

Jeb Bush
Governor



M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

July 25, 2006

ELECTRONIC CORRESPONDENCE

rdamian@sfwmd.gov

Radu Alexander Damian,, Field Operations, Operations and Maintenance Resources
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Re: Title V Air Operation Permit Renewal
Draft Permit No. 0990550-006-AV
SFWM District Pump Station G-335

Dear Mr. Damian:

Enclosed is one copy of the Draft Permit for the renewal of the Title V Operation Permit for Pump Station G-335 located approximately 1500 feet west and 200 feet north of the southwest corner of Section 2, Township, 47, Range 38 East in Palm Beach County, Florida. UTM Coordinates : Zone 17; 552.6 km.E, 2921 km.N, Latitude 26°22'44" North and Longitude:80°30'45"West. The Permitting authority's (Palm Beach County Health Department) "INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" and the "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL" are also included.

An electronic version of the DRAFT Permit will be posted on the Florida Department of Environmental Protection's world wide web site for the United States Environmental Protection Agency (USEPA) Region 4 office's review.

The web site address is:

<http://www.dep.state.fl.us/air/eproducts/ards/default.asp>

The "PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT" must be published as soon as possible. Proof of publication, i.e. newspaper affidavit, must be provided to the Air Pollution Control Section of the Palm Beach County Health Department's office within seven (7) 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 any written comments you wish to have considered concerning the permitting authority's proposed action to James Stormer, Q.E.P., Air Program Administrator, Palm Beach County Health Department at 901, Evernia Street, West Palm Beach, FL 33402. If you have any questions please contact Selva Selvendran at 561-355-3136 xtn 1171.

Sincerely,

For the Division Director
Environmental Health and Engineering

A handwritten signature in black ink, appearing to read "James E. Stormer", written over a horizontal line.

James E. Stormer, Q.E.P., Environmental Administrator
Air Pollution Control Section
Filename: 0000550006.INT



Post Office Box 29 / 901 Evernia Street, West Palm Beach, FL. 33402
Jean M. Malecki, M.D, MPH, FACPM, Director
www.pbchd.com

NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL

*In the Matter of an
Application for Air Permit by:*

Applicant:

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Draft Permit No.: 0990550-006-AV

SFWMD Pump Station G-335
Draft Air Pollution Construction Permit

Authorized Representative:

Radu Alexander Damian, Director, Field Operations
Operations and Maintenance Resources

The Palm Beach County Health Department (Permitting Authority) gives notice of its intent to issue a Title V air pollution operation permit renewal (copy of Draft Permit attached) for the Title V source detailed in the application specified above for the reasons stated below.

Proposed Project: On March 7, 2006 the South Florida Water Management District submitted an application to the Palm Beach County Health Department for a Title V Air Operation Permit Renewal for Pump Station G-335 located approximately 1500 feet west and 200 feet north of the southwest corner of Section 2, Township, 47, Range 38 East in Palm Beach County, Florida.. The engines at this station are used to power three flood control pumps. The pump station is part of the Everglades Construction Project authorized by the Everglades Forever Act, Section 373.4592, Florida Statutes.

Permitting Authority: The Florida Department of Environmental Protection (DEP) has permitting jurisdiction under the provisions of Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-210, and 62-212 of the Florida Administrative Code (F.A.C.). However, in accordance with Section 403.182, F.S., DEP recognizes the Palm Beach County Health Department (PBC Health Department) as the approved local air pollution control program in Palm Beach County. As such, DEP and the PBC Health Department have entered into a Specific Operating Agreement that authorizes the PBC Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County. The mailing address of the PBC Health Department is P.O. Box 29, West Palm Beach, Florida 33402-0029. The PBC Health Department's Air Pollution Control Section is located at 901 Evernia Street in West Palm Beach, Florida and the phone number is (561) 355-3136. The PBC Health Department's Legal Office is located at 826 Evernia Street in West Palm Beach, Florida and the phone number is (561) 355-3007. The PBC Health Department has determined that a Title V Air Pollution Operation Permit Renewal is required to commence or continue operations at the described facility.

Proposed Agency Action: The PBC Health Department intends to issue this Title V Air Operation Permit Renewal based on the belief that reasonable assurances have been proved 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, 62-256, 62-257, 62-281, 62-296, and 62-297, F.A.C.

Publishing Notice of Proposed Agency Action: Pursuant to Section 403.815, F.S., and Rule 62-110.106(7)(a)1. 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 Renewal" (Public Notice). The notice shall be published one time only in the legal advertisement section of a newspaper of general circulation in the area affected. "In accordance with Rule 62-110.106(7)(b), F.A.C., you must have the notice published as soon as possible after notification by the PBC Health Department of its intended action. 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 PBC Health Department, P.O. Box 29, West Palm Beach, Florida 33402-0029 (Telephone: 561/355-3136), within 7 (seven) days of publication pursuant to Rule 62-110.106(5), F.A.C. Failure to publish the notice and provide proof of publication may result in the denial of the permit pursuant to Rule 62-110.106(11), F.A.C.

The PBC Health Department will issue the PROPOSED permit, and subsequent Final Permit, in accordance with the conditions of the attached DRAFT Permit unless a response received in accordance with the following procedures results in a different decision or significant change of terms and conditions.

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

Petitions and Administrative Hearings: 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 PBC Health Department’s Legal Office at the address indicated above, and must be marked, “*Request for Administrative Hearing on Intent to Issue Air Pollution Permit*”. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) 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 fourteen (14) days of publication of the Public Notice or within fourteen (14) days of receipt of this Notice of Intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the PBC Health Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person’s right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the PBC Health Department’s action is based must contain the following information:

- (a) The name and address of each agency affected and each agency’s file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
- (c) A statement of how and when each petitioner received notice of the agency action or proposed action;
- (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, as well as the rules and statutes which entitle the petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action; 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 PBC Health Department’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.

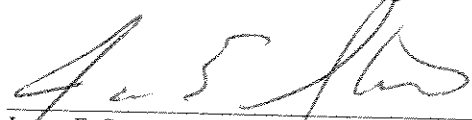
Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the PBC Health Department’s final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision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

Mediation: Mediation 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 Title V permit. Any petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V 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 West Palm Beach, Florida.

For the Division Director
Environmental Health and Engineering



James E. Stormer, Q.E.P., Environmental Administrator
Air Pollution Control Section

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the PUBLIC NOTICE and the DRAFT Permit package) and all copies were sent by electronically (with Received Receipt) before the close of business on 7/25/06 to the person(s) listed:

Radu Alexander Damian,, Field Operations
Operations and Maintenance Resources
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406

Email

rdamian@sfwmd.gov

Jeffrey A. Smith, Environmental Engineer
South Florida Water Management District
3301 Gun Club Road , Department 5640,
West Palm Beach, FL 33406

Email

jesmith@sfwmd.gov

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

Mr. Carl F. St. Cin, P.E.
Tetra Tech EC, Inc.,
759 South Federal Highway, Suite 100
Stuart, FL 34994

Email

carl.stcin@tteci.com

In addition, the undersigned duly designated deputy agency clerk hereby certifies that copies of this INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL (including the DRAFT Permit package) were sent by electronically (with Received Receipt) on the same date to the person(s) listed:

Darrel Graziani, PE, Air Program Administrator
Southeast District Office - DEP
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33416-5425

Email

Darrel.Graziani.dep.state.fl.us

Alvaro Linero , PE Administrator
New Source Review
Bureau of Air Regulation - DEP
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Email

Alvaro.linero@dep.state.fl.us

Barbara Friday, BAR
(for posting with Region 4 , U.S. EPA)

Email

barbara.friday@dep.state.fl.us

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

Bridget C. Bethune
(Clerk)

7/25/06
(Filing Date)

PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL
PALM BEACH COUNTY HEALTH DEPARTMENT

Draft Permit No. 0990550-006-AV
SFWMD Pump Station G-335
Palm Beach County, Florida

The Palm Beach County Health Department (PBC Health Department) gives notice of its intent to issue a Title V Air Operation Permit Renewal to the South Florida Water Management District for continued operation of for Pump Station G-335 located approximately 1500 feet west and 200 feet north of the southwest corner of Section 2, Township, 47, Range 38 East in Palm Beach County, Florida. The engines at this station are used to power three flood control pumps. The pump station is part of the Everglades Construction Project authorized by the Everglades Forever Act, Section 373.4592, Florida Statutes. The applicant's name and address are: South Florida Water Management District; Radu Alexander Damian, Director, Field Operations, Operations and Maintenance Resources, 3301 Gun Club Road West Palm Beach, FL 33406

The permitting authority for this project is the Palm Beach County Health Department (PBC Health Department) whose mailing address is P.O. Box 29, West Palm Beach, Florida 33402-0029. For technical information regarding the project, please contact the air permitting engineer, Selva Selvendran, at (561) 355-3136. For questions regarding the administrative hearing procedures, please contact the PBC Health Department's Legal Office at 826 Evernia Street in West Palm Beach, Florida and phone number (561) 355-3007.

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

The PBC Health Department will accept written comments concerning the proposed permit issuance action for a period of thirty (30) days from the date this Public Notice was published. 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 PBC Health Department's Air Pollution Control Section at the address indicated above or facsimile at 561-804-9405. As part of his or her comments, any person may also request that the PBC Health Department hold a public meeting on this permitting action. If the PBC Health Department determines there is sufficient interest for a public meeting, it will publish notice of the time, date, and location on the official web site for notices at Fla. Admin. Weekly at <http://faw.dos.state.fl.us/> and in a newspaper of general circulation in the area affected by the permitting action. For additional information, contact the PBC Health Department at the above address or phone number. If written comments or comments received at a public meeting result in a significant change to the DRAFT Permit, the Permitting Authority shall issue a Revised DRAFT Permit and require, if applicable, another Public Notice. If written comments received result in a significant change to the proposed agency action, the PBC Health Department shall revise the proposed permit draft 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 proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the PBC Health Department's Legal Office at the address indicated above. Petitions filed by the permit applicant or any of the parties listed below must be filed within fourteen (14) 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 fourteen (14) days of publication of the public notice or within fourteen days (14) of receipt of this notice of intent, whichever occurs first. Under Section 120.60(3), F.S., however, any person who asked the PBC Health Department for notice of agency action may file a petition within fourteen (14) days of receipt of that notice, regardless of the date of publication. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention will be only at the approval of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the PBC Health Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address and telephone number of the petitioner; 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 petitioner's substantial rights will be affected by the agency determination;
- (c) A statement of how and when the petitioner received notice of the agency action or proposed action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so state;

**PUBLIC NOTICE OF INTENT TO ISSUE TITLE V AIR OPERATION PERMIT RENEWAL
PALM BEACH COUNTY HEALTH DEPARTMENT**

Draft Permit No. 0990550-006-AV
SFWMD Pump Station G-335
Palm Beach County, Florida

- (e) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle petitioner to relief;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; 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 PBC Health Department'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 PBC Health Department'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 PBC Health Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not be 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 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 Title V permit. Any petition shall be based only on objections to the Title V permit that were raised with reasonable specificity during the 30 (thirty) day public comment period provided in this notice, unless the petitioner demonstrates to the Administrator of the EPA that it was impracticable to raise such objections within the comment period or unless the grounds for such objection arose after the comment period. Filing of a petition with the Administrator of the EPA does not stay the effective date of any Title V 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.

A complete project file is available for public inspection at the PBC Health Department's Air Pollution Control Section during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. The complete project file includes the proposed Draft Permit, the application, and the information submitted by the applicant, exclusive of confidential records under Section 403.111, F.S. Interested persons may contact the PBC Health Department's air permitting supervisor for additional information at the address and phone number indicated above.

**South Florida Water Management District
Pump Station G-335
Facility ID No.: 0990550
Palm Beach County, Florida**

TITLE V AIR OPERATION PERMIT RENEWAL

DRAFT Permit Project No. 099-0550-006-AV

Permitting Authority & Compliance Authority:

Air Pollution Control Section
Palm Beach County Health Department
P.O. Box 29 (901 Evernia Street)
West Palm Beach, FL 33402-0029

Telephone: (561) 355-3136
Fax: (561) 804-9405

Filename: 0990550006.PMT

Title V Air Operation Permit Renewal

DRAFT Permit No. 099-0550-006-AV

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DRAFT
TITLE V AIR OPERATION PERMIT

PALM BEACH COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH AND ENGINEERING
P.O. Box 29, West Palm Beach, Florida 33402-0029
Telephone: (561) 355-3136

Permittee

South Florida Water Management District
3301 Gun Road Club
West Palm Beach, FL 33046

DRAFT Permit No.: 099-0550-006-AV

Facility ARMS ID No.: 099-0550

SIC Nos.: 9511

Project: Pump Station G-335, Title V Air
Operation Permit Renewal

Responsible Official:

Mr. Radu Alexander Damian, Director, Field Operations
Operations and Maintenance Area

The purpose of this permit is to renew Title V Air Operation Permit, No. 099-0550-005-A. The facility is located at UTM Coordinates: UTM Coordinates: Zone 17; 552.6 km E; 2921.99 km N; Latitude: 26° 22' 44" North / Longitude: 80° 30' 45" West.

This Title V Air Operation Permit Renewal 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 operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The Florida Department of Environmental Protection (FDEP) has permitting jurisdiction under Chapter 403.087, F.S. However, in accordance with Section 403.182, F.S., the FDEP recognizes the Health Department as the approved local air pollution control program in Palm Beach County. As such, the FDEP and the Health Department have entered into a Specific Operating Agreement that authorizes the Health Department to issue or deny permits for this type of air pollution source located in Palm Beach County.

Referenced attachments made a part of this permit:

Appendix D: Fuel Monitoring Plan
Appendix I: Insignificant Emissions Units and/or Activities
Appendix U: List of unregulated emission units/activities
Appendix TV-5: Title V Conditions (version dated 03/28/05)

Effective Date: **[DRAFT]**

Renewal Application Due Date: **[DRAFT]**

Expiration Date: **[DRAFT]**

(DRAFT)

James E. Stormer, Q.E.P., Environmental Administrator
Division of Environmental Health and Engineering

SUBSECTION A. FACILITY DESCRIPTION

The Title V Source, identified as Pump Station G-335 (SIC Code 9511), has been assigned AIRS ID No. 0990550. It is located at Pump Station G-335 located approximately 1500 feet west and 200 feet north of the southwest corner of Section 2, Township, 47, Range 38 East in Palm Beach County, Florida. UTM Coordinates: Zone 17; 552.6 km.E, 2921.99 km.N, Latitude 26°22'44" North and Longitude: 80°30'45" West. Palm Beach County, Florida.

The Title V Source includes four (4) water pumps, two (2) emergency power generators, and seven (7) volatile organic liquid handling and storage operations. The facility is classified as a synthetic-minor source under the Prevention of Significant Deterioration (PSD) program and a natural minor source under the Hazardous Air Pollutant program. Potential emissions of criteria pollutants from the source are limited below the 250 ton per year major source threshold of the PSD program by a federally enforceable construction permit (099-0550-001-AC).

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

{Permitting Note: The site can be accessed from State Road 27. Just east of pump station S-7 is the access road to the Everglades Nutrient Removal (ENR) site. The pump station is about 3 miles south of the ENR site entrance.}

SUBSECTION B. SUMMARY OF EMISSION UNIT ID NOS. AND BRIEF DESCRIPTIONS

EU ID No.	Status	Brief Description
001	Regulated	Stationary Internal Combustion Engines – Six (6) engines driving four pumps and two emergency generators
002	Insignificant	Volatile Organic Liquid Storage Tanks – Four (4) 12,848 gallon aboveground storage tanks.
003	Insignificant	Volatile Organic Liquid Storage Tanks – Six (6) aboveground storage tanks less than 40 cubic meters in capacity.

SUBSECTION C. RELEVANT DOCUMENTS

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

The following documents are provided to the permittee for information purposes only:

Appendix A: Abbreviations, Acronyms, Citations, and Identification Numbers

Appendix H: Permit History

Statement of Basis

Appendix S: Summary of Air Pollutant Standards and Terms (Table 1-1) and Summary of Compliance Requirements (Table 2-1)

The following documents are on file with the permitting authority:

Title V Operating Permit

Initial Title V Permit Application received September 21, 2000.

Additional Information Request dated October 9, 2000.

Additional Information Response received March 1, 2001.

Initial Title V Permit issued September 10, 2001

Title V Permit Revision Application received October 13, 2003

Revised Title V Permit issued May 5, 2004

099-0550-006-AV Renewal application for Title V permit received on March, 7, 2006

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

SECTION II. FACILITY-WIDE CONDITIONS

The following conditions apply facility-wide:

- II.A.1** Regulating Agencies: All applications, reports, tests, and notifications shall be submitted to the Air Pollution Control Section of the Palm Beach County Health Department at P.O. Box 29 (901 Evernia Street), West Palm Beach, Florida, 33402-0029, and phone number (561) 355-3136. In addition, *copies* of all documents shall be submitted to the Air Program, Southeast District Office, Florida Department of Environmental Protection (DEP) at 400 North Congress Avenue, West Palm Beach, Florida, 33401. **[PBC Specific Operating Agreement (SOA)]**
- II.A.2.** Appendix TV-5, Title V Conditions, is a part of this permit.
- II.A.3.** Appendix U, List of Unregulated Emissions Units and/or Activities, is a part of this permit.
[Rule 62-213.440(1), F.A.C.]
- II.A.4.** Appendix I, 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.]
- II.A.5.** 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, the permittee shall not:
- (1) 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 No. 1 on the Ringelmann Chart (20 percent opacity). **[Rule 62-296.320(4)(b)1., F.A.C.]**
 - (2) If the presence of uncombined water is the only reason for failure to meet the visible emissions standards given in Rule 62-296.320(4)1, F.A.C., such failure shall not be a violation of the rule. **[Rule 62-296.320(4)(b)3, F.A.C.]**
 - (3) All visible emissions test performed pursuant to the requirements of Rule 62-296.320(b)(4)1, F.A.C. shall use EPA Reference Method 9, and shall meet all applicable requirements of Chapter 62-297, F.A.C.. **[Rule 62-296.320(4)(b)4, F.A.C.]**
- II.A.6.** Excess Emissions Requirements: Unless specified elsewhere in this permit, excess emissions shall be regulated in accordance with the following: **[Rule 62-210.700, F.A.C.]**
- (1) Excess emissions resulting from startup, shutdown, or malfunction of any emission unit shall be permitted providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration. **[Rule 62-210.700(1), F.A.C.]**
 - (2) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown, or malfunction shall be prohibited. **[Rule 62-210.700(4), F.A.C.]**
 - (3) Considering operational variations in types of industrial equipment operations affected by this rule, the Department may adjust the maximum and minimum factors to provide reasonable and practical regulatory controls consistent with the public interest. **[Rule 62-210.700(5), F.A.C.]**

SECTION II. FACILITY-WIDE CONDITIONS

- (4) In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Compliance Authority in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted to the Compliance Authority in a quarterly report, if requested by the Permitting or Compliance Authority. **[Rule 62-210.700(6), F.A.C.]**

II.A.7. Prevention of Accidental Releases (Section 112(r) of CAA): 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

and,

- b. The permittee shall submit to the permitting authority Title V certification forms or a compliance schedule in accordance with Rule 62-213.440(2), F.A.C.

[40 CFR 68]

II.A.8. Notifications and Reports: The permittee shall submit all compliance-related notifications and reports required by this permit to the Palm Beach County Health Department and the Florida Department of Environmental Protection's (FDEP) Southeast District Office at:

Palm Beach County Health Department

Air Pollution Control Section
Post Office Box 29
West Palm Beach, Florida 33402-0029
Telephone: (561) 355-3136
Fax: (561) 804-9405

Florida Department of Environmental Protection

Air Program, Southeast District Office
400 N. Congress Avenue Suite 200
West Palm Beach, Florida, 33401
Telephone: (561) 681-6600
Fax: (561) 681 - 6790

II.A.9. U.S. Environmental Protection Agency, Report & Notifications: Any reports, data, notification, certifications, and requests required to be sent to the U. S. EPA should be sent to:

United States Environmental Protection Agency

Region 4
Air and EPCRA Enforcement Branch, Air Enforcement Section
61 Forsyth Street
Atlanta, GA 30303
Telephone: 404/562-9155
Fax: 404/562-9163 or 404/562-9164

SECTION II. FACILITY-WIDE CONDITIONS

- II.A.10.** Title V Effective Date: When appropriate, any recording, monitoring, or reporting requirements that are time-specific shall be in accordance with the effective date of the permit, which defines day one. **[Rule 62-213.440, F.A.C.]**
- II.A.11.** Annual Statement of Compliance: The permittee shall provide an annual statement of compliance to the Permitting Authority on or before March 1st each year covering the period for the previous calendar year. **[40 CFR 70.6 & Rule 62-213.440, F.A.C.]**
{Permitting note: See Condition No. 51, Appendix TV-5, Title V Conditions}
- II.A.12.** Permit Renewal and Expiration: The permittee shall apply for a renewal of permit on or before the "Renewal Application Due Date" listed on page one of this permit. 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 permittee's right to operate shall terminate. **[Rule 62-213.430(3), F.A.C.]**

SECTION II. FACILITY-WIDE CONDITIONS

SUBSECTION A, THIS SECTION ADDRESSES THE FOLLOWING EMISSIONS UNIT(S).

E.U.ID No. Emissions Unit

EU ID No.	EMISSIONS UNIT DESCRIPTION
001	<p><u>Pump Station No. G-335</u> consisting of:</p> <ul style="list-style-type: none">Two Fairbanks-Morse (Model No. 3D8-1/8-1600hp) diesel engines each powering a 116 inch horizontal propeller pump. Each engine is a 10 cylinder, opposed piston engine rated at 1535 horsepower and consumes between 60 to 80 gallons per hour of low sulfur diesel fuel.Two Fairbanks-Morse (Model No. 3D8-1/8-1000hp) diesel engines each powering a 116 inch horizontal propeller pump. Each engine is a 6 cylinder, opposed piston engine rated at 587 horsepower and consumes between 24 to 32 gallons per hour of low sulfur diesel fuel.Two (2) Cummins 900-hp emergency power generators <p>Engines are capable of burning both No. 2 distillate (up to 0.5% wt.) and low-sulfur (<0.05% wt.) fuel oil</p>

Emissions Unit(s) Details:

Rebuilt Fairbanks-Morse 38D8-1/8 engine coupled to a flood control pump. The engine was originally constructed and put into service on May 28, 1959 on the *USS Lewis and Clark SSB*. It is a six-cylinder opposed-piston engine firing low sulfur distillate oil at up to 32 gallons per hour. It has the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate rating is 1,020 brake-horse power (bhp) versus a book rating of 751 bhp.

Two (2) Rebuilt Fairbanks-Morse 38D8-1/8 engines each coupled to a flood control pump. The engines were originally constructed and put into service on September 30, 1959 on the *USS Bain Bridge CGN (N) 25*. They are ten-cylinder opposed piston engines firing low sulfur distillate oil up to 80 gallons per hour. They have the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate rating of each engine is 1,535 bhp.

Rebuilt Fairbanks-Morse 38D8-1/8 engine coupled to a flood control pump. The engine was originally constructed and put into service May 28, 1963 on the *USS Stonewall Jackson SSB (N) 634*. It is a six-cylinder opposed piston engine firing low sulfur distillate oil. It is a six-cylinder opposed piston engine firing low sulfur distillate oil up to 32 gallons per hour. It has the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate rating is 751 bhp.

Two (2) Onan Generator Sets each rated for 750 kVA. Each generator is powered by a 900 bhp Cummins engine firing low sulfur distillate oil.

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

OPERATING RESTRICTIONS

{Permitting note(s): Those operating restrictions which are identified as "Not Federally Enforceable" have been included for purposes of local regulations, compliance testing, establishing appropriate emission limitations and determining future rule applicability.}

III.A.1. Permitted Capacity. The permittee shall not allow, cause, suffer or permit the operation of the unit in excess of the following without prior authorization from the Permitting Authority:

- (1) **Annual Fuel Consumption:** Fuel consumption for the pump station including support equipment shall not exceed 926,000 gallons of diesel in any consecutive 12 months-period. [Air Construction Permit 0990550-004-AC]

SECTION II. FACILITY-WIDE CONDITIONS

- (2) *Maximum Fuel Consumption Rates:* The maximum heat input rates for the engines include the following:

(a) 1,535-bhp Engines – 82 gallons per hour (~11.5 mmBtu/hr).

(b) 751-bhp Engines – 40 gallons per hour (~5.6 mmBtu/hr).

[Air Construction Permit 0990550-004-AC]

- (3) *Stack Extensions:* In order to meet the NAAQS and the PSD Class II increments requirements, only low sulfur distillate fuel (0.05%) shall be used in these emission units until all the stacks in this emission unit are extended to 20.2 meters, in accordance ambient impact modeling results submitted by SFWMD. **[Air Construction Permit 0990550-004-AC]**

III.A.2. Methods of Operation: The permittee shall not allow, cause, suffer or permit any change in the method(s) of operation resulting in increased short-term or long-term emissions, without prior authorization from the Permitting Authority. The authorized methods of operation include the following:

- (1) *Fuels:* The permittee is authorized to fire low sulfur (0.05% wt.) distillate oil in the emissions units. The temporary use of distillate fuel with higher sulfur content (up to 0.5 % wt.) will be allowed as specified in Specific Condition III.A.4.

[Air Construction Permit 0990550-004-AC]

III.A.3. Hours of Operation: The permittee is authorized to operate the emissions units continuously.

[Air Construction Permit 0990550-004-AC]

EMISSION LIMITATIONS AND STANDARDS

III.A.4. Fuel Oil Sulfur Content: At no time, other than that specified below, shall the permittee (South Florida Water Management District) knowingly use a distillate fuel with a sulfur content higher than 0.05 % by weight in any of the stationary internal combustion engines located at this facility. The temporary use of distillate fuel with higher sulfur content (up to 0.5 % wt.) will be allowed when either the supply of low sulfur fuel is deemed unavailable by the Florida Department of Environmental Protection (FDEP), or when a state of emergency is declared by the Governor's Office.

To avoid possible interruptions in operations, the permittee may begin using No.2 distillate fuel oil with a sulfur content of up to 0.5% by weight in all the permitted emission units upon notification of the fuel unavailability to the Florida Department of Environmental Protection. The permittee may continue to combust this higher-sulfur (0.5 % wt.) distillate fuel until such time as the state of emergency designation issued by the Governor is rescinded or until the low-sulfur (0.05% wt.) distillate fuel is deemed available by FDEP. For 12 months following the end of the emergency order, the restoration of low sulfur fuel availability, or the post-delivery discovery of unauthorized fuel load with a sulfur content above 0.05% by weight, the permittee will be allowed to combust the higher sulfur (up to 0.5%) distillate fuel that remains in the fuel tanks after as long as blending with low sulfur distillate is implemented as soon as practicable to meet the low sulfur standard. After this 12-month period, the fuel sulfur content in each storage tank shall be no higher than 0.05%. Extension to this compliance schedule will be considered on a case-by-case basis. **[Air Construction Permit 0990550-004-AC]**

SECTION II. FACILITY-WIDE CONDITIONS

{Permitting Note, Ambient modeling results submitted by SFWMD for Pump Station G-310 indicated that no violations of NAAQS, PSD increments, or any Federal, State or Local rules or regulations would occur if, during emergency episodes, fuel oil with a sulfur content of up to 0.5% is burned in accordance with the provisions of this permit.}

TEST METHODS AND PROCEDURES

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

III.A.5. Test Methods: All emissions tests performed pursuant to this permit shall comply with the following EPA and/or DEP Methods as described in Rule 62-297.401, F.A.C. and 40 CFR 60 Appendix A: **[62-297.401, F.A.C.]**

- (1) *EPA Method 1*, Sampling and Velocity Traverses for Stationary Sources **[Rule 62-297.401(1)(a), F.A.C.]**;
- (2) *EPA Method 2*, Determination of Stack Gas Velocity and Volumetric Flow Rate **[Rule 62-297.401(2), F.A.C.]**;
- (3) *EPA Method 3*, Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight **[Rule 62-297.401(3), F.A.C.]**;
- (4) *EPA Method 3A*, Determination of Oxygen and Carbon Dioxide Concentrations in Emissions from Stationary Sources (Instrumental Analyzer Procedure) **[Rule 62-297.401(3)(a), F.A.C.]**;
- (5) *EPA Method 4*, Determination of Moisture Content in Stack Gases **[Rule 62-297.401(4), F.A.C.]**;
- (6) *EPA Method 7*, Determination of Nitrogen Oxide Emissions from Stationary Sources **[Rule 62-297.401(7), F.A.C.]**;
- (7) *EPA Method 7E*, Determination of Nitrogen Oxide Emissions from Stationary Sources (Instrumental Analyzer Procedure) **[Rule 62-297.401(7)(e), F.A.C.]**;
- (8) *EPA Method 9*, Visual Determination of the Opacity of Emissions from Stationary Sources **[Rule 62-297.401(9)(a), F.A.C.]**;

III.A.6. Fuel Oil Sulfur Content: All fuel oil sulfur content tests performed pursuant to the requirements of this permit shall be determined using ASTM D129-91, ASTM D2662-94, or ASTM D4294-90, Rule 62-297.440(1)(h), (1)(i), or (1)(j), F.A.C. Copies of the documents are available from ASTM. **[Air Construction Permit 0990550-004-AC]**

III.A.7. Test Procedures - Visible Emissions: All emissions tests performed pursuant to EPA Method 9 and the minimum period of observation for a compliance test shall be sixty (60) minutes. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C. **[Air Construction Permit 0990550-004-AC]**

III.A.8. Test Procedures – Nitrogen Oxides: EPA Methods 7, 7A, 7B, 7C, 7D, or 7E with a minimum of three (3) test runs conducted under representative operating conditions and a minimum sampling time of one (1) hour per test run. Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C. **[Air Construction Permit 0990550-004-AC]**

COMPLIANCE ASSURANCE MONITORING

III.A.9 Fuel Oil Sulfur Content: The permittee shall monitor the fuel sulfur content in accordance with the most recently approved fuel monitoring plan (Appendix D). Compliance with the post-shortage sulfur limit of the fuel in the storage tanks can be demonstrated by either direct fuel sampling of the storage tank or through calculation of fuel sulfur content of the fuel blend using fuel delivery records and mass balance. **[Air Construction Permit 0990550-004-AC]**

SECTION II. FACILITY-WIDE CONDITIONS

- III.A.10. Special Compliance Tests:** When the Health Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in Rule 62-210, 62-212, 62-296, or 62-297, F.A.C. or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the facility to conduct compliance tests which identify the nature and quantity of pollutant emissions from the emissions units and to provide a report on the results of said tests to the Health Department. **[62-297.310(7)(a)9., F.A.C.]**

{Permitting Note: The emissions units have been exempted from the NOx-RACT requirements of Rule 62-296.500(4)(b)7., F.A.C. by the Florida Department of Environmental Protection in a letter dated December 13, 1996 from Mr. C. Fancy, Bureau Chief, FDEP. In addition, the emissions units have avoided the requirements of BACT of Rule 62-212.300(5)(c), F.A.C. by accepting a federally enforceable cap on annual fuel oil usage. The Health Department reserves the right to request a special compliance test for emissions of nitrogen oxides in the event new data indicates that potential emissions would exceed 250 tons per year. }

- III.A.11. Annual Fuel Consumption:** The permittee shall monitor compliance with the annual fuel consumption limit on a monthly basis. If the rolling 12-month total does not exceed 692,878gallons, the permittee shall continue monitor fuel consumption on a monthly basis (rolling 12-month total). If the rolling 12-month total exceeds 692,878 gallons, the permittee shall monitor fuel consumption on a daily basis (rolling 365-day total). When the rolling 365-day total does not exceed 692,878gallons for 30 consecutive days, monthly monitoring can be resumed. **[Construction Permit No. 099-0550-004-AC]**

- III.A.12. Emissions Factor Verification:** When the Health Department has reason to believe that the emission rates used to establish the fuel usage caps have changed, it may require the owner or operator of the emission unit to conduct compliance tests which identify the nature and quantity of pollutant emission from the emission unit and to provide a report on the results of said tests to the Department. **[Rule 62-4.070(3), F.A.C.]**

- III.A.13. Emission Factor Verification from equivalent engines:** In lieu of emission factor verification test, the Permitting Authority will accept contemporaneous emission tests data from equivalent engines at other South Florida Water Management District stations, on a case by case basis. **[Construction Permit No. 099-0550-004-AC]**

REPORTING AND RECORDKEEPING REQUIREMENTS

- III.A.14. Record Keeping Requirements:**

- (a) For monthly fuel consumption monitoring (the rolling 12-month total does not exceed 692,878gallons): Within the first 15 days of each month, the permittee shall record in a written log the following information:
 - (1) Gallons of diesel fuel consumed for the previous month of operation;
 - (2) Gallons of diesel fuel consumed for the previous consecutive 12 months of operation (including the previous month consumption discussed in (1)); and
 - (3) Hours of operation for each pump engine generator for the previous month of operation.
- (b) For daily fuel consumption monitoring (the rolling 12-month total does exceed 692,878gallons): Once per day, the permittee shall record in a written log the following information:
 - (1) Gallons of diesel fuel consumed for the that day of operation;
 - (2) Gallons of diesel fuel consumed for the previous consecutive 365 days of operation.
 - (3) Hours of operation for each pump engine for that day of operation.

SECTION II. FACILITY-WIDE CONDITIONS

- (c) For fuel sulfur content: The permittee shall maintain all fuel sulfur monitoring records in accordance with the most recently approved fuel-monitoring plan. All records shall be kept for a minimum period of 5 years.

[Air Construction Permit 0990550-004-AC]

- III.A.15.** Reporting Requirements: The following reporting requirements shall only apply in cases where the supply of low-sulfur fuel is interrupted:

Upon receiving initial notification of the unavailability of low-sulfur (0.05 % wt.) distillate fuel from the fuel supplier, or the declaration of a state of emergency by the Governor's Office, the permittee shall notify the Florida Department of Environmental Protection and the Palm Beach County Health Department by telephone, fax, or e-mail. A written notification shall be submitted within three (3) working days to the Florida Department of Environmental Protection – Division of Air Resources Management, Bureau of Air Regulation at 2600 Blair Stone Road, MS #5505, Tallahassee, FL 32399-2400. The notification shall provide all the relevant facts associated with the disruption in the delivery of low sulfur fuel including the estimated amount of low sulfur fuel on site, the projected fuel consumption requirements for each station, the anticipated duration of the low sulfur fuel supply interruption. The permittee shall also include any proposed changes to the regular monitoring, recordkeeping and reporting requirement resulting from the curtailment. Copies of all fuel unavailability notifications shall be submitted to the Palm Beach County Health Department. **[Air Construction Permit 0990550-004-AC]**

COMMON CONDITIONS

- III.A.16.** Common Conditions: This emissions unit is also subject to **Specific Conditions III.B.1. through III.B.20.** contained in **Subsection B. Common Conditions.**

SECTION II. FACILITY-WIDE CONDITIONS

SUBSECTION B. COMMON CONDITIONS

This section, which was Appendix C in the construction permit, addresses the common conditions for the following emissions units as noted within each emissions unit(s) section.

<u>E.U. ID No.</u>	Status	Brief Description
001	Regulated	Six (6) Stationary Internal Combustion Engines

III.B.1. Required Number of Test Runs: For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured; provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five-day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five-day period allowed for the test, the Secretary or his or her designee may accept the results of two complete runs as proof of compliance, provided that the arithmetic mean of the two complete runs is at least 20% below the allowable emission limiting standard. [Rule 62-297.310(1), F.A.C.]

III.B.2. Operating Rate during Testing: Unless otherwise stated in the applicable emission limiting standard rule, testing of emissions shall be conducted with the emissions unit operating at permitted capacity as defined below. If it is impractical to test at permitted capacity, an emissions unit may be tested at less than the maximum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test rate until a new test is conducted. Once the unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. [Rule 62-297.310(2), F.A.C.]

III.B.3. Permitted Capacity: Permitted capacity is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. [Rule 62-297.310(2)(b), F.A.C.]

III.B.4. Calculation of Emission Rate: The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the three separate test runs unless otherwise specified in a particular test method or applicable rule. [Rule 62-297.310(3), F.A.C.]

III.B.5. Required Sampling Time: Unless otherwise specified in the applicable rule, the required sampling time for each test run shall be no less than one hour and no greater than four hours, and the sampling time at each sampling point shall be of equal intervals of at least two minutes. [Rule 62-297.310(4)(a)1, F.A.C.]

III.B.6. Opacity Compliance Tests: When either EPA Method 9 or DEP Method 9 is specified as the applicable opacity test method, the required minimum period of observation for a compliance test shall be sixty (60) minutes for emissions units which emit or have the potential to emit 100 tons per year or more of particulate matter, and thirty (30) minutes for emissions units which have potential emissions less than 100 tons per year of particulate matter and are not subject to a multiple-valued opacity standard. The opacity test observation period shall include the period during which the highest opacity emissions can reasonably be expected to occur. Exceptions to these requirements are as follows:

- (a) For batch, cyclical processes, or other operations, which are normally completed within less than the minimum observation period and do not recur within that time, the period of observation shall be equal to the duration of the batch cycle or operation completion time.

The observation period for special opacity tests that are conducted to provide data to establish a surrogate standard pursuant to Rule 62-297.310(5)(k), F.A.C., Waiver of Compliance Test Requirements, shall be established as necessary to properly establish the relationship between a proposed surrogate standard and an existing mass emission limiting standard. [Rule 62-297.310(4)(a)2, F.A.C.]

SECTION II. FACILITY-WIDE CONDITIONS

III.B.7. Minimum Sample Volume: Unless otherwise specified in the applicable rule, the minimum sample volume per run shall be 25 dry standard cubic feet. **[Rule 62-297.310(4)(b), F.A.C.]**

III.B.8. Required Flow Rate Range: For EPA Method 5 particulate sampling, acid mist/sulfur dioxide, and fluoride sampling which uses Greenburg Smith type impingers, the sampling nozzle and sampling time shall be selected such that the average sampling rate will be between 0.5 and 1.0 actual cubic feet per minute, and the required minimum sampling volume will be obtained. **[Rule 62-297.310(4)(c), F.A.C.]**

III.B.9. Allowed Modification to EPA Method 5: When EPA Method 5 is required, the following modification is allowed: the heated filter may be separated from the impingers by a flexible tube. **[Rule 62-297.310(4)(e), F.A.C.]**

III.B.10. 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. **[Rule 62-297.310(5)(a), F.A.C.]**

III.B.11. Calibration of Sampling Equipment: Calibration of the sampling train equipment shall be conducted in accordance with the schedule shown in Table 297.310-1. **[Rule 62-297.310(4)(d), F.A.C.]**

Table 297.310-1 Calibration Schedule			
Item	Minimum Calibration Frequency	Reference Instrument	Tolerance
Liquid in glass thermometer	Annually	ASTM Hg in glass ref. Thermometer or equivalent, or thermometric points	+/-2%
Bimetallic thermometer	Quarterly	Calibration liquid 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 Max. deviation between readings	Micrometer	+/-0.001" mean of at least three readings .004"

Dry Gas Meter	1. Full Scale:	Spirometer or calibrated wet test or dry gas	2%
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SECTION II. FACILITY-WIDE CONDITIONS

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

III.B.18. Recordkeeping: The permittee shall ensure that 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.]

III.B.19. Record Retention: The permittee shall retain records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information shall include 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.]

SECTION II. FACILITY-WIDE CONDITIONS

III.B.20. Alternate Sampling Procedure: The owner or operator of any emissions unit subject to the provisions of this chapter may request in writing a determination by the Secretary or his/her designee that any requirement of this chapter (except for any continuous monitoring requirements) relating to emissions test procedures, methodology, equipment, or test facilities shall not apply to such emissions unit and shall request approval of an alternate procedures or requirements. The request shall set forth the following information, at a minimum:

- (a) Specific emissions unit and permit number, if any, for which exception is requested, specific provision(s) of this chapter from which an exception is sought.
- (b) The basis for the exception, including but not limited to any hardship which would result from compliance with the provisions of this chapter.
- (c) The alternate procedure(s) or requirement(s) for which approval is sought and a demonstration that such alternate procedure(s) or requirement(s) shall be adequate to demonstrate compliance with applicable emission limiting standards contained in the rules of the Department or any permit issued pursuant to those rules.

21. The Secretary or his/her designee shall specify by order each alternate procedure or requirement approved for an individual emissions unit source in accordance with this section or shall issue an order denying the request for such approval. The Department's order shall be final agency action, reviewable in accordance with Section 120.57, Florida Statutes. [**Rule 62-297.620, F.A.C.**]

SECTION IV. Appendix A

Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 02/05/97)

Abbreviations and Acronyms:

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

Citations:

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

Code of Federal Regulations:

Example: [40 CFR 60.334]

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

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

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

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

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

Identification Numbers:

Facility Identification (ID) Number:

Example: Facility ID No.: 0990221

Where:

099 = 3-digit number code identifying the facility is located in Palm Beach County
0221 = 4-digit number assigned by state database.

SECTION IV. Appendix A

Abbreviations, Acronyms, Citations, and Identification Numbers (version dated 02/05/97)

Permit Numbers:

Example: 0990221-002-AV, or
0990221-001-AC

Where:

AC = Air Construction Permit
AV = Air Operation Permit (Title V Source)
099 = 3-digit number code identifying the facility is located in Palm Beach 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

SECTION IV. Appendix D. Fuel Monitoring Plan

For this facility, compliance with fuel oil sulfur content limits shall be determined as follows:

For each load of fuel delivered to the facility, the permittee shall either:

- A) Obtain a copy of the fuel analysis from the fuel supplier. Methods for determining the fuel sulfur content of the distillate oil shall be ASTM Method D 129-91, D 1552, D2622-94, D 4294-90 or comparable Department approved method. Records shall specify the test method used. [Rule 62-297.310(7)(c), F.A.C.]
- B) Collect a fuel sample to be sent for laboratory analysis based on one of the following methods: ASTM Method D 129-91, D 1552, D2622-94, D 4294-90 or comparable Department approved method. [Rule 62-297.310(7)(c), F.A.C.]

In addition to the requirements specified above, the permittee has agreed to verify fuel supplier's analyses by conducting independent analysis of fuel samples collected randomly from regular fuel shipments using one of the ASTM methods listed above. Random sampling shall be conducted on a quarterly basis on each quarter in which a load of fuel was delivered to the station. Upon demonstration of agreement with vendor certified values for three consecutive quarters for which fuel was delivered to the station, the permittee may reduce the frequency of the random fuel sampling from quarterly to annually. Quarterly random sampling will be resumed if a significant discrepancy between the vendor supplied value and the independent test results is observed. The significance of the discrepancy shall be determined on a case-by-case basis taking into account the accuracy and limitations of the test methods used.

The permittee shall notify the Palm Beach County Health Department within 3 business days of obtaining information (vendor-supplied fuel analysis or independent fuel analyses results) that indicates a sulfur content of the fuel above 0.05%. Notification shall include the following information:

- *Reported fuel sulfur content*
- *Estimate of fuel quantity involved*
- *Proposed corrective actions to attain compliance with the 0.05% sulfur limit*

In order to document continuing compliance with fuel sulfur limit, records of the percent sulfur content of all fuel burned and the quantities of fuel burned shall be kept. The basis of these records of sulfur content shall be either as-shipped sulfur content as indicated in the fuel analyses provided by the vendor, laboratory analyses of fuel samples collected by the permittee upon receiving a fuel shipment, or in the case of on-site blending, analyses of a fuel sample from the fuel storage tank(s). Alternatively, the permittee may use fuel delivery records and mass balance to demonstrate compliance of the blended fuel with the post-shortage sulfur limit. The permittee shall document the results of all the random fuel sampling.

All records shall be maintained for a period of 5 years and shall be kept at the South Florida Water Management District main office located at 3301 Gun Club Road, West Palm Beach, Florida 33406. All records shall be available to the Department upon request. [Rules 62-4.070(3) and 62-213.440(1)(b), F.A.C.]

SECTION IV. Appendix H
Permit History and Summary of Identification Number Transfer

Mr. Radu Alexander Damian, Director, Field Operations,
Operations and Maintenance Resources
Pump Station G-310

Facility ID No.: 0990550

Permit History (for tracking purposes)

E.U.

<u>ID No.</u>	<u>Description</u>	<u>Permit No.</u>	<u>Issue Date</u>	<u>Expiration Date</u>	<u>Extended Date</u>	<u>Revised Date(s)</u>
-001	Six (6) Stationary Internal Combustion Engines	099-0550-001-AC	09/21/98	09/21/1999		
		099-0550-002-AC	12/10/1999	12/09/2001	11/22/2000	
		099-0550-003-AV	09/10/2001	09/10/2006		
		099-550-004-AC	2/16/2004	2/15/2005		
		099-0550-005-AV	5/5/2004	10/16/2008		
-002	Volatile Organic liquid Storage Tanks – Kb Records	099-0550-001-AC	09/21/98	09/21/1999		
		099-0550-002-AC	12/10/1999	12/09/2001	11/22/2000	
		099-0550-003-AV	09/10/2001	09/10/2006		
		099-0550-004-AC	2/16/2004	2/15/2005		
		099-0550-005-AV	5/5/2004	10/16/2008		
-003	Volatile Organic Liquid Storage Tanks	Exempt	09/21/98			

(if Applicable) ID Number Changes (for tracking purposes)

From: **None**

SECTION IV. Appendix I
List of insignificant Emission Units and/or Activities

The equipment and activities listed below are exempt pursuant to Rules 62-213.430(6), and 62-4.040(1)(b), F.A.C. and are considered to emit insignificant amounts of air pollution.

BRIEF DESCRIPTION OF EMISSIONS UNIT AND/OR ACTIVITY
Two 200 hp diesel engines powering backup electrical generators
One 10 hp diesel engine powering a standby air compressor
Miscellaneous fuel storage consisting of: <ul style="list-style-type: none">• Four 12,848 gallon above ground tanks (diesel)
Architectural Surface Coating Operations
Internal Combustion Engines from Vehicles
Emergency Generators
Heating Units, General Purpose IC Engines and Other Combustion Sources
Degreasing Units (non-HAP solvent)
Asbestos Renovation & Demolition Activities
Non-Halogenated Solvent Storage & Cleaning
Vehicle Refueling Operations and Associated Fuel Storage

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.

Appendix U

List of Unregulated Emissions Units and/or Activities.

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

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

Brief Description of Emissions Units and/or Activity

Architectural Surface Coating Operations
Steam Cleaning Equipment
Belt & Drum Sanders
Brazing, Soldering or Welding Equipment
Petroleum Lubricating System
Fire & Safety Equipment
Fungicide, Herbicide & Pesticide Applications
Abrasive Blasting Activities
Distillate Oil Piping System
Lawn & Ground Maintenance
Paved & Unpaved Roads

SECTION IV. Table 1-1
Summary of Air Pollutant Standards and Terms

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

Mr. Radu Alexander Damian, Director, Field Operations, Operations and
Maintenance Resources
SFWMD Pump Station G-310

Draft Permit No.: 09900550-006-AV
Facility ID No.: 0990550

E.U. ID No. Brief Description

-001 Six (6) Internal Combustion Engines

Pollutant Name	Fuel(s)	Hours/Year	Allowable Emissions			Equivalent Emissions*		Regulatory Citation(s)	See permit condition(s)
			Standards	lbs./hr	TPY	lbs./hr	TPY		
Visible Emissions	LSDO	8,760	≤20% Opacity (6 min/hr)	-	-	-	-	Rule 62-296.320(4)(b), F.A.C.	II.A.5.
Sulfur Content	LSDO	8,760	0.05 % by weight	-	-	3.09	4.2	0990550-004-AC	III.A.2
Sulfur Content	DO	LSDO unavailable	0.5 % by weight	-	-	31.0	42.0	0990550-004-AC	III.A.2
Notes: LSDO – Low sulfur Distillate Oil									

SECTION IV. Table 2-1 Summary of Compliance Requirements

Table 2-1, Summary of Compliance Requirements

Mr. Radu Alexander Damian, Director, Field Operations, Operations and
Maintenance Resources
SFWMD Pump Station G-310

Draft Permit No.: 099-00550-006-AV
Facility ID No.: 0990550

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

E.U. ID No. Brief Description

-001 Stationary Internal Combustion Engines

Pollutant Name or Parameter	Fuels	Compliance Method(s)	Testing Time Frequency	Frequency Base Date ⁽¹⁾	Min. Compliance Test Duration	CMS ⁽²⁾	See permit condition(s)
Visible Emissions	LSDO	EPA Method 9	(3)	(3)	30 minutes	NA	III.A.10
Nitrogen Oxides	LSDO	EPA Methods 1-4, 7A-7E	(5)	(5)	3 hours	NA	III.A.10 , III.A.12
Fuel Oil Sulfur Content	LSDO	ASTM	Random/Quarterly	(4)	NA	NA	Appendix D
Notes: (1) The Frequency base date is established for planning purposes only; see Rule 62-297.310, F.A.C. (2) CMS [=] continuous monitoring system (3) Testing is required only if requested. (4) Testing is required in accordance with fuel monitoring plan in Appendix D. Fuel Vendor Certification shall be acceptable during other periods. (5) Testing for Emission factor verification test shall be conducted if the Health Department has reason to believe that the emission factors are changed.							

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

{Permitting note: APPENDIX TV-5, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided one copy when requested or otherwise appropriate.}

Chapter 62-4, F.A.C.

1. **Not federally enforceable. General Prohibition.** Any stationary installation which will reasonably be expected to be a source of pollution shall not be operated, maintained, 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.); 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 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.

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

(c) A showing of any change in the environment or surrounding conditions that requires a modification to conform to applicable air or water quality standards.

(e) Adoption or revision of Florida Statutes, rules, or standards which require the modification of a permit condition for compliance.

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

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

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

5. Renewals. Prior to 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.

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

(4). The permittee is encouraged to apply for a permit transfer prior to the sale or legal transfer of a permitted facility. However, the transfer shall not be effective prior to the sale or legal transfer.

(5) Until this transfer is approved by the Department, the permittee and any other person constructing, operating, or maintaining the permitted facility shall be liable for compliance with the terms of the permit. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations occurring prior to the sale or legal transfer of the facility.

[Rule 62-4.120, F.A.C.]

9. Plant Operation-Problems. If the permittee is temporarily unable to comply with any of the conditions of the permit due to breakdown of equipment or destruction by hazard of fire, wind or by other cause, the permittee shall immediately notify the Department. Notification shall include pertinent information as to the cause of the problem, and what steps are being taken to correct the problem and to prevent its recurrence, and where applicable, the owner's intent toward reconstruction of destroyed facilities. Such notification does not release the permittee from any liability for failure to comply with Department rules. **(Also, see Condition No. 10.)**

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

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

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

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

12. Permit Conditions. All permits issued by the Department shall include the following general conditions:

(1) The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

(2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

(3) As provided in Subsections 403.087(7) 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.

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the F.S. or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and F.S. after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by F.S. or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. the date, exact place, and time of sampling or measurements;
 - 2. the person responsible for performing the sampling or measurements;
 - 3. the dates when 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.]

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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.

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. The owner or operator of any emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, modification, or initial or continued operation of the emissions unit unless exempted pursuant to Department rule or statute. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

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

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

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

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

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

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(10)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or 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(10)(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.

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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 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 Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. Specify the manner, nature, volume and frequency of the emissions permitted, and the applicable emission limiting standards or performance standards, if any;
2. Require proper operation and maintenance of any pollution control equipment by qualified personnel, where applicable in accordance with the provisions of any operation and maintenance plan required by the air pollution rules of the Department.
3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period, except that, for Title V sources subject to Rule 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in Rule 62-213.420(1)(a)1., F.A.C.

b. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for six months or more prior to the expiration date of the current operation permit, shall be renewed for a period not to exceed five years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided:

- (i) the owner or operator of the emissions unit demonstrates to the Department that the emissions unit may need to be reactivated and used, or that it is the owner's or operator's intent to apply to the Department for a permit to construct a new emissions unit at the facility before the end of the extension period; and,
- (ii) the owner or operator of the emissions unit agrees to and is legally prohibited from providing the allowable emission permitted by the renewed permit as an emissions offset to any other person under Rule 62-212.500, F.A.C.; and,
- (iii) the emissions unit was operating in compliance with all applicable rules as of the time the source was shut down.

c. Except as provided in Rule 62-210.300(2)(a)3.d., F.A.C., the operation permit for an emissions unit which has been shut down for five years or more prior to the expiration date of the current operation permit shall be renewed for a maximum period not to exceed ten years from the date of shutdown, even if the emissions unit is not maintained in operational condition, provided the conditions given in Rule 62-210.300(2)(a)3.b., F.A.C., are met and the owner or operator demonstrates to the Department that failure to renew the permit would constitute a hardship, which may include economic hardship.

d. The operation permit for an electric utility generating unit on cold standby or long-term reserve shutdown shall be renewed for a five-year period, and additional five-year periods, even if the unit is not maintained in operational condition, provided the conditions given in Rules 62-210.300(2)(a)3.b.(i) through (iii), F.A.C., are met.

4. In the case of an emissions unit permitted pursuant to Rules 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute reconstruction pursuant to Rule 62-204.800(7), F.A.C.

[Rules 62-210.300(1) & (2), F.A.C.]

19. **Not federally enforceable.** Notification of Startup. The 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

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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, 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) and (5), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

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

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

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

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

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

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

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

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- (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.
- (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.
- (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., or Rule 62-212.500, F.A.C.:

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

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

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

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

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

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- (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. Reports.

- (3) Annual Operating Report for Air Pollutant Emitting Facility.

- (a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.
 - (c) The annual operating report shall be submitted to the appropriate Department District or Department approved local air pollution control program office by March 1 of the following year unless otherwise indicated by permit condition or Department request.

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

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

- (1) Application for Air Permit - Title V Source, Form and Instructions (Effective 02/11/1999).

- (a) Acid Rain Part (Phase II), Form and Instructions (Effective 04/16/2001).
 - 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 and Non-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

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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, Florida Statutes. 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.

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 Chapters 62-212 or 62-296, F.A.C.;

(f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;

(g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;

(h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of “major source of air pollution” at Rule 62-210.200, F.A.C.;

(i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1), (2), or (3), (b)(1) or (b)(3), hereby incorporated by reference;

(j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;

[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.]

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

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 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.

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

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.]

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)]

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

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.]

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.]

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

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 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. 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. The statement of compliance status shall include all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C.

(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.]

SECTION IV. APPENDIX TV-5, TITLE V CONDITIONS (version dated 03/28/05)

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

Chapter 62-281, F.A.C.

55. Refrigerant Requirements. Any facility having refrigeration equipment, including air conditioning equipment, which uses a Class I or II substance (listed at 40 CFR 82, Subpart A, Appendices A and B), and any facility which maintains, services, or repairs motor vehicles using a Class I or Class II substance as refrigerant must comply with all requirements of 40 CFR 82, Subparts B and F, and with Rule 62-281.100, F.A.C. Those requirements include the following restrictions:

- (1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;
- (2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34 and 40 CFR 82.40, and properly uses equipment approved pursuant to 40 CFR 82.36 and 40 CFR 82.38, and complies with 40 CFR 82.42;
- (3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(b), 40 CFR 82.42, and/or 40 CFR 82.166;
- (4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair unless the person has been properly trained and certified pursuant to 40 CFR 82.161 and unless the person uses equipment certified for that type of appliance pursuant to 40 CFR 82.158 and unless the person observes the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
- (5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;
- (6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.

[40 CFR 82; and, Chapter 62-281, F.A.C. (**Chapter 62-281, F.A.C., is not federally enforceable**)]

Chapter 62-296, F.A.C.

56. Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when:

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

57. Unconfined Emissions of Particulate Matter.

(4)(c)1. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any 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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STATEMENT OF BASIS

South Florida Water Management District

Pump Station G-335

Facility ID No.: 0990550

Palm Beach County

Title V Air Operation Permit Renewal

DRAFT Permit Project No.: 099-0550-006-AV

This Title V Air Operation Permit Renewal 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 operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit.

The subject of this permit is for the renewal of Title V Air Operation Permit 099-0550-006-AV. The Pump Station G-335 is located approximately 1500 feet west and 200 feet north of the southwest corner of Section 2, Township, 47, Range 38 East in Palm Beach County, Florida. UTM Coordinates: Zone 17; 552.6 km..E, 2921 km.N, Latitude 26°22'44" North and Longitude:80°30'45"West. in Palm Beach County, Florida.

The facility includes four (4) water pumps, two (2) emergency power generators, and seven (7) volatile organic liquid handling and storage operations.

Rebuilt Fairbanks-Morse 38D8-1/8 engine was coupled to a flood control pump. The engine was originally constructed and put into service on May 28, 1959 on the *USS Lewis and Clark SSB*. It is a six-cylinder opposed piston engine firing low sulfur distillate oil at up to 32 gallons per hour. It has the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate rating is 1,020 brake-horse power (bhp) versus a book rating of 751 bhp.

Two (2) Rebuilt Fairbanks-Morse 38D8-1/8 engines are (each) coupled to a flood control pump. The engines were originally constructed and put into service on September 30, 1959 on the *USS Bain Bridge CGN (N) 25*. They are ten-cylinder opposed piston engines firing low sulfur distillate oil up to 80 gallons per hour. They have the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate ratings are 1,535 bhp each.

Rebuilt Fairbanks-Morse 38D8-1/8 engine was coupled to a flood control pump. The engine was originally constructed and put into service May 28, 1963 on the *USS Stonewall Jackson SSB (N) 634*. It is a six-cylinder opposed piston engine firing low sulfur distillate oil. It is a six-cylinder opposed piston engine firing low sulfur distillate oil up to 32 gallons per hour. It has the capability to fire distillate oil with a maximum sulfur content of 0.5 percent by weight. The name plate rating is 751 bhp.

Two (2) Onan Generator Sets each rated for 750 kVA. Each generator is powered by a 900 bhp Cummins engine firing low sulfur distillate oil.

The facility is classified as a synthetic-minor source under the Prevention of Significant Deterioration (PSD) program and a natural minor source under the Hazardous Air Pollutant program. Potential emissions of criteria pollutants from the source are limited below the 250 ton per year major source threshold of the PSD program by a federally enforceable construction permit (099-0550-001-AC).

CAM does not apply. Monitoring activities include monthly fuel oil consumption records; verification of emission factors every five (5) years and operating restriction on fuel type.

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

Based on the Title V Air Operation Permit Renewal application received March 7, 2006, this facility is not a major source of hazardous air pollutants (HAPs).