7, 2007, revised by the addendum received November 21, 2007.

Renewal Title V Permit Application with the CAM Plan for Vapor Combustion Unit received December 28, 2007.

## Section II. Facility-wide Conditions

**The following conditions apply facility-wide.**

1. APPENDIX TV-6, TITLE V CONDITIONS is a part of this permit.
2. **Not Federally Enforceable.** General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited. The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.  
[Rule 62-296.320(2), F.A.C.]
3. General Particulate Emission Limiting Standards. General Visible Emissions Standard. Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Rule 62-297, F.A.C.  
[Rule 62-296.320(4)(b)1., F.A.C.]
4. Prevention of Accidental Releases (Section 112(r) of CAA).
  - a) The permittee shall submit its Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center when, and if, such requirement becomes applicable. Any Risk Management Plans, original submittals, revisions or updates to submittals, should be sent to:  
RMP Reporting Center  
Post Office Box 1515  
Lanham-Seabrook, MD 20703-1515  
Telephone: 301/429-5018
  - b) The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.  
[40 CFR 68]
5. Insignificant Emissions 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.]
6. **Not Federally Enforceable.** General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. To comply, procedures to minimize pollutant emissions shall include the following:
  - a) Tightly cover or close all VOC containers when they are not in use;
  - b) Tightly cover, where possible, all open troughs, basins, baths, tanks, etc. when they are not in use;
  - c) Maintain all piping, valves, fittings, etc. in good operating condition;
  - d) Prevent excessive air turbulence across exposed VOC's;
  - e) Immediately confine and clean up VOC spills and make sure certain wastes are placed in closed containers for reuse, recycling or proper disposal.

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

7. Emissions of Unconfined Particulate Matter. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility include:
- a) Maintenance of paved areas as needed;
  - b) Regular mowing of grass and care of vegetation;
  - c) Limited access to plant property by unnecessary vehicles.

[Rule 62-296.320(4)(c), F.A.C. and Title V application received 10/21/05]

8. Time Basis. When appropriate, any recordings, 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.]

9. Compliance Statements and Reports. The Annual Statement of Compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted to the Orange County Environmental Protection Division (EPD) and EPA within 60 (sixty) days after the end of the calendar year using DEP Form No. 62-213.900(7), F.A.C. The permittee shall submit all other compliance related notifications and reports required of this permit to EPD. The EPD address is on the title page of this permit.

[Rules 62-213.440(3) and 62-213.900, F.A.C.]

{Permitting note: This condition implements the requirements of Rules 62-213.440(3)(a)2. and 3., F.A.C. (see Condition 51 of APPENDIX TV-6, TITLE V CONDITIONS)}

10. EPA Notifications. 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 & Toxic Management Division  
Air and EPCRA Enforcement Branch  
Air Enforcement Section  
61 Forsyth Street  
Atlanta, Georgia 30303-8960  
Telephone: 404/562-9155; Fax: 404/562-9163

11. 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. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or correct information.

[Rule 62.213.420(4), F.A.C.]

12. Annual Operating Report. An FDEP Form No. 62-210.900(5), "Annual Operating Report for Air Pollutant Emitting Facility", including the Emissions Report, shall be completed for each calendar year and submitted to EPD by April 1 of the following year, except the AOR for 2008 shall be submitted to EPD by May 1, 2009.

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

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

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

**EU Number and Brief Description**

Storage Tanks as follows:

EU 040: Twelve Gasoline Storage Tanks; Tank 25-1 may be used to store Jet A fuel.

EU 009: One Diesel Fuel Storage Tank

EU 041: Fourteen Additive Storage Tanks

EU 039: Three Interface, Wastewater, and PCW Storage Tanks

{Permitting note: Individual tanks as noted below are regulated under NSPS - 40 CFR 60, Subparts K, Ka, and Kb, Standards of Performance for Storage Vessels for Petroleum Liquids/Volatile Organic Liquid Storage, and Subpart A, General Provisions, adopted and incorporated by reference in Rule 62-204.800(7), F.A.C. and RACT Rule 62-296.508, F.A.C. Compliance with NSPS standards shall also demonstrate compliance with RACT. }

**The following conditions apply to the emissions units listed above.**

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

**A1. Capacity.** The maximum facility-wide throughput rates are:

- a) 1.637 billion gallons of gasoline per consecutive twelve months;
- b) 333.1 million gallons of diesel fuel per consecutive twelve months;
- c) 80 million gallons of Jet A fuel per consecutive twelve months;
- d) 2.0 million gallons of additive per consecutive twelve months;
- e) 400,000 gallons of PCW/interface per consecutive twelve months.

The maximum annual average MTBE content of the gasoline is 5.0% by weight. Tank 25-1 may contain either gasoline or Jet A fuel. Individual tanks are permitted as follows:

<u>Tank #</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>	<u>NSPS</u>	<u>RACT</u>
1061	Gasoline	840,000	IFR	no	yes
1062	Gasoline	840,000	IFR	no	yes
25-1	Gasoline	1,050,000	IFR	Ka	yes
37-1	Gasoline	1,575,000	IFR	no	yes
37-2	Gasoline	1,575,000	IFR	no	yes
37-3	Gasoline	1,575,000	IFR	no	yes
40-1	Gasoline	1,680,000	IFR	K	yes
60-1	Gasoline	2,520,000	IFR	Ka	yes
80-1	Gasoline	3,360,000	IFR	Ka	yes
80-2	Gasoline	3,360,000	IFR	Kb	yes
80-3	Gasoline	3,360,000	IFR	Kb	yes
80-4	Gasoline	3,360,000	IFR	Kb	yes
37-4	Diesel Fuel	1,575,000	FCR	no	no

<u>Tank #</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>	<u>NSPS</u>	<u>RACT</u>
9	Additive	14,700	FCR	no	no
10	Additive	8,000	HORZ	no	no
11	Additive	8,000	HORZ	no	no
A-13	Additive	8,000	HORZ	no	no
A-15	Additive	8,273	FCR	no	no
A-19	Additive	4,000	HORZ	no	no
A-20	Additive	8,000	HORZ	no	no
A-21	Additive	8,000	FCR	no	no
A-22	Additive	15,540	HORZ	Kb	no
A-23	Additive	15,540	FCR	Kb	no
A-24	Additive	15,540	FCR	Kb	no
A-25	Additive	2,000	HORZ	no	no
A-26	Additive	500	HORZ	Kb	no
A-27	Additive	500	HORZ	Kb	no
4	Wastewater	23,900	FCR	Kb	no
5	PCW	14,414	FCR	Kb	no
6	PCW	14,414	FCR	Kb	no

[Rules 62-210.200, (PTE), F.A.C., permits 0950069-006-AC, 0950069-008-AC, 0950069-009-AV, 0950069-010-AC, and Title V operating permit renewal application received December 28, 2007]

**A2. Hours of Operation.** Continuous operation is allowed.

[Rule 62-210.200, (PTE), F.A.C., permits 0950069-008-AC, 0950069-009-AV, 0950069-010-AC, and Title V operating permit renewal application received December 28, 2007]

**A3. Pollution Control Device.** No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.200, (PTE), F.A.C. and Rule 62-210.650, F.A.C.]

### **Emission Limitations and Standards**

**A4. Tank Emissions.** Emissions of Volatile Organic Compounds (VOC) from all storage tanks at the facility shall not exceed 99.29 tons per consecutive twelve months, updated monthly.

[Rule 62-210.200, (PTE), F.A.C., permits 0950069-008-AC and 0950069-010-AC, and Title V operating permit renewal application received December 28, 2007]

### **Test Methods and Procedures**

**A5. Compliance Verification.** Compliance verification shall be an annual visual inspection of the equipment as specified by the NSPS used to store/transfer the petroleum product. See specific condition numbers **A11.**, **A12.**, and **A13.** for clarification regarding specific equipment and intervals. Regarding Tanks 37-1, 37-2, 37-3, 1061, and 1062, subject to RACT and not subject to NSPS, the tanks shall be visually inspected annually through manholes and/or roof hatches on the fixed roof for the following:

- i) The source is maintained such that there are no visible holes, tears, or other openings in the seal; and,
- ii) All openings, except stub drains, are equipped with covers, lids, or seals such that:
  - a) The cover, lid, or seal is in the closed position except on demand for sampling, maintenance, repair, or other necessary operational practice;
  - b) Automatic bleeder vents are closed except when the roof is floated off or landed on the roof leg supports; and,

- c) Rim vents, when provided, are set to open when the roof is floated off the roof leg supports or at the manufacturer's recommended setting.

[Operating permit AO48-206378]

**A6. Notification.** At least 15 days prior to the date on which each formal compliance test (inspection) is due to begin, the permittee shall provide written notification of the test to the Orange County Environmental Protection Department. The notification must include the following information: the date, time and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and telephone number of the person conducting the test.

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

### **Recordkeeping and Reporting Requirements**

**A7. Recordkeeping Log.** In order to demonstrate compliance with specific conditions numbers **A1.** and **A4.**, the permittee shall maintain a monthly log at the facility for a period of at least five years from the date the data is recorded. The log, at a minimum, shall contain the following:

#### Monthly

- a) Month and year of record
- b) Monthly and consecutive twelve month totals of:
  1. Facility-wide throughput of gasoline, diesel, denatured ethanol and Jet A fuel for the storage tanks;
  2. VOC emission rates from the storage tanks and separately from the vapor collection system due to loading of liquid product into tank trucks;
  3. VOC emission rates from floating roof storage tanks shall incorporate landing losses incurred when removing a tank from service for repairs and upgrades;
  4. Average MTBE concentration.

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C., permit 0950069-010-AC]

Note: A consecutive 12-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-month total treats each month of the year as the end of a 12-month period. A 12-month total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12-month totals using whatever number of months of data are available until such a time as a consecutive 12 month total can be maintained each month.

**A8. Test Reports.** Reports of the required test (inspection) report shall be filed with EPD as soon as practical but no later than 45 days after the last test is completed.

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

**A9. Permit Renewals.** At least 225 days prior to the expiration date of this operation permit, the permittee shall submit to EPD four copies of the air permit application, FDEP Form No. 62-210.900(1).

[Rules 62-4.090 and 62-213.420(1)(a)2., F.A.C.]

### **NSPS Conditions**

**A10. NSPS Requirements.** Each tank specified by specific condition number **A1.** as subject to NSPS is subject to 40 CFR Part 60, Subpart A, General Provisions.

[Rule 62-204.800(8)(d), F.A.C. and 40 CFR Part 60, Subpart A]

**A11. NSPS Compliance.** Compliance with the conditions of this permit shall demonstrate compliance with the applicable requirements of 40 CFR Part 60, Subpart K, Ka, and Kb.

[Rules 62-204.800(8)(b)14., 15., and 16., F.A.C. and 40 CFR Part 60, Subparts K, Ka, and Kb]

**A12. NSPS Subpart K.** Each tank specified by specific condition number **A1.** as subject to NSPS Subpart K is subject to the following specific conditions based on Rule 62-204.800(8)(b)14., F.A.C. and 40 CFR Part 60, Subpart K, for Storage Vessels for Petroleum Liquids:

- A. Standard for Volatile Organic Compounds (Subpart K Section 60.112)
  - (a) The owner or operator of any storage vessel to which this subpart applies shall store petroleum liquids as follows:
    - (1) If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.
    - (2) If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.
- B. Monitoring of Operations (Subpart K Section 60.113)
  - (a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.
  - (b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).
  - (c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).
  - (d) The following are exempt from the requirements of this section:
    - (1) Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).
    - (2) Each owner or operator of each storage vessel equipped with a vapor recovery and return or disposal system in accordance with the requirements of 60.112.

**A13. NSPS Subpart Ka.** Each tank specified by specific condition number **A1.** as subject to NSPS Subpart Ka is subject to the following specific conditions based on Rule 62-204.800(8)(b)15., F.A.C. and 40 CFR Part 60, Subpart Ka, for Storage Vessels for Petroleum Liquids:

- A. Standard for volatile organic compounds (VOC) (Subpart Ka Section 60.112a)
  - (a) The owner or operator of each storage vessel to which this subpart applies which contains a petroleum liquid which, as stored, has a true vapor pressure equal to or greater than 10.3 kPa (1.5 psia) but not greater than 76.6 kPa (11.1 psia) shall equip the storage vessel with one of the following:
    - (2) A fixed roof with an internal floating type cover equipped with a continuous closure device between the tank wall and the cover edge. The cover is to be floating at all times, (i.e., off the leg supports) except during initial fill and when the tank is completely emptied and subsequently refilled. The process of emptying and refilling when the cover is resting on the leg supports shall be continuous and shall be accomplished as rapidly as possible. Each opening in the cover except for automatic bleeder vents and the rim space vents is to provide a projection below the liquid surface. Each opening in the cover

except for automatic bleeder vents, rim space vents, stub drains and leg sleeves is to be equipped with a cover, seal, or lid which is to be maintained in a closed position at all times (i.e., no visible gap) except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the cover is floating except when the cover is being floated off or is being landed on the leg supports. Rim vents are to be set to open only when the cover is being floated off the leg supports or at the manufacturer's recommended setting.

- B. Testing and procedures (Subpart Ka Section 60.113a)
- (a) Except as provided in 60.8(b) compliance with the standard prescribed in 60.112a shall be determined as follows or in accordance with an equivalent procedure as provided in 60.114a.
- C. Alternative means of emission limitation (Subpart Ka Section 60.114a)
- (a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in 60.112a, the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of compliance with that requirement.
- (b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.
- (c) Any person seeking permission under this section shall submit to the Administrator a written application including:
- (1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.
  - (2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.
- (d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in 60.112a.
- (e) The primary vapor-mounted seal in the "Volume-Maximizing Seal" manufactured by R.F.I. Services Corporation is approved as equivalent to the vapor-mounted seal required by 60.112a(a)(1)(i) and must meet the gap criteria specified in 60.112a(a)(1)(i)(B). Paragraph 60.112a(a)(1)(i) requires a primary seal to be either a metallic shoe seal, a liquid-mounted seal, or a vapor-mounted seal. Paragraph 60.112a(a)(1)(i)(B) states that the accumulated area of gaps between the tank wall and the vapor-mounted seal shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in<sup>2</sup> per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2in). There shall be no gaps between the tank wall and any secondary seal used in conjunction with the primary seal in the "Volume-Maximizing Seal".
- D. Monitoring of operations (Subpart Ka Section 60.115a)
- (a) Except as provided in paragraph (d) of this section, the owner or operator subject to this subpart shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.
- (b) Available data on the typical Reid vapor pressure and the maximum expected storage temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517, unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).
- (c) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa (2.0 psia) or whose physical properties preclude determination by the recommended

method is to be determined from available data and recorded if the estimated true vapor pressure is greater than 6.9 kPa (1.0 psia).

- (d) The following are exempt from the requirements of this section:
- (1) Each owner or operator of each storage vessel storing a petroleum liquid with a Reid vapor pressure of less than 6.9 kPa (1.0 psia) provided the maximum true vapor pressure does not exceed 6.9 kPa (1.0 psia).
  - (2) Each owner or operator of each storage vessel equipped with a vapor recovery and return or disposal system in accordance with the requirements of 60.112a (a)(3) and (b).

**A14. NSPS Subpart Kb.** Each tank specified by specific condition number **A1**, as subject to NSPS Subpart Kb is subject to the following specific conditions based on Rule 62-204.800(7)(b)16., F.A.C. and 40 CFR Part 60, Subpart Kb, for Volatile Organic Liquid Storage Vessels:

A. Standard for Volatile Organic Compounds (Subpart Kb Section 60.112b)

- (a) The owner or operator of each storage vessel either with a design capacity greater than or equal to 151 cubic meters containing a volatile organic liquid (VOL) that, as stored, has a maximum true vapor pressure equal to or greater than 5.2 kPa but less than 76.6 kPa or with a design capacity greater than or equal to 75 cubic meters but less than 151 cubic meters containing a VOL that, as stored, has a maximum true vapor pressure equal to or greater than 27.6 kPa but less than 76.6 kPa, shall equip each storage vessel with one of the following:
- (1) A fixed roof in combination with an internal floating roof meeting the following specifications:
    - (i) The internal floating roof shall rest or float on the liquid surface (but not necessarily in complete contact with it) inside a storage vessel that has a fixed roof. The internal floating roof shall be floating on the liquid surface at all times, except during initial fill and during those intervals when the storage vessel is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be accomplished as rapidly as possible.
    - (ii) Each internal floating roof shall be equipped with one of the following closure devices between the wall of the storage vessel and the edge of the internal floating roof:
      - (A) A foam- or liquid-filled seal mounted in contact with the liquid (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the liquid between the wall of the storage vessel and the floating roof continuously around the circumference of the tank.
      - (B) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the storage vessel and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.
      - (C) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the storage vessel by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.
    - (iii) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
    - (iv) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid which is to be maintained in a closed position at

- all times (i.e., no visible gap) except when the device is in actual use. The cover or lid shall be equipped with a gasket. Covers on each access hatch and automatic gauge float well shall be bolted except when they are in use.
- (v) Automatic bleeder vents shall be equipped with a gasket and are to be closed at all times when the roof is floating except when the roof is being floated off or is being landed on the roof leg supports.
  - (vi) Rim space vents shall be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.
  - (vii) Each penetration of the internal floating roof for the purpose of sampling shall be a sample well. The sample well shall have a slit fabric cover that covers at least 90 percent of the opening.
  - (viii) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover.
  - (ix) Each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover.
- (3) A closed vent system and control device meeting the following specifications:
- (i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, 60.485(b).
  - (ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (60.18) of the General Provisions.
- (4) A system equivalent to those described in paragraphs (a)(1), (a)(2), or (a)(3) of this section as provided in 60.114b of this subpart.
- (b) The owner or operator of each storage vessel with a design capacity greater than or equal to 75 cubic meters which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:
- (1) A closed vent system and control device as specified in 60.112b(a)(3).
  - (2) A system equivalent to that described in paragraph (b)(1) as provided in 60.114b of this subpart.
- B. Testing and procedures (Subpart Kb Section 60.113b)
- The owner or operator of each storage vessel as specified in 60.112b(a) shall meet the requirements of paragraph (a), (b), or (c) of this section. The applicable paragraph for a particular storage vessel depends on the control equipment installed to meet the requirements of 60.112b.
- (a) After installing the control equipment required to meet 60.112b(a)(1) (permanently affixed roof and internal floating roof), each owner or operator shall:
- (1) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the storage vessel with VOL. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the storage vessel.
  - (2) For Vessels equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the VOL inside the storage vessel, or there is liquid accumulated on the roof, or the seal is

detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the storage vessel from service within 45 days. If a failure that is detected during inspections required in this paragraph cannot be repaired within 45 days and if the vessel cannot be emptied within 45 days, a 30-day extension may be requested from the Administrator in the inspection report required in 60.115b(a)(3). Such a request for an extension must document that alternate storage capacity is unavailable and specify a schedule of actions the company will take that will assure that the control equipment will be repaired or the vessel will be emptied as soon as possible.

- (3) For vessels equipped with a double-seal system as specified in 60.112b(a)(1)(ii)(B):
    - (i) Visually inspect the vessel as specified in paragraph (a)(4) of this section at least every 5 years; or
    - (ii) Visually inspect the vessel as specified in paragraph (a)(2) of this section.
  - (4) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. If the internal floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, or the gaskets no longer close off the liquid surfaces from the atmosphere, or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary so that none of the conditions specified in this paragraph exist before refilling the storage vessel with VOL. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years in the case of vessels conducting the annual visual inspection as specified in paragraphs (a)(2) and (a)(3)(ii) of this section and at intervals no greater than 5 years in the case of vessels specified in paragraph (a)(3)(i) of this section.
  - (5) Notify the Administrator in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required by paragraphs (a)(1) and (a)(4) of this section to afford the Administrator the opportunity to have an observer present. If the inspection required by paragraph (a)(4) of this section is not planned and the owner or operator could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Administrator at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification including the written documentation may be made in writing and sent by express mail so that it is received by the Administrator at least 7 days prior to the refilling.
  - (d) The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in 60.112b (a)(3) or (b)(2) shall meet the requirements as specified in the general control device requirements, 60.18 (e) and (f).
- C. Alternative Means of Emission Limitation (Subpart Kb Section 60.114b)
- (a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve reduction in emissions at least equivalent to the reduction in emissions achieved by any requirement in 60.112b, the Administrator will publish in the Federal Register a notice permitting the use of the alternative means for purposes of compliance with that requirement.
  - (b) Any notice under paragraph (a) of this section will be published only after notice and an opportunity for a hearing.
  - (c) Any person seeking permission under this section shall submit to the Administrator a written application including:

- (1) An actual emissions test that uses a full-sized or scale-model storage vessel that accurately collects and measures all VOC emissions from a given control device and that accurately simulates wind and accounts for other emission variables such as temperature and barometric pressure.
- (2) An engineering evaluation that the Administrator determines is an accurate method of determining equivalence.
- (d) The Administrator may condition the permission on requirements that may be necessary to ensure operation and maintenance to achieve the same emissions reduction as specified in 60.112b.

D. Reporting and Recordkeeping Requirements (Subpart Kb Section 60.115b)

The owner or operator of each storage vessel as specified in 60.112b(a) shall keep records and furnish reports as required by paragraphs (a), (b), or (c) of this section depending upon the control equipment installed to meet the requirements of 60.112b. The owner or operator shall keep copies of all reports and records required by this section, except for the record required by (c)(1), for at least 2 years. The record required by (c)(1) will be kept for the life of the control equipment.

- (a) After installing control equipment in accordance with 60.112b(a)(1) (fixed roof and internal floating roof), the owner or operator shall meet the following requirements.
  - (1) Furnish the Administrator with a report that describes the control equipment and certifies that the control equipment meets the specifications of 60.112b(a)(1) and 60.113b(a)(1). This report shall be an attachment to the notification required by 60.7(a)(3).
  - (2) Keep a record of each inspection performed as required by 60.113b (a)(1), (a)(2), (a)(3), and (a)(4). Each record shall identify the storage vessel on which the inspection was performed and shall contain the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).
- (c) After installing control equipment in accordance with 60.112b (a)(3) or (b)(1) (closed vent system and control device other than a flare), the owner or operator shall keep the following records.
  - (1) A copy of the operating plan.
  - (2) A record of the measured values of the parameters monitored in accordance with 60.113b(c)(2).
- (d) After installing a closed vent system and flare to comply with 60.112b, the owner or operator shall meet the following requirements.
  - (1) A report containing the measurements required by 60.18(f) (1), (2), (3), (4), (5), and (6) shall be furnished to the Administrator as required by 60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.
  - (2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.
  - (3) Semiannual reports of all periods recorded under 60.115b(d)(2) in which the pilot flame was absent shall be furnished to the Administrator.

E. Monitoring of Operations (Subpart Kb Section 60.116b)

- (a) The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source.
- (b) The owner or operator of each storage vessel as specified in 60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Each storage vessel with a design capacity less than 75 cubic meters is subject to no provision of this subpart other than those required by this paragraph.
- (c) Except as provided in paragraphs (f) and (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 cubic meters storing a

- liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 cubic meters but less than 151 cubic meters storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.
- (d) Except as provided in paragraph (g) of this section, the owner or operator of each storage vessel either with a design capacity greater than or equal to 151 cubic meters storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa or with a design capacity greater than or equal to 75 cubic meters but less than 151 cubic meters storing a liquid with a maximum true vapor pressure that is normally less than 27.6 kPa shall notify the Administrator within 30 days when the maximum true vapor pressure of the liquid exceeds the respective maximum true vapor pressure values for each volume range.
- (e) Available data on the storage temperature may be used to determine the maximum true vapor pressure as determined below.
- (1) For vessels operated above or below ambient temperatures, the maximum true vapor pressure is calculated based upon the highest expected calendar-month average of the storage temperature. For vessels operated at ambient temperatures, the maximum true vapor pressure is calculated based upon the maximum local monthly average ambient temperature as reported by the National Weather Service.
- (2) For crude oil or refined petroleum products the vapor pressure may be obtained by the following:
- (i) Available data on the Reid vapor pressure and the maximum expected storage temperature based on the highest expected calendar-month average temperature of the stored product may be used to determine the maximum true vapor pressure from nomographs contained in API Bulletin 2517 (incorporated by reference see 60.17), unless the Administrator specifically requests that the liquid be sampled, the actual storage temperature determined, and the Reid vapor pressure determined from the sample(s).
- (ii) The true vapor pressure of each type of crude oil with a Reid vapor pressure less than 13.8 kPa or with physical properties that preclude determination by the recommended method is to be determined from available data and recorded if the estimated maximum true vapor pressure is greater than 3.5 kPa.
- (3) For other liquids, the vapor pressure:
- (i) May be obtained from standard reference texts, or
- (ii) Determined by ASTM Method D2879-83 (incorporated by reference see 60.17); or
- (iii) Measured by an appropriate method approved by the Administrator; or
- (iv) Calculated by an appropriate method approved by the Administrator.
- (f) The owner or operator of each vessel storing a waste mixture of indeterminate or variable composition shall be subject to the following requirements.
- (1) Prior to the initial filling of the vessel, the highest maximum true vapor pressure for the range of anticipated liquid compositions to be stored will be determined using the methods described in paragraph (e) of this section.
- (2) For vessels in which the vapor pressure of the anticipated liquid composition is above the cutoff for monitoring but below the cutoff for controls as defined in 60.112b(a), an initial physical test of the vapor pressure is required; and a physical test at least once every 6 months thereafter is required as determined by the following methods:
- (i) ASTM Method D2879-83 (incorporated by reference, see 60.17); or
- (ii) ASTM Method D323-82 (incorporated by reference, see 60.17); or
- (iii) As measured by an appropriate method as approved by the Administrator.

- (g) The owner or operator of each vessel equipped with a closed vent system and control device meeting the specifications of 60.112b is exempt from the requirements of paragraphs (c) and (d) of this section.

F. Delegation of Authority (Subpart Kb Section 60.117b)

- (a) In delegating implementation and enforcement authority to a State under section 111(c) of the Act, the authorities contained in paragraph (b) of this section shall be retained by the Administrator and not transferred to a State.
- (b) Authorities which will not be delegated to States: 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).

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

**Emission Unit ID Number and Brief Description**

Petroleum Loading Racks as follows:

EU 012: Petroleum Loading Racks Numbers 1, 3, 4, and 5 with Flare

{Permitting note: This emission unit is regulated under NSPS - 40 CFR 60, Subpart XX, Standards of Performance for Bulk Gasoline Terminals, and Subpart A, General Provisions, adopted and incorporated by reference in Rule 62-204.800(7), F.A.C. and RACT Rule 62-296.510, F.A.C. Compliance with NSPS standards shall also demonstrate compliance with RACT.}

**The following conditions apply to the emissions unit listed above.**

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

**B1. Capacity.** The maximum permitted combined throughput rate of all fuels at the loading racks is 2,256,000,000 gallons per consecutive twelve months. The maximum facility throughput rates for the truck loading racks is:

- a) 1.69 billion gallons of gasoline per consecutive twelve months;
- b) 361 million gallons of diesel fuel per consecutive twelve months;
- c) 125 million gallons of denatured ethanol per consecutive twelve months, where denatured ethanol contains a maximum of 5% gasoline;
- d) 80 million gallons of Jet A fuel per consecutive twelve months.

[Rule 62-210.200, (PTE), F.A.C., construction permit 0950069-010-AC, and Title V operating permit renewal application received December 28, 2007]

**B2. Hours of Operation.** Continuous operation is allowed.

[Rule 62-210.200, (PTE), F.A.C. and construction permit 0950069-010-AC, and Title V operating permit renewal application received December 28, 2007]

**B3. Pollution Control Device.** No person shall circumvent any pollution control device or allow the emissions of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.200, (PTE), F.A.C. and Rule 62-210.650, F.A.C.]

**Emission Limitations and Standards**

**B4. VOC Emission Limits.** Emissions from the vapor collection systems and enclosed flares due to the loading of liquid product into tank trucks shall not exceed 10.0 milligrams of total organic compounds per liter of fuel loaded, and shall not exceed 75.80 tons of volatile organic compounds (VOC) per consecutive twelve months.

[Rule 62-210.200, (PTE), F.A.C., permit 0950069-010-AC and Title V operating permit renewal application received December 28, 2007]

**Test Methods and Procedures**

**B5. Test Methods.** The emission unit shall demonstrate compliance with its emission limit and performance standards in accordance with EPA Methods 2B, 21, and 25A or 25B, prior to permit expiration date.

[Rules 62-297.401(2)(b), 62-297.401(21), 62-297.401(22), 62-297.401(25)(a)&(b), and 62-204.800(7)(b)53., F.A.C.]

**B6. Stack Sampling.** The permittee shall comply with the requirements contained in Rule 62-297.310(6), F.A.C., Stack Sampling Facilities.  
[Rule 62-297.310(6), F.A.C.]

**B7. Notification.** At least 15 days prior to the date on which each formal compliance test is due to begin, the permittee shall provide written notification of the test to the Orange County Environmental Protection Department. The notification must include the following information: the date, time and location of each test; the name and telephone number of the facility's contact person who will be responsible for coordinating the test; and the name, company, and telephone number of the person conducting the test.  
[Rule 62-297.310(7)(a)9, F.A.C.]

### **Monitoring of Operations**

#### **B8. Determination of Process Variables.**

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

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

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

### **Recordkeeping and Reporting Requirements**

**B9. Recordkeeping Log.** In order to demonstrate compliance with specific conditions number **B1.** and **B4.**, the permittee shall maintain a monthly log at the facility for a period of at least five years from the date the data is recorded. The log, at a minimum, shall contain the following:

#### Monthly

- a) Month and year of record
- b) Monthly and consecutive twelve month totals of:
  1. Facility-wide throughput of gasoline, diesel, denatured ethanol and Jet A fuel for the truck loading racks;
  2. VOC emission rates from the storage tanks and separately from the vapor collection system and enclosed flares due to loading of liquid product into tank trucks.

[Rules 62-4.070(3) and 62-213.440(1)(b)2., F.A.C., permit 0950069-010-AC and Title V operating permit renewal application received December 28, 2007.]

Note: A consecutive 12-month total is equal to the total for the month in question plus the totals for the eleven months previous to the month in question. A consecutive 12-month total treats each month of the year as the end of a 12-month period. A 12-month total is not a year-to-date total. Facilities that have not been operating for 12 months should retain 12-month totals using whatever number of months of data are available until such a time as a consecutive 12-month total can be maintained each month.

**B10. Supporting Documentation.** Supporting documentation, such as Material Safety Data Sheets, purchase orders, etc., shall be kept which includes sufficient information to determine compliance. The documents shall be kept at the facility for at least 5 years and made available to the Department. Daily logs shall be completed within 7 business days and the monthly logs shall be completed by the end of the following month.

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

**B11. Test Reports.** A copy of the required test report shall be filed with EPD as soon as practical but no later than 45 days after the last test is completed.  
[Rules 62-297.310(8), F.A.C.]

**B12. Permit Renewals.** At least 225 days prior to the expiration date of this operation permit, the permittee shall submit to EPD four copies of the air permit application, FDEP Form No. 62-210.900(1).  
[Rules 62-4.090(1) and 62-213.420(1)(a)2., F.A.C.]

#### **NSPS Conditions**

**B13. NSPS Requirements.** This emission unit is subject to 40 CFR Part 60, Subpart A, General Provisions.  
[Rule 62-204.800(8)(d), F.A.C. and 40 CFR Part 60, Subpart A]

**B14. NSPS Compliance.** Compliance with the conditions of this permit shall demonstrate compliance with the applicable requirements of 40 CFR Part 60, Subpart XX.  
[Rule 62-204.800(8)(b)53., F.A.C. and 40 CFR Part 60, Subpart XX]

**B15. NSPS Subpart XX.** This emission unit is subject to the following specific conditions based on Rule 62-204.800(8)(b)53., F.A.C. and 40 CFR Part 60, Subpart XX, for Bulk Gasoline Terminals.

A. Standard for Volatile Organic Compound (VOC) emissions from bulk gasoline terminals (Subpart XX Section 60.502)

On and after the date on which 60.8(a) requires a performance test to be completed, the owner or operator of each bulk gasoline terminal containing an affected facility shall comply with the requirements of this section.

- (a) Each affected facility shall be equipped with a vapor collection system designed to collect the total organic compounds vapors displaced from tank trucks during product loading.
- (b) The emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 35 milligrams of total organic compounds per liter of gasoline loaded, except as noted in paragraph (c) of this section.
- (c) For each affected facility equipped with an existing vapor processing system, the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 80 milligrams of total organic compounds per liter of gasoline loaded.
- (d) Each vapor collection system shall be designed to prevent any total organic compounds vapors collected at one loading rack from passing to another loading rack.
- (e) Loadings of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures:
  - (1) The owner or operator shall obtain the vapor tightness documentation described in 60.505(b) for each gasoline tank truck which is to be loaded at the affected facility.
  - (2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility.
  - (3) The owner or operator shall cross-check each tank identification number obtained in paragraph (e)(2) of this section with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded.
  - (4) The terminal owner or operator shall notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the affected facility within 3 weeks after the loading has occurred.

- (5) The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained.
  - (6) Alternate procedures to those described in paragraphs (e)(1) through (5) of this section for limiting gasoline tank truck loadings may be used upon application to, and approval by, the Administrator.
  - (f) The owner or operator shall act to assure that loadings of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system.
  - (g) The owner or operator shall act to assure that the terminal's and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks.
  - (h) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in 60.503(d).
  - (i) No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 pascals (450 mm of water).
  - (j) Each calendar month, the vapor collection system, the vapor processing system, and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each detection of a leak shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.
- B. Test Methods and Procedures (Subpart XX Section 60.503)
- (a) In conducting the performance tests required in 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in 60.8(b). The three-run requirement of 60.8(f) does not apply to this subpart.
  - (b) Immediately before the performance test required to determine compliance with 60.502 (b), (c), and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.
  - (c) The owner or operator shall determine compliance with the standards in 60.502 (b) and (c) as follows:
    - (1) The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.
    - (2) If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.
    - (3) The emission rate (E) of total organic compounds shall be computed using the following equation:

$$E = K \sum^n (V_{esi} C_{ei}) / (L 10^6)$$

i=1

Where:

E = emission rate of total organic compounds, mg/liter of gasoline loaded;

V<sub>esi</sub> = volume of air-vapor mixture exhausted at each interval "i", scm;

C<sub>ei</sub> = concentration of total organic compounds at each interval "i", ppm;

L = total volume of gasoline loaded, liters;

N = number of testing intervals, i = emission testing interval of 5 minutes;

K = density of calibration gas, 1.83x10<sup>6</sup> for propane and 2.41x10<sup>6</sup> for butane, mg/scm.

- (4) The performance test shall be conducted in intervals of 5 minutes. For each interval "i", readings from each measurement shall be recorded, and the volume exhausted (V<sub>esi</sub>) and the corresponding average total organic compounds concentration (C<sub>ei</sub>) shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.
  - (5) The following methods shall be used to determine the volume (V<sub>esi</sub>) air-vapor mixture exhausted at each interval:
    - (i) Method 2B shall be used for combustion vapor processing systems.
    - (ii) Method 2A shall be used for all other vapor processing systems.
  - (6) Method 25A or 25B shall be used for determining the total organic compounds concentration (C<sub>ei</sub>) at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane and ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Administrator.
  - (7) To determine the volume (L) of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.
  - (d) The owner or operator shall determine compliance with the standard in 60.502(h) as follows:
    - (1) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with  $\pm 2.5$  mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.
    - (2) During the performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.
- C. Reporting and Recordkeeping (Subpart XX Section 60.505)
- (a) The tank truck vapor tightness documentation required under 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection.
  - (b) The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27. This documentation shall include, as a minimum, the following information:
    - (1) Test title: Gasoline Delivery Tank Pressure Test EPA Reference Method 27;
    - (2) Tank owner and address;
    - (3) Tank identification number;
    - (4) Testing location;
    - (5) Date of test;
    - (6) Tester name and signature;
    - (7) Witnessing inspector, if any: Name, signature, and affiliation;
    - (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).

- (c) A record of each monthly leak inspection required under 60.502(j) shall be kept on file at the terminal for at least 2 years. Inspection records shall include, as a minimum, the following information:
    - (1) Date of inspection.
    - (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
    - (3) Leak determination method.
    - (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
    - (5) Inspector name and signature.
  - (d) The terminal owner or operator shall keep documentation of all notifications required under 60.502(e)(4) on file at the terminal for at least 2 years.
  - (e) [Reserved]
  - (f) The owner or operator of an affected facility shall keep records of all replacements or additions of components performed on an existing vapor processing system for at least 3 years.
- D. Reconstruction (Subpart XX Section 60.506)
- For purposes of this subpart:
- (a) The cost of the following frequently replaced components of the affected facility shall not be considered in calculating either the "fixed capital cost of the new components" or the "fixed capital costs that would be required to construct a comparable entirely new facility" under 60.15: pump seals, loading arm gaskets and swivels, coupler gaskets, overfill sensor couplers and cables, flexible vapor hoses, and grounding cables and connectors.
  - (b) Under 60.15, the "fixed capital cost of the new components" includes the fixed capital cost of all depreciable components (except components specified in 60.506(a)) which are or will be replaced pursuant to all continuous programs of component replacement which are commenced within any 2-year period following December 17, 1980. For purposes of this paragraph, "commenced" means that an owner or operator has undertaken a continuous program of component replacement or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of component replacement.

**STATEMENT OF BASIS**

Central Florida Pipeline, LLC  
Central Florida Pipeline, LLC Orlando Terminal  
Facility ID Number 0950069  
Orange County

**DRAFT** Permit Number 0950069-011-AV  
Title V Air Operation Permit Renewal

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

This facility is a bulk gasoline terminal, which contains the following five emission units:

a) EU 040: Twelve Gasoline Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
1061	Gasoline	840,000	IFR
1062	Gasoline	840,000	IFR
25-1	Gasoline	1,050,000	IFR
37-1	Gasoline	1,575,000	IFR
37-2	Gasoline	1,575,000	IFR
37-3	Gasoline	1,575,000	IFR
40-1	Gasoline	1,680,000	IFR
60-1	Gasoline	2,520,000	IFR
80-1	Gasoline	3,360,000	IFR
80-2	Gasoline	3,360,000	IFR
80-3	Gasoline	3,360,000	IFR
80-4	Gasoline	3,360,000	IFR

b) EU 009: One Diesel Fuel Storage Tank as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
37-4	Diesel Fuel	1,575,000	FCR

c) EU 041: Fourteen Additive Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
9	Additive	14,700	FCR
10	Additive	8,000	HORZ
11	Additive	8,000	HORZ
A-13	Additive	8,000	HORZ
A-15	Additive	8,273	FCR
A-19	Additive	4,000	HORZ

**STATEMENT OF BASIS**  
**DRAFT** Permit Number 0950069-011-AV  
 Title V Air Operation Permit Renewal

A-20	Additive	8,000	HORZ
A-21	Additive	8,000	FCR
A-22	Additive	15,540	HORZ
A-23	Additive	15,540	FCR
A-24	Additive	15,540	FCR
A-25	Additive	2,000	HORZ
A-26	Additive	500	HORZ
A-27	Additive	500	HORZ

d) EU 039: Three Interface, Wastewater, and PCW Storage Tanks as follows:

<u>Tank Number</u>	<u>Worse-Case Product</u>	<u>Tank Capacity (gal)</u>	<u>Tank Type</u>
4	Wastewater	23,900	FCR
5	PCW	14,414	FCR
6	PCW	14,414	FCR

Legend: FCR = fixed cone roof      HORZ = horizontal      IFR = internal floating roof  
 PCW = petroleum contact water

e) EU 012: Petroleum Loading Racks numbers 1, 3, 4 and 5, equipped with a vapor recovery system and two John Zinc enclosed flares to control Volatile Organic Compound (VOC) emissions.

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

Based upon the Title V permit application received December 28, 2007, this facility is not a major source of hazardous air pollutants (HAP).

The applicable emission limitations are as follows:

- a) **Facility Wide Emission Limit. General Particulate Emission Limiting 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.]
- b) **Facility Wide General VOC Standard per Rule 62-296.320(1)(a), F.A.C.**
- c) **Facility Wide Objectionable Odor Prohibited per Rule 62-296.320(2), F.A.C.**
- d) **Facility Wide Precautions to prevent Unconfined Particulate Emissions per Rule 62-296.320(4)(c)2., F.A.C.**

The following NSPS Standards apply:

**STATEMENT OF BASIS**

**DRAFT** Permit Number 0950069-011-AV

Title V Air Operation Permit Renewal

- a) **NSPS - 40 CFR 60, Subpart K, Ka, and Kb, Standards of Performance for Storage Vessels for Petroleum Liquids/Volatile Organic Liquid Storage**, adopted and incorporated by reference in Rules 62-204.800(8)(b)14., 15., and 16., F.A.C. and RACT Rule 62-296.508, F.A.C. Compliance with NSPS standards shall also demonstrate compliance with RACT.
- b) **NSPS - 40 CFR 60, Subpart A, General Provisions**, adopted and incorporated by reference in Rule 62-204.800(8)(d), F.A.C. and RACT Rule 62-296.508, F.A.C. Compliance with NSPS standards shall also demonstrate compliance with RACT.
- c) **NSPS - 40 CFR 60, Subpart XX, Standards of Performance for Bulk Gasoline Terminals**, adopted and incorporated by reference in Rule 62-204.800(8)(b)53., F.A.C. and RACT Rule 62-296.510, F.A.C. Compliance with NSPS standards shall also demonstrate compliance with RACT.

This Title V permit renewal includes the following changes from the 0950069-009-AV permit that were authorized by the 0950069-010-AC permit, or that were requested in the Title V permit renewal application received December 28, 2007;

- a) In condition A1., the throughput limit for ethanol was increased from 25,000,000 gal/yr to 125,000,000 gal/yr.
- b) In condition A1., the throughput limit of 80,000,000 gal/yr of Jet A fuel was added. Also added is the statement in condition A.1 that Tank 25-1 may contain either gasoline or Jet A fuel.
- c) The facility modifications to provide Jet A fuel were considered an insignificant source of air emissions and added to Appendix I-1 (items 45 and 46). These modifications were:
  - (1) Constructing a jet fuel filter set adjacent to tank 25-1;
  - (2) Constructing associated piping to connect tank 25-1 and the filter to loading rack number 1;
  - (3) Gasoline tank 25-1 (EU040) will be used to store Jet A fuel but will remain a regulated part of the gasoline tanks group, and may be used to store gasoline.
- d) The facility hardware modifications that provide the capability for the increased denatured ethanol throughput were considered an insignificant source of air emissions and were added to Appendix I-1 (items 47, 48 and 49). These modifications were:
  - (1) Adding an internal floating roof to former diesel fuel tank 1060;
  - (2) Constructing a four-lane ethanol offloading site;
  - (3) Adding blend skids at 11 lanes at loading racks numbers 1, 4 and 5;
  - (4) Constructing associated manifolds and piping.

## STATEMENT OF BASIS

DRAFT Permit Number 0950069-011-AV

Title V Air Operation Permit Renewal

- e) Appendix U-1, Unregulated Emission Units, was eliminated and removed from the list on page i. Also removed was the facility wide condition 6 in permit 0950069-009-AV that mentions this appendix. The only equipment considered unregulated in the 0950069-009-AV permit was loading rack number 3. Loading rack number 3 was considered a part of the regulated EU 012 in permit 0950069-010-AC, as requested in the application for that permit. Loading rack number 3 was also considered a part of the regulated EU 012 in the application for the 0950069-011-AV permit received December 28, 2007. Loading rack number 3 was added to the EU 012 descriptions on pages 3 and 17.
- f) In condition B1., the Jet A fuel throughput limit of 80,000,000 gal/yr was added, and the denatured ethanol throughput limit was increased to 125,000,000 gal/yr from 25,000,000 gal/yr, and the denatured ethanol gasoline content was limited to 5%.
- g) The wording of recordkeeping log conditions A7. and B9. was modified to incorporate requirements of -010-AC permit for ethanol and Jet A recordkeeping, eliminate duplication and clarify record keeping requirements.
- (1) In part a) of both conditions, “Month” was changed to “Month and year of record”.
  - (2) In condition A7., the first item of recordkeeping was changed from “facility-wide throughput of gasoline for the tanks” to “Facility-wide throughput of gasoline, diesel, denatured ethanol and Jet A fuel for the storage tanks”;
  - (3) In condition A7. of permit 0950069-009-AV, the second item of recordkeeping, “facility-wide throughput of gasoline, diesel, and ethanol for the truck loading racks” was deleted because it is redundant with condition B9. requirements.
  - (4) In condition A7., the VOC emissions from floating roof tank landing losses were added to the recordkeeping requirements.
  - (5) In condition B9., the first recordkeeping requirement of the 0950069-009-AV permit, “facility-wide throughput of gasoline for the tanks” was deleted because it is redundant with the condition A7. requirement.
  - (6) In condition B9., Jet A fuel throughput was added to the throughput of gasoline, diesel and ethanol for the truck loading racks, and “ethanol” was changed to “denatured ethanol”.
  - (7) In condition B9., the phrase “and enclosed flares” was added to the emission rate calculation from the vapor collection system; previous calculations included these emissions from the flares.
  - (8) Also, the typographical error (B5. should have been B4.) in condition B9. was corrected.
- h) In condition B4., the VOC emissions limit was increased and the wording was changed to note the various fuels now being loaded, and vapors vented to the enclosed flares. This condition wording was changed from:  
“Emissions from the vapor collection system due to the loading of liquid product into gasoline tank trucks shall not exceed 10.0 milligrams of total organic compounds per liter of gasoline loaded and shall not exceed 71.15 tons of volatile organic compounds (VOC) per consecutive twelve months.”, to:  
“Emissions from the vapor collection systems and enclosed flares due to the loading of liquid product into tank trucks shall not exceed 10.0 milligrams of total organic compounds per liter of fuel loaded, and shall not exceed 75.80 tons of volatile organic compounds (VOC) per consecutive twelve months.”

**STATEMENT OF BASIS**

**DRAFT** Permit Number 0950069-011-AV

Title V Air Operation Permit Renewal

- i) Permit 0950069-010-AC or the Title V operating permit renewal application received December 28, 2007, or both, were referenced in the following permit conditions: A1., A2., A4., A7., B1., B2., B4., B9.
- j) Appendix CAM and the CAM Plan table were added as requested in the application received December 28, 2007.

This Title V permit renewal also includes the following administrative changes and corrections to the 0950069-009-AV permit.

- a) The Orange County Environmental Protection Division (EPD) is now the compliance and permitting authority. This change was made on the title page.
- b) The permit format was changed to conform to the latest FDEP and EPD style guidelines.
- c) The phrase “Not federally enforceable” was added to facility-wide conditions 2 and 6 in Section II.
- d) The AOR submittal deadline in facility-wide condition 15 was updated from March 1 to May 1, 2009 and April 1 of following years, to reflect the latest changes in Rule 62-210.370(3), F.A.C.
- e) The Title V renewal application submittal date in Section III conditions A9. and B12. was changed from 180 to 225 days before expiration to reflect the latest changes in Rule 62-213.420(1)(a)2., F.A.C.
- f) Appendix H-1 was updated to show permits 0950069-008-AC, 0950069-009-AV, 0950069-010-AC and 0950069-011-AV.
- g) Facility-wide condition 9 of this permit combines the facility wide conditions 10 and 11 of the 0950069-009-AV permit to eliminate redundant EPD address information.
- h) The requirements of 40 CFR Part 60 Subpart Ka Sections 60.112a(a)(1)(i) and 60.112a(a)(1)(i)(B) were added to specific condition A13.C(e). The specific wording, added before the last sentence in that condition, was “Paragraph 60.112a(a)(1)(i) requires a primary seal to be either a metallic shoe seal, a liquid-mounted seal, or a vapor-mounted seal. Paragraph 60.112a(a)(1)(i)(B) states that the accumulated area of gaps between the tank wall and the vapor-mounted seal shall not exceed 21.2 cm<sup>2</sup> per meter of tank diameter (1.0 in<sup>2</sup> per ft of tank diameter) and the width of any portion of any gap shall not exceed 1.27 cm (1/2in).” The internal floating roof vapor-mounted seal requirements of these two sections were omitted from permit 0950069-009-AV.

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

### Abbreviations and Acronyms:

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

### Citations:

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

#### Code of Federal Regulations:

*Example: [40 CFR 60.334]*

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

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

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

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

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

**Appendix A-1, Abbreviations, Acronyms, Citations, and Identification Numbers**  
(continued)

**Identification Numbers:**

Facility Identification (ID) Number:

*Example:* Facility ID No.: 1050221

*Where:*

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

Permit Numbers:

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

*Where:*

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

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

*Where:*

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

## **Appendix CAM**

### **Compliance Assurance Monitoring Requirements**

Pursuant to Rule 62-213.440(1)(b)1.a., F.A.C., the CAM plans that are included in this appendix contain the monitoring requirements necessary to satisfy 40 CFR 64. Conditions 1. – 17. are generic conditions applicable to all emissions units that are subject to the CAM requirements. Specific requirements related to each emissions unit are contained in the attached tables, as submitted by the applicant and approved.

#### **40 CFR 64.6 Approval of Monitoring.**

1. The attached CAM plan(s), as submitted by the applicant, is/are approved for the purposes of satisfying the requirements of 40 CFR 64.  
[40 CFR 64.6(a)]
2. The attached CAM plan includes the following information:
  - i) The indicator(s) to be monitored (such as temperature, pressure drop, emissions, or similar parameter);
  - ii) The means or device to be used to measure the indicator(s) (such as temperature measurement device, visual observation, or CEMS); and
  - iii) The performance requirements established to satisfy 40 CFR 64.3(b) or (d), as applicable.  
[40 CFR 64.6(c)(1)]
3. The attached CAM plan(s) describe the means by which the owner or operator will define an exceedance of the permitted limits or an excursion from the stated indicator ranges and averaging periods for purposes of responding to (see **CAM Conditions 5. – 9.**) and reporting exceedances or excursions (see **CAM Conditions 10. – 14.**).  
[40 CFR 64.6(c)(2)]
4. The permittee is required to conduct the monitoring specified in the attached CAM plan(s) and shall fulfill the obligations specified in the conditions below (see **CAM Conditions 5. – 17.**).  
[40 CFR 64.6(c)(3)]

#### **40 CFR 64.7 Operation of Approved Monitoring.**

5. **Commencement of operation.** The owner or operator shall conduct the monitoring required under this appendix **no later than 180 days after** the effective date of this Title V permit [to allow sufficient time for permitting, construction and installation of the monitoring equipment at this facility].  
[40 CFR 64.7(a), 40 CFR 64.5(e)]
6. **Proper maintenance.** At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.  
[40 CFR 64.7(b)]
7. **Continued operation.** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable.

The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

[40 CFR 64.7(c)]

**8. Response to excursions or exceedances.**

- a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions, if allowed by this permit). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[40 CFR 64.7(d)(1) & (2)]

- 9. Documentation of need for improved monitoring.** If the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Title V permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

[40 CFR 64.7(e)]

**40 CFR 64.8 Quality Improvement Plan (QIP) Requirements.**

- 10.** Based on the results of a determination made under **CAM Condition 8.b.**, above, the permitting authority may require the owner or operator to develop and implement a QIP. Consistent with **CAM Condition 4.**, an accumulation of exceedances or excursions exceeding 5 percent duration of a pollutant-specific emissions unit's operating time for a reporting period, may require the implementation of a QIP. The threshold may be set at a higher or lower percent or may rely on other criteria for purposes of indicating whether a pollutant-specific emissions unit is being maintained and operated in a manner consistent with good air pollution control practices.

[40 CFR 64.8(a)]

**11. Elements of a QIP:**

- a. The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
- b. The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
  - i) Improved preventive maintenance practices.
  - ii) Process operation changes.
  - iii) Appropriate improvements to control methods.
  - iv) Other steps appropriate to correct control performance.
  - v) More frequent or improved monitoring (only in conjunction with one or more steps under **CAM Condition 11.b(i)** through **(iv)**, above).

[40 CFR 64.8(b)]

- 12.** If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.

[40 CFR 64.8(c)]

- 13.** Following implementation of a QIP, upon any subsequent determination pursuant to **CAM Condition 8.b.**, the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:

- a. Failed to address the cause of the control device performance problems; or
- b. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

[40 CFR 64.8(d)]

- 14.** Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

[40 CFR 64.8(e)]

**40 CFR 64.9 Reporting And Recordkeeping Requirements.**

**15. General reporting requirements.**

- a. On and after the date specified in **CAM Condition 5.** by which the owner or operator must use monitoring that meets the requirements of this appendix, the owner or operator shall submit monitoring reports semi-annually to the permitting authority in accordance with Rule 62-213.440(1)(b)3.a., F.A.C.
- b. A report for monitoring under this part shall include, at a minimum, the information required under Rule 62-213.440(1)(b)3.a., F.A.C., and the following information, as applicable:
  - i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

- iii) A description of the actions taken to implement a QIP during the reporting period as specified in **CAM Conditions 10.** through **14.** Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 CFR 64.9(a)]

**16. General recordkeeping requirements.**

- a. The owner or operator shall comply with the recordkeeping requirements specified in Rule 62-213.440(1)(b)2., F.A.C. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to **CAM Conditions 10.** through **14.** and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
- b. Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[40 CFR 64.9(b)]

**40 CFR 64.10 Savings Provisions.**

**17.** It should be noted that nothing in this appendix shall:

- a. Excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act. The requirements of this appendix shall not be used to justify the approval of monitoring less stringent than the monitoring which is required under separate legal authority and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under separate authority under the Act, including monitoring in permits issued pursuant to title I of the Act. The purpose of this part is to require, as part of the issuance of a permit under Title V of the Act, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this part.
- b. Restrict or abrogate the authority of the Administrator or the permitting authority to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of the Act, including but not limited to sections 114(a)(1) and 504(b), or state law, as applicable.
- c. Restrict or abrogate the authority of the Administrator or permitting authority to take any enforcement action under the Act for any violation of an applicable requirement or of any person to take action under section 304 of the Act.

[40 CFR 64.10]

## Appendix CAM Vapor Combustion Unit (VCU) CAM Plan

	<b>Indicator Number 1</b>	<b>Indicator Number 2</b>	<b>Indicator Number 3</b>	<b>Indicator Number 4</b>
<b>Applicable Requirement</b>	Operate VCU with no visible emissions (VE).	Operate VCU with pilot flame present at all times.	Combustion temperature.	Operate VCU with staging valve open when presence of pilot flame has been verified.
<b>General Monitoring Approach</b>	Observe visible emissions.	Monitor presence of pilot flame.	Measure combustion temperature with thermocouple.	Monitor motorized staging valve open and close signals.
<b>Monitoring Methods and Location</b>	Visible emissions observation via daily visual observations, supplemented by record keeping of instances in which observer is unable to correct visible emissions problem and duration of VE. Perform a VE inspection as soon as any intentional or unintentional release of vent gas to the flare occurs (no later than one hour after event).	Ultra-violet or infra-red flame scanners or detectors near pilot burners, recorded on data recorder.	Combustion temperature is monitored with a thermocouple and continuously recorded with a data recorder.	Signal from motorized staging valve will be tracked on data recorder to indicate valve is open when presence of pilot flame is verified and vapor recovery line pressure reaches or exceeds 4.0 inches of water.
<b>Indicator Range</b>	No visible emissions.	Presence or absence of pilot flame.	70 to 1300+ °F.	Open or closed.
<b>Data Collection Frequency</b>	Daily.	Continuous when VCU is in operation.	Continuous when VCU is in operation.	Continuous when VCU is in operation.
<b>Averaging Period</b>	None.	None.	None.	None.
<b>Record keeping</b>	Log all observations of visible emissions lasting more than a few seconds (control response time) and the duration of the event.	Data recorder will be used to record presence of pilot flame. Data recorder will record all absence of pilot flame events.	Temperature recorded continuously on data recorder.	Data recorder will be used to record open and closing signals for staging valves.
<b>QA/QC</b>	None.	Calibration, maintenance, and operation of UV or IR flame scanner sensing probes will be performed following manufacturer's specifications.	Thermocouple accuracy will be verified at least annually by a second (redundant) thermocouple probe inserted into the combustion chamber with a hand held meter. Acceptable accuracy is + / - 30°F.	Weekly visible inspections of the staging valves.

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

Central Florida Pipeline LLC  
Orlando Terminal

**DRAFT Permit No.:** 0950069-011-AV  
**Facility ID No.:** 0950069

**Permit History (for tracking purposes):**

E.U.

<u>ID No.</u>	<u>Description</u>	<u>Permit No.</u>	<u>Effective Date</u>	<u>Expiration Date</u>	<u>Project Type</u>	<u>Extended Date</u> <sup>1,2</sup>	<u>Revised Date(s)</u>
All	Facility	0950069-011-AV					
All	Facility	0950069-010-AC	02/06/08	07/31/09	Construction		
All	Facility	0950069-009-AV	05/17/06	06/30/08	Revision		
All	Facility	0950069-008-AC	03/02/06	01/30/08	Construction	11/09/06	
All	Facility	0950069-007-AV	11/02/03	06/30/08	Renewal		
All	Facility	0950069-006-AC	08/28/02	07/30/07	Construction		
All	Facility	0950069-004-AV	11/13/98	06/30/01	Initial		
-040	Twelve Gasoline Storage Tanks	AO48-182682	10/08/90	09/25/95			
-009	& Three Diesel Tanks	AO48-206378	06/23/92	05/30/97			
	“	AO48-160623	10/19/89	10/31/94			
	“	AO48-185335	11/01/90	09/25/95			11/05/91
	“	AO48-214769	08/26/92	07/30/97			
	“	AC48-195955	07/25/91	07/01/93		08/25/95	07/20/93
	“	AC48-186929	02/14/91	11/01/95		08/24/95	
-041	Fourteen Additive Storage Tanks	AC48-257012	03/10/95	01/30/00		12/11/95	03/07/97
	“	AO48-185336	10/18/90	09/25/95			
	“	AO48-194031	05/14/91	04/25/96			
	“	AO48-169165	11/29/89	11/20/94			
	“	AO48-177317	06/22/90	05/25/95			
	“	AO48-240137	12/29/93	12/27/98			
-039	Three Interface, Wastewater, and PCW Storage Tanks/ Three Petroleum Loading Racks	0950069-003-AC	03/07/97	03/31/01		03/07/97	

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 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., effective 03/20/96, allows Title V Sources to operate under existing valid permits}

## Appendix I-1, List of Insignificant Emissions Units and/or Activities.

Central Florida Pipeline LLC  
Orlando Terminal

**DRAFT Permit No.:** 0950069-011-AV  
**Facility I.D. No.:** 0950069

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The facilities, emissions units, or pollutant-emitting activities listed in Rule 62-210.300(3)(a), F.A.C., Categorical Exemptions, are exempt from the permitting requirements of Chapters 62-210 and 62-4, F.A.C.; provided, however, that exempt emissions units shall be subject to any applicable emission limiting standards and the emissions from exempt emissions units or activities shall be considered in determining the potential emissions of the facility containing such emissions units. Emissions units and pollutant-emitting activities exempt from permitting under Rule 62-210.300(3)(a), F.A.C., shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if they are contained within a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of Rule 62-213.430(6)(b), F.A.C. No emissions unit shall be entitled to an exemption from permitting under Rule 62.210.300(3)(a), F.A.C., if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source.

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

### Brief Description of Emissions Units and/or Activities

1. Fugitive emissions (non-leaks or spills)
2. Hydroblasting/Abrasive blasting
3. Maintenance shop activities
4. Painting (non-spray booth)
5. Product filter change-outs
6. Storage, spent filters
7. Fueling, exhaust from portable engines
8. Waterblasting
9. Piping, pump, compressor maintenance
10. Construction activities in pre-fab, staging, and dismantling areas
11. Groundskeeping activities and equipment
12. Meter calibration equipment
13. Maintenance or facility modifications requiring piping component disconnection and purging or drain-down
14. Pipe pressure tests
15. Gas freeing (tank degassing)
16. Storage of waste chemicals and solvents
17. Additive systems (excluding emissions from storage tanks)
18. Portable or mobile containers used in material management
19. Fugitive emissions from leaks or spills
20. Propane or natural gas systems
21. Air compressor systems
22. Electric rectifiers
23. HVAC systems

**Appendix I-1, List of Insignificant Emissions Units and/or Activities (continued).**

Central Florida Pipeline, LLC

24. Vehicle/equipment refueling
25. Truck rack funnels and drip buckets
26. Emergency storage tanks
27. Pump-back systems
28. Vapor recovery/combustion unit malfunctions
29. Condensate recovery system
30. Fire extinguisher training
31. Fire extinguishers and emergency equipment
32. Air stripper
33. Monitoring/recovery wells
34. Laboratory equipment
35. Sample retention storage
36. Sampling and sample points from withdrawal of product for analysis or testing
37. Use of calibration gasses
38. Pipeline sample sink
39. Storm water in secondary containment and drainage system
40. Dike drains
41. Storm water retention ponds infiltration recharge areas
42. Oil/water separator
43. Tank 1059 (ethanol)
44. Tank A-28 (diesel additive)
45. Jet Fuel Loading (Rack 1)
46. Jet Fuel filter train (adjacent to Take 25-1)
47. Tank 1060 with added IFR for ethanol service
48. Loading rack piping manifold for ethanol and four-lane ethanol offloading site
49. Blend skids and associated piping at 11 lanes at loading racks numbers 1, 4 and 5

**TABLE 297.310-1 CALIBRATION SCHEDULE  
(version dated 10/07/96)**

[Note: This table is referenced in Rule 62-297.310, F.A.C.]

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

## Appendix 60-A

**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR 60**  
**Standards of Performance for New Stationary Sources**  
**Other General Provisions**  
**(Modified for Subparts K, Ka, Kb, and XX)**

This document has also been edited to specifically reflect the requirements applicable to Subparts K, Ka, Kb, and XX . **Additionally, the terms owner or operator are synonymous with permittee and, where appropriate, Administrator is synonymous with the Florida Department of Environmental Protection.**

### **Subpart A--General Provisions**

Sec.

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### **60.5 Determination of construction or modification.**

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

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

[40 FR 58418, Dec. 16, 1975]

### **60.6 Review of plans.**

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

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

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

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

[36 FR 24877, Dec. 23, 1971, as amended at 39 FR 9314, Mar. 8, 1974]

### **60.7 Notification and record keeping.**

(a) Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification as follows:

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

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

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

## **60.8 Performance tests.**

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

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

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

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

(2) Safe sampling platform(s).

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

(4) Utilities for sampling and testing equipment.

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

## **60.9 Availability of information.**

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

#### **60.10 State authority.**

The provisions of this part shall not be construed in any manner to preclude any State or political subdivision thereof from:

- (a) Adopting and enforcing any emission standard or limitation applicable to an affected facility, provided that such emission standard or limitation is not less stringent than the standard applicable to such facility.
- (b) Requiring the owner or operator of an affected facility to obtain permits, licenses, or approvals prior to initiating construction, modification, or operation of such facility.

#### **60.11 Compliance with standards and maintenance requirements.**

- (a) Compliance with standards in this part, other than opacity standards, shall be determined only by performance tests established by 60.8, unless otherwise specified in the applicable standard.
- (b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of this section. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
- (c) The opacity standards set forth in this part shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.
- (d) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
- (e)(1) For the purpose of demonstrating initial compliance, opacity observations shall be conducted concurrently with the initial performance test required in 60.8 unless one of the following conditions apply. If no performance test under 60.8 is required, then opacity observations shall be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated but no later than 180 days after initial startup of the facility. If visibility or other conditions prevent the opacity observations from being conducted concurrently with the initial performance test required under 60.8, the source owner or operator shall reschedule the opacity observations as soon after the initial performance test as possible, but not later than 30 days thereafter, and shall advise the Administrator of the rescheduled date. In these cases, the 30-day prior notification to the Administrator required in 60.7(a)(6) shall be waived. The rescheduled opacity observations shall be conducted (to the extent possible) under the same operating conditions that existed during the initial performance test conducted under 60.8. The visible emissions observer shall determine whether visibility or other conditions prevent the opacity observations from being made concurrently with the initial performance test in accordance with procedures contained in Reference Method 9 of appendix B of this part. Opacity

readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The owner or operator of an affected facility shall make available, upon request by the Administrator, such records as may be necessary to determine the conditions under which the visual observations were made and shall provide evidence indicating proof of current visible observer emission certification. Except as provided in paragraph (e)(5) of this section, the results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in appendix B of this part, has been properly maintained and (at the time of the alleged violation) that the resulting data have not been altered in any way.

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

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

#### **60.12 Circumvention.**

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

[39 FR 9314, Mar. 8, 1974]

#### **60.14 Modification.**

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

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

(1) Emission factors as specified in the latest issue of "Compilation of Air Pollutant Emission Factors," EPA Publication No. AP-42, or other emission factors determined by the Administrator to be superior to AP-42 emission factors, in cases where utilization of emission factors 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 paragraph (b)(1) of this section does not demonstrate to the Administrator's satisfaction whether the emission level resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the Administrator's satisfaction that there are reasonable grounds to dispute the result obtained by the Administrator utilizing emission factors as referenced in paragraph (b)(1) of this section. When the emission rate is based on results from manual emission tests or continuous monitoring systems, the procedures specified in appendix C of this part shall be used to determine whether an increase in emission rate has occurred. Tests shall be conducted under such conditions as the Administrator shall specify to the owner or operator based on representative performance of the facility. At least three valid test runs must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for all test runs.

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

(d) [Reserved]

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

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

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

(3) An increase in the hours of operation.

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

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

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

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

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

### **60.15 Reconstruction.**

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

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

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

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

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

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

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

(2) The location of the existing facility.

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

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

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

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

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

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

(f) The Administrator's determination under paragraph (e) shall be based on:

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

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

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

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

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

[40 FR 58420, Dec. 16, 1975]

### **60.17 Incorporations by reference.**

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC and at the Library (MD-35), U.S. EPA, Research Triangle Park, NC.

(a) The following materials are available for purchase from at least one of the following addresses:

American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or the University Microfilms International, 300 North Zeeb Road, Ann Arbor, MI 48106.

(1) ASTM D388-77, Standard Specification for Classification of Coals by Rank, incorporation by reference (IBR) approved for 60.41(f); 60.45(f)(4)(i), (ii), (vi); 60.41a; 60.41b; 60.41c; 60.25(b), (c).

(2) ASTM D3178-73, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for 60.45(f)(5)(i).

(3) ASTM D3176-74, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved January 27, 1983, for 60.45(f)(5)(i); appendix A to part 60, Method 19.

(4) ASTM D1137-53 (Reapproved 1975), Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved January 27, 1983 for 60.45(f)(5)(i).

(5) ASTM D1945-64 (Reapproved 1976), Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved January 27, 1983 for 60.45(f)(5)(i).

(6) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved for 60.45(f)(5)(i), 60.18(f), 60.614(d)(2)(ii), 60.614(d)(4), 60.664(d)(2)(ii), 60.664(d)(4) and 60.564(f), 60.704(d)(2)(ii) and 60.704(d)(4).

(7) ASTM D2015-77, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved January 27, 1983 for 60.45(f)(5)(ii); 60.46(g); appendix A to part 60, Method 19.

(8) ASTM D1826-77, Standard Test Method for Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, IBR approved January 27, 1983, for 60.45(f)(5)(ii); 60.46(g); 60.296(f); appendix A to part 60, Method 19.

(9) ASTM D240-76, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved January 27, 1983, for 60.46(g); 60.296(f); appendix A to part 60, Method 19.

(10) ASTM D396-78, Standard Specification for Fuel Oils, IBR approved for 60.40b; 60.41b; 60.41c; 60.111(b); 60.111a(b).

(11) ASTM D2880-78, Standard Specification for Gas Turbine Fuel Oils, IBR approved January 27, 1983 for 60.111(b), 60.111a(b), 60.335(b)(2).

(12) ASTM D975-78, Standard Specification for Diesel Fuel Oils, IBR approved January 27, 1983 for 60.111(b), 60.111a(b).

(13) ASTM D323-82, Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved April 8, 1987 for 60.111(1), 60.111a(g), 60.111b(g), and 60.111b(f)(2)(ii).

(14) ASTM A99-76, Standard Specification for Ferromanganese, IBR approved January 27, 1983 for 60.261.

(15) ASTM A483-64 (Reapproved 1974), Standard Specification for Silicomanganese, IBR approved January 27, 1983 for 60.261.

(16) ASTM A101-73, Standard Specification for Ferrochromium, IBR approved January 27, 1983 for 60.261.

(17) ASTM A100-69 (Reapproved 1974), Standard Specification for Ferrosilicon, IBR approved January 27, 1983 for 60.261.

(18) ASTM A482-76, Standard Specification for Ferrochromesilicon, IBR approved January 27, 1983 for 60.261.

(19) ASTM A495-76, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved January 27, 1983 for 60.261.

- (20) ASTM D 1072-80, Standard Method for Total Sulfur in Fuel Gases, IBR approved July 31, 1984 for 60.335(b)(2).
- (21) ASTM D2986-71 (Reapproved 1978), Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test, IBR approved January 27, 1983 for appendix A to part 60, Method 5, par. 3.1.1; Method 12, par. 4.1.1; Method 17, par. 3.1.1.
- (22) ASTM D 1193-77, Standard Specification for Reagent Water, for appendix A to part 60, Method 6, par. 3.1.1; Method 7, par. 3.2.2; Method 7C, par. 3.1.1; Method 7D, par. 3.1.1; Method 8, par. 3.1.3; Method 12, par. 4.1.3; Method 25D, par. 3.2.2.4; Method 26A, par. 3.1.1.
- (23) [Reserved]
- (24) ASTM D2234-76, Standard Methods for Collection of a Gross Sample of Coal, IBR approved January 27, 1983, for appendix A to part 60, Method 19.
- (25) ASTM D3173-73, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983, for appendix A to part 60, Method 19.
- (26) ASTM D3 -75, Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983, for appendix A to part 60, Method 19.
- (27) ASTM D2013-72, Standard Method of Preparing Coal Samples for Analysis, IBR approved January 27, 1983, for appendix A to part 60, Method 19.
- (28) ASTM D270-65 (Reapproved 1975), Standard Method of Sampling Petroleum and Petroleum Products, IBR approved January 27, 1983, for appendix A to part 60, Method 19.
- (29) ASTM D737-85, Standard Test Method for Air Permeability of Textile Fabrics, IBR approved January 27, 1983 for 61.23(a).
- (30) ASTM D1475-60 (Reapproved 1980), Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products, IBR approved January 27, 1983 for 60.435(d)(1), appendix A to part 60, Method 24, par. 2.1, and Method 24A, par. 2.2.
- (31) ASTM D2369-81, Standard Test Method for Volatile Content of Coatings, IBR approved January 27, 1983 for appendix A to part 60, Method 24.
- (32) ASTM D3792-79, Standard Method for Water Content of Water-Reducible Paints by Direct Injection Into a Gas Chromatograph, IBR approved January 27, 1983 for appendix A to part 60, Method 24, par. 2.3.
- (33) ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved January 27, 1983 for appendix A to part 60, Method 24, par. 2.4.
- (34) ASTM E169-63 (Reapproved 1977), General Techniques of Ultraviolet Quantitative Analysis, IBR approved for 60.485(d), 60.593(b), and 60.632(f).
- (35) ASTM E168-67 (Reapproved 1977), General Techniques of Infrared Quantitative Analysis, IBR approved for 60.485(d), 60.593(b), and 60.632(f).
- (36) ASTM E260-73, General Gas Chromatography Procedures, IBR approved for 60.485(d), 60.593(b), and 60.632(f).
- (37) ASTM D2879-83, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, IBR approved April 8, 1987 for 60.485(e), 60.111b(f)(3), 60.116b(e)(3)(ii), and 60.116b(f)(2)(i).
- (38) ASTM D2382-76, Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter [High-Precision Method], IBR approved for 60.18(f), 60.485(g), 60.614(d)(4), 60.664(d)(4), and 60.564(f), and 60.704(d)(4).
- (39) ASTM D2504-67 (Reapproved 1977), Noncondensable Gases in CG5 3 and Lighter Hydrocarbon Products by Gas Chromatography, IBR approved for 60.485(g).
- (40) ASTM D86-78, Distillation of Petroleum Products, IBR approved for 60.593(d), 60.633(h), and 60.562-2(d).
- (41) [Reserved]

- (42) ASTM D 3031-81, Standard Test Method for Total Sulfur in Natural Gas by Hydrogenation, IBR approved July 31, 1984 for 60.335(b)(2).
- (43) ASTM D 4084-82, Standard Method for Analysis of Hydrogen Sulfide in Gaseous Fuels (Lead Acetate Reaction Rate Method), IBR approved July 31, 1984 for 60.335(b)(2).
- (44) ASTM D 3246-81, Standard Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry, IBR approved July 31, 1984 for 60.335(b)(2).
- (45) ASTM D2584-68, Standard Test Method for Ignition Loss of Cured Reinforced Resins, IBR approved February 25, 1985 for 60.685(e).
- (46) ASTM D3431-80, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons (Microcoulometric Method), IBR approved November 25, 1986, for appendix A to part 60, Method 19.
- (47) ASTM D129-64 (reapproved 1978), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved for appendix A to part 60, Method 19.
- (48) ASTM D1552-83, Standard Test Method for Sulfur in Petroleum Products (High Temperature Method), IBR approved for appendix A to part 60, Method 19.
- (49) ASTM D1835-86, Standard Specification for Liquefied Petroleum (LP) Gases, to be approved for 60.41b.
- (50) ASTM D1835-86, Standard Specification for Liquefied Petroleum (LP) Gases, IBR approved for 60.41b; 60.41c.
- (51) ASTM D4057-81, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, IBR approved for appendix A to part 60, Method 19.
- (52) ASTM D4239-85, Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods, IBR approved for appendix A to part 60, Method 19.
- (53) ASTM D2016-74 (Reapproved 1983), Standard Test Methods for Moisture Content of Wood \* \* \* for appendix A, Method 28.
- (54) ASTM D4442-84, Standard Test Methods for Direct Moisture Content Measurement in Wood and Wood-base Materials \* \* \* for appendix A, Method 28.
- (55) [Reserved]
- (56) ASTM D129-64 (Reapproved 1978), Standard Test Method for Sulfur in Petroleum Products (General Bomb Method), IBR approved August 17, 1989, for 60.106(j)(2).
- (57) ASTM D1552-83, Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method), IBR approved August 17, 1989, for 60.106(j)(2).
- (58) ASTM D2622-87, Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry, IBR approved August 17, 1989, for 60.106(j)(2).
- (59) ASTM D1266-87, Standard Test Method for Sulfur in Petroleum Products (Lamp Method), IBR approved August 17, 1989, for 60.106(j)(2).
- (60) ASTM D2908-74, Standard Practice for Measuring Volatile Organic Matter in Water by Aqueous-Injection Gas Chromatography, IBR approved for 60.564(j).
- (61) ASTM D3370-76, Standard Practices for Sampling Water, IBR approved for 60.564(j).
- (62) ASTM D4457-85 Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for appendix A, Method 24.
- (b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, VA 22209.
- (1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12, IBR approved January 27, 1983 for 60.204(d)(2), 60.214(d)(2), 60.224(d)(2), 60.234(d)(2), 60.244(f)(2).
- (c) The following material is available for purchase from the American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.

(1) API Publication 2517, Evaporation Loss from External Floating Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983, for 60.111(i), 60.111a(f), 60.111a(f)(1) and 60.116b(e)(2)(i).

(d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, GA 30341.

(1) TAPPI Method T624 os-68, IBR approved January 27, 1983 for 60.285(d)(4).

(e) The following material is available for purchase from the Water Pollution Control Federation (WPCF), 2626 Pennsylvania Avenue NW., Washington, DC 20037.

(1) Method 209A, Total Residue Dried at 103-105 G<sub>60</sub> C, in Standard Methods for the Examination of Water and Wastewater, 15th Edition, 1980, IBR approved February 25, 1985 for 60.683(b).

(f) The following material is available for purchase from the following address: Underwriter's Laboratories, Inc. (UL), 333 Pfingsten Road, Northbrook, IL 60062.

(1) UL 103, Sixth Edition revised as of September 3, 1986, Standard for Chimneys, Factory-built, Residential Type and Building Heating Appliance.

(g) The following material is available for purchase from the following address: West Coast Lumber Inspection Bureau, 6980 SW. Barnes Road, Portland, OR 97223.

(1) West Coast Lumber Standard Grading Rules No. 16, pages 5-21 and 90 and 91, September 3, 1970, revised 1984.

(h) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), 345 East 47th Street, New York, NY 10017.

(1) ASME QRO-1-1989. Standard for the Qualification and Certification of Resource Recovery Facility Operators. IBR Approved for 60.56a.

(2) ASME PTC 4.1. Power Test Codes: Test Code for Steam Generating Units (1972). IBR Approved for 60.46b and 60.58a(h).

(3) ASME Interim Supplement 19.5 on Instruments and Apparatus; Application, Part II of Fluid Meters, 6th Edition (1971). IBR Approved for 60.58a(h).

[48 FR 3735, Jan. 27, 1983]

Editorial Note: For Federal Register citations affecting 60.17, see the List of CFR Sections Affected in the Finding Aids section of this volume.

### **60.18 General control device requirements.**

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

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

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

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

(3) 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).

(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), less than 18.3 m/sec (60 ft/sec), except as provided in paragraphs (b)(4) (ii) and (iii).

(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;

$C_i$ =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).

[51 FR 2701, Jan. 21, 1986]

### **60.19 General notification and reporting requirements.**

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

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

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

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

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

required to be in compliance with the applicable 40 CFR part 61 or part 63 of this chapter standard, whichever is latest. Procedures governing the implementation of this provision are specified in paragraph (f) of this section.

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

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

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

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

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

[59 FR 12428, Mar. 16, 1994]

## APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06)

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### Chapter 62-4, F.A.C.

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

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

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

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require. (2) All applications and supporting documents shall be filed in quadruplicate with the Department. (3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except, when the application is for renewal of an air pollution operation permit at a non-Title V source as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them. (4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C. (5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section. (b) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the required fee was not received and advise the applicant of the correct fee. The Department shall take no further action until the correct fee is received. If a fee was received by the Department which is less than the amount required, the Department shall return the fee along with the written notification. (c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin. (d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application. (e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee. (6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review. (7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application for the same time duration except for modification under Chapter 62-45, F.A.C. [Rule 62-4.050, F.A.C.]

3. **Standards for Issuing or Denying Permits.** Except as provided at Rule 62-213.460, F.A.C., the issuance of a permit does not relieve any person from complying with the requirements of Chapter 403, F.S., or Department rules. [Rule 62-4.070(7), F.A.C.]

4. **Modification of Permit Conditions.**

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following: (**also, see Condition No. 38.**) (a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship. (b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S. (c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards. (e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance. (2) A permittee may request a modification of a permit by applying to the Department. (3) A permittee may request that

## APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)

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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)(v), F.A.C., shall not be extended. In no event shall a permit be extended or remain in effect longer than the time limits established by statute or rule. [Rule 62-4.080, F.A.C.]

5. Renewals. Prior to 180 days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. A renewal application shall be timely and sufficient. If the application is submitted prior to 180 days before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of Rules 62-213.420(1)(b)3. and 4., F.A.C. [Rule 62-4.090, F.A.C.]

6. Suspension and Revocation.

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department. (2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation. (3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent: (a) Submitted false or inaccurate information in his application or operational reports. (b) Has violated law, Department orders, rules or permit conditions. (c) Has failed to submit operational reports or other information required by Department rules. (d) Has refused lawful inspection under Section 403.091, F.S. (4) No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof. [Rule 62-4.100, F.A.C.]

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

8. Transfer of Permits.

(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted. (2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination. (3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved. (4) The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer. (5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the

## APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)

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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 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit. (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department. (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules. (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to: (a) Have access to and copy any records that must be kept under conditions of the permit; (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated. (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: (**also, see Condition No. 10.**) (a) A description of and cause of noncompliance; and (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit. (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate

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evidentiary rules. (10) The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. (12) This permit or a copy thereof shall be kept at the work site of the permitted activity. (14) The permittee shall comply with the following: (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department. (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.

(c) Records of monitoring information shall include: 1. The date, exact place, and time of sampling or measurements; 2. The person responsible for performing the sampling or measurements; 3. The dates analyses were performed; 4. The person responsible for performing the analyses; 5. The analytical techniques or methods used; 6. The results of such analyses. (15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly. [Rules 62-4.160 and 62-213.440(1)(b), F.A.C.]

### 13. Construction Permits.

(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air ~~or water~~ pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable: (a) A completed application on forms furnished by the Department. (b) An engineering report covering: 1. Plant description and operations, 2. Types and quantities of all waste material to be generated whether liquid, gaseous or solid, 3. Proposed waste control facilities, 4. The treatment objectives, 5. The design criteria on which the control facilities are based, and 6. Other information deemed relevant. Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S. (c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S., and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature. (2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee. (3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense. [Rule 62-4.210, F.A.C.]

14. **Not federally enforceable.** Operation Permit for New Sources. To properly apply for an operation permit for new sources the applicant shall submit the appropriate fee and certification that construction was completed, noting any deviations from the conditions in the construction permit and test results where appropriate. [Rule 62-4.220, F.A.C.]

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

15. Public Notice, Public Participation, and Proposed Agency Action. The permittee shall comply with all of the requirements for public notice, public participation, and proposed agency action pursuant to Rules 62-110.106 and 62-210.350, F.A.C. [Rules 62-110.106, 62-210.350 and 62-213.430(1)(b), F.A.C.]

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.

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

### Chapter 62-210, F.A.C.

18. Permits Required. Unless exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., or unless specifically authorized by provision of Rule 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C., the owner or operator of any facility or 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, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit; or to establish a PAL or Air Emissions Bubble. 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 a facility or an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law. (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, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, or modification of the facility or emissions unit or addition of the pollution control equipment; or to establish a PAL; in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of Chapter 62-210, F.A.C., Chapters 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment 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(11)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(11)(d)2., Rule 62-212.400 or Rule 62-212.500, F.A.C., as appropriate. 2. The force and effect of any change in a permit limitation or requirement made in accordance with the provisions of Rule 62-210.300(1)(b)1., F.A.C., shall be the same as if such change were made to the original air construction permit. 3. Nothing in Rule 62-210.300(1)(b), F.A.C., shall be construed as to allow operation of a facility or emissions unit without a valid air operation permit. (2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification, or subsequent to the creation of or change to a bubble, and demonstration of compliance with the conditions of the construction permit for any new or modified facility or emissions unit, any air emissions bubble, or as otherwise provided in Chapter 62-210, F.A.C., or Chapter 62-213, F.A.C., the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit or air general permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-213, F.A.C., and Chapter 62-4, F.A.C. (a) Minimum

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Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall: 1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any; 2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department. 3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below. a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C. b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided: (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down. c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship. d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met. 4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(8), F.A.C. [Rules 62-210.300(1) & (2), F.A.C.]

19. **Not federally enforceable.** Notification of Startup. The owners or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date. (a) The notification shall include information as to the startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit. (b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained. [Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

(a) Any emissions unit whose operation permit has been revoked as provided for in Chapter 62-4, F.A.C., shall be deemed permanently shut down for purposes of Rule 62-212.500, F.A.C. Any emissions unit whose permit to operate has expired without timely renewal or transfer may be deemed permanently shut down, provided, however, that no such emissions unit shall be deemed permanently shut down if, within 20 days after receipt of written notice from the Department, the emissions unit owner or operator demonstrates that the permit expiration resulted from inadvertent failure to comply with the requirements of Rule 62-4.090, F.A.C., and that the owner or operator intends to continue the emissions unit in operation, and either submits an application for an air operation permit or complies with permit transfer requirements, if applicable. (b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit. [Rule 62-210.300(6), F.A.C.]

21. Transfer of Air Permits.

(a) An air permit is transferable only after submission of an Application for Transfer of Air Permit (DEP Form 62-210.900(7)) and Department approval in accordance with Rule 62-4.120, F.A.C. For Title V permit transfers only, a complete application for transfer of air permit shall include the requirements of 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Within 30 days after approval of the transfer of permit, the Department shall update the permit by an administrative permit correction pursuant to Rule 62-210.360, F.A.C. (b) For an air general permit, the provision of Rules 62-210.300(7)(a) and 62-4.120,

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

### 22. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action. (a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for: 1. An air construction permit; 2. An air operation permit, permit renewal or permit revision subject to Rule 62-210.300(2)(b), F.A.C., (i.e., a FESOP), except as provided in Rule 62-210.300(2)(b)1.b., F.A.C.; or 3. An air operation permit, permit renewal, or permit revision subject to Chapter 62-213, F.A.C., except Title V air general permits or those permit revisions meeting the requirements of Rule 62-213.412(1), F.A.C. (b) The notice required by Rule 62-210.350(1)(a), F.A.C., shall be published in accordance with all otherwise applicable provisions of Rule 62-110.106, F.A.C. A public notice under Rule 62-210.350(1)(a)1., F.A.C., for an air construction permit may be combined with any required public notice under Rule 62-210.350(1)(a)2. or 3., F.A.C., for air operation permits. If such notices are combined, the public notice must comply with the requirements for both notices. (c) Except as otherwise provided at Rules 62-210.350(2), (5), and (6), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

(2) Additional Public Notice Requirements for Emissions Units Subject to Prevention of Significant Deterioration or Nonattainment - Area Preconstruction Review. (a) Before taking final agency action on a construction permit application for any proposed new or modified facility or emissions unit subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following: 1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved; 2. A 30-day period for submittal of public comments; and 3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing. (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. (c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.

(d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices. (e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C. (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit. (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available. (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400 or 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

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30-day period for submittal of public comments. (b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. If written comments received during the 30-day comment period on a draft permit result in the Department's issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C. (c) The notice shall identify: 1. The facility; 2. The name and address of the office at which processing of the permit occurs; 3. The activity or activities involved in the permit action; 4. The emissions change involved in any permit revision; 5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required 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. [Rules 62-210.350(1) thru (3), F.A.C.]

### 23. Administrative Permit Corrections.

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

### 24. Emissions Computation and Reporting.

(1) Applicability. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit. (2) Computation of Emissions. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection. (a) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit. 1. If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology. 2. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is

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more accurate. 3. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate. (b) Continuous Emissions Monitoring System (CEMS). 1. An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided: a. The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or b. The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule. 2. Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator: a. A calibrated flowmeter that records data on a continuous basis, if available; or b. The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit. 3. The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above. (c) Mass Balance Calculations. 1. An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator: a. Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and b. Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment. 2. Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate. 3. In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period. (d) Emission Factors. 1. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements. a. If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit. b. Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed. c. The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available. 2. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process. (e) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions. (f) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit. (g) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit. (h) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose. (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 of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by March 1 of the following year. (d) Beginning with 2007 annual emissions, emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C., for purposes of the annual operating report. [Rules 62-210.370(1), (2) and (3)(a), (c) & (d), F.A.C.]

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25. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly. [Rule 62-210.650, F.A.C.]

26. Forms and Instructions. The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at [www.dep.state.fl.us/air](http://www.dep.state.fl.us/air). The requirement of Rule 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit - Long Form, Form and Instructions (Effective 02-02-2006). (a) Acid Rain Part, Form and Instructions (Effective 06-16-2003). 1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995). 2. New Unit Exemption, Form and Instructions (Effective 04/16/2001). 3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001). 4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998). 5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998). (b) Reserved. (5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 02/11/1999). (7) Application for Transfer of Air Permit – Title V Source, (Effective 04/16/2001). [Rule 62-210.900, F.A.C.]

### Chapter 62-213, F.A.C.

#### 27. Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For sources with only one responsible official, this is how the Title V source designates the responsible official. (2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official. (3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit a Responsible Official Notification Form (DEP Form No. 62-213.900(8)) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C. (4) A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(8) for a change in responsible official. (5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible official of any Title V source which has a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(8) or the next application for Title V permit, permit revision or permit renewal, whichever comes first.

[Rules 62-213.202(1) thru (5), F.A.C.]

28. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C. (1)(g) If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to \$50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted fee. Failure to pay timely any required annual emissions fee, penalty, or interest constitutes grounds for permit revocation pursuant to Rule 62-4.100, F.A.C. (1)(i) 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. (1)(j) A completed DEP Form 62-213.900(1), "Major Air Pollution Source Annual Emissions Fee Form", must be submitted by a responsible official with the annual emissions fee.

[Rules 62-213.205, (1)(g), (1)(i) & (1)(j), F.A.C.]

29. Reserved.

**APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)**

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30. Reserved.

31. Air Operation Permit Fees. No permit application processing fee, renewal fee, modification fee or amendment fee is required for an operation permit for a Title V source. [Rule 62-213.205(4), F.A.C.]

32. Permits and Permit Revisions Required. All Title V sources are subject to the permit requirements of Chapter 62-213, F.A.C., except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits. (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 Chapter 62-213, F.A.C., 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 Chapter 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; [Rules 62-213.400(1) & (2), F.A.C.]

33. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation: (1) Permitted sources may change among those alternative methods of operation; (2) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit; (a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change; (b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes; (3) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C. [Rule 62-213.410, F.A.C.]

34. Immediate Implementation Pending Revision Process.

(1) Those permitted Title V sources making any change that constitutes a modification pursuant to the definition of modification at Rule 62-210.200, F.A.C., but which would not constitute a modification pursuant to 42 USC 7412(a) or to 40 CFR 52.01, 60.2, or 61.15, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may implement such change prior to final issuance of a permit revision, provided the change: (a) Does not violate any applicable requirement; (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement; (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.; (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit. (2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms. (3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action on the operation permit revision application until all the requirements of Rules 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with. (4) Pending final action on the operation

## APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)

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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. If any terms and conditions of the new or revised construction permit have not been complied with prior to the issuance of the draft operation permit revision, the operation permit shall include a compliance plan in accordance with the provisions of Rule 62-213.440(2), F.A.C. (5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision. (6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.

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

### 35. Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, F.A.C., and Rules 62-4.050(1) through (3), F.A.C. (a) Timely Application. 3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C. (b) Complete Application. 1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change(s) from the currently effective Title V permit and any other requirements that become applicable at the time of application. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C. 2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C. 3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete. 4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department. [Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

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

## APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)

37. Standard Application Form and Required Information. Applications shall be submitted under Chapter 62-213, F.A.C., on forms provided by the Department and adopted by reference in Rule 62-210.900(1), F.A.C. The information as described in Rule 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. [Rule 62-213.420(3), F.A.C.]

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process. b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and permit renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes subject to any condition listed at 40 CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause. (also, see Condition No. 4.) (1) This section contains provisions from 40 CFR 70.7(f) that specify the conditions under which a Title V permit shall be reopened prior to the expiration of the permit. A Title V permit shall be reopened and revised under any of the following circumstances: (i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii). (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit. (iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit. (iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements. (2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable. (3) Reopenings under 40 CFR 70.7(f)(1) shall not be initiated before a notice of such intent is provided to the Part 70 source by the permitting authority at least 30 days in advance of the date that the permit is to be reopened, except that the permitting authority may provide a shorter time period in the case of an emergency.

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

(b) An emissions unit or activity shall be considered insignificant if all of the following criteria are met: 1. Such unit or activity would be subject to no unit-specific applicable requirement; 2. Such unit or activity, in combination with other units or activities proposed as insignificant, would not cause the facility to exceed any major source threshold(s) as defined in Rule 62-213.420(3)(c)1., F.A.C., unless it is acknowledged in the permit application that such units or activities would cause the facility to exceed such threshold(s); 3. Such unit or activity would not emit or have the potential to emit: a. 500 pounds per year or more of lead and lead compounds expressed as lead; b. 1,000 pounds per year or more of any hazardous air pollutant; c. 2,500 pounds per year or more of total hazardous air pollutants; or d. 5.0 tons per year or more of any other regulated pollutant. [Rule 62-213.430(6), F.A.C.]

40. Permit Duration. Permits for sources subject to the Federal Acid Rain Program shall be issued for terms of five years, provided that the initial Acid Rain Part may be issued for a term less than five years where necessary to coordinate the term of such part with the term of a Title V permit to be issued to the source. Operation permits for Title V sources may not be extended as provided in Rule 62-4.080(3), F.A.C., if such extension will result in a permit term greater than five years. [Rule 62-213.440(1)(a), F.A.C.]

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41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses. [Rule 62-213.440(1)(b)2.a., F.A.C.]
42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. [Rule 62-213.440(1)(b)2.b., F.A.C.]
43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports. [Rule 62-213.440(1)(b)3.a., F.A.C.]
44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken. [Rule 62-213.440(1)(b)3.b., F.A.C.]
45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C. [Rule 62-213.440(1)(b)3.c., F.A.C.]
46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect. [Rule 62-213.440(1)(d)1., F.A.C.]
47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity. [Rule 62-213.440(1)(d)3., F.A.C.]
48. Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C. [Rule 62-213.440(1)(d)4., F.A.C.]
49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference. [Rule 62-213.440(1)(d)5., F.A.C.]
50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (**also, see Condition No. 36.**) [Rule 62-213.440(1)(d)6., F.A.C.]
51. Statement of Compliance. (a)2. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., using DEP Form No. 62-213.900(7). Such statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C., for Title V requirements and with Rule 62-214.350, F.A.C., for Acid Rain requirements. Such statements shall be submitted (postmarked) to the Department and EPA: a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable. 3. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all

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information required by the federal regulation relating to each reportable deviation and instance of non-compliance. (b) The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited. [Rules 62-213.440(3)(a)2. & 3. and (b), F.A.C.]

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

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority. (1) Major Air Pollution Source Annual Emissions Fee Form. (Effective 01/03/2001) (7) Statement of Compliance Form. (Effective 06/02/2002) (8) Responsible Official Notification Form. (Effective 06/02/2002) [Rule 62-213.900, F.A.C.: Forms (1), (7) and (8)]

### Chapter 62-256, F.A.C.

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

### Chapter 62-281, F.A.C.

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

### Chapter 62-296, F.A.C.

56. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when: (a) Open burning is determined by the Department to be the only feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; or (b) An emergency exists which requires immediate action to protect human health and safety; or (c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C. [Rule 62-296.320(3), F.A.C.]

**APPENDIX TV-6, TITLE V CONDITIONS (version dated 06/23/06) (continued)**

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57. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity, including vehicular movement; transportation of materials; construction; alteration; demolition or wrecking; or industrially related activities such as loading, unloading, storing or handling; without taking reasonable precautions to prevent such emissions. 3. Reasonable precautions include the following: a. Paving and maintenance of roads, parking areas and yards. b. Application of water or chemicals to control emissions from such activities as demolition of buildings, grading roads, construction, and land clearing. c. Application of asphalt, water, oil, chemicals or other dust suppressants to unpaved roads, yards, open stock piles and similar activities. d. Removal of particulate matter from roads and other paved areas under the control of the owner or operator of the facility to prevent reentrainment, and from buildings or work areas to prevent particulate from becoming airborne. e. Landscaping or planting of vegetation. f. Use of hoods, fans, filters, and similar equipment to contain, capture and/or vent particulate matter. g. Confining abrasive blasting where possible. h. Enclosure or covering of conveyor systems. 4. In determining what constitutes reasonable precautions for a particular facility, the Department shall consider the cost of the control technique or work practice, the environmental impacts of the technique or practice, and the degree of reduction of emissions expected from a particular technique or practice. [Rules 62-296.320(4)(c)1., 3., & 4. F.A.C.]

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