

APPENDIX 10.4
EXISTING PERMITS

APPENDIX 10.4.1

WATER USE INDIVIDUAL PERMIT NO. 204695.03



An Equal
Opportunity
Employer

Southwest Florida Water Management District

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34609-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
World Wide Web: <http://www.swfwmd.state.fl.us>

Venice Service Office
115 Corporation Way
Venice, Florida 34292-3524
(941) 486-1212 or
1-800-320-3503 (FL only)
SUNCOM 526-6900

Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
SUNCOM 667-3271

July 19, 2000

Steve Ryan
Florida Power Corporation
PO Box 14042 (MAC-BBIA)
St. Petersburg, FL 33733-4042

Subject: Water Use Permit Information
Project Name: Florida Power Corporation - Crystal River Plant
Water Use Permit Appl. No. 2004695.003/ CN: 75221
County: Citrus

Reference: Chapter 40D-2 Florida Administrative Code (F.A.C.)

Dear Mr. Ryan:

Special Condition No. 6, of Florida Power Corporation's Water Use Permit (WUP) requires maximum and minimum Floridan aquifer water levels (District ID No. 7) to be recorded on a daily frequency. Per your request, the necessity of maximum and minimum daily readings was investigated. It was determined that one value recorded at the same time each day would be sufficient. The Floridan aquifer water level in District ID No. 7, shall be recorded at 12:00 p.m., daily and reported along with the date the measurement was taken to the District within the appropriate time period. If the District forms requesting this water level information has spaces for both maximum and minimum values, the Permittee shall place the value recorded at 12:00 p.m. in both spaces.

Additionally, I have included a new well tag for District ID No. 4, Permittee ID No. SPW4. If you have any questions regarding the required information, please contact me at extension 4326.

Sincerely,

Jerry L. Mallams
Hydrologist
Brooksville Regulation Department

JLM:tjm:00.052

Enclosures: Well Tag

cc: File of Record: 2004695.003
John Parker, P.G., Water Use Regulation Manager

Ronald C. Johnson
Chair, Lake Wales
Monroe "Al" Coogler
Vice Chair, Lecanto
Sally Thompson
Secretary, Tampa
Ronnie E. Duncan
Treasurer, Tarpon Springs
Thomas G. Dabney, II
Sarasota
Pamela L. Fentress
Lake Placid
John P. Harilee, IV
Bradenton
Watson L. Haynes, II
St. Petersburg
John K. Renke, III
New Port Richey

E. D. "Sonny" Vergara
Executive Director
Gene A. Heath
Assistant Executive Director
William S. Bilenky
General Counsel



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Southwest Florida Water Management District

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SUNCOM 526-6900

2303 Highway 44 West
Inverness, Florida 34453-3809
(352) 637-1360

Roy G. Harrell, Jr.
Chairman, St. Petersburg
Joe L. Davis, Jr.
Vice Chairman, Wauchula
Curtis L. Law
Secretary, Land O' Lakes
Sally Thompson
Treasurer, Tampa
James L. Allen
Bushnell
Ramon F. Campo
Brandon
Rebecca M. Eger
Sarasota
John P. Harlee, IV
Bradenton
Ronald C. Johnson
Lake Wales
James E. Martin
St. Petersburg
Virginia S. Roo
Tampa

E. D. "Sonny" Vergara
Executive Director
Edward B. Helvenston
General Counsel

October 28, 1997

Florida Power Corporation
Attn: Jacqueline A. Foss
Post Office Box 14042, MAC H2G
St. Petersburg, FL 33733

Subject: Final Agency Action Transmittal Letter
Individual Water Use Permit No(s). 204695.03

Dear Ms. Foss:

Your Water Use Permit(s) was/were approved by the District Governing Board subject to all terms and conditions set forth in the approved Permit(s).

Please be advised that the Governing Board has formulated a water shortage plan as referenced in Condition 4 of the Standard Water Use Permit Conditions (Exhibit A), and will implement such a plan during periods of water shortage. You will be notified during a declared water shortage of any change in the conditions of your Permit(s) or any suspension of your Permit(s), or of any restriction on your use of water for the duration of any declared water shortage.

The ID tag(s) for your withdrawal(s) shall be installed by a District representative. This representative will attempt to contact you within 30 days, upon receipt of this letter, to discuss placement of your tags. If you have any questions or concerns regarding your tags, please contact Sandy Semegen at extension 4349 in the Brooksville Regulation Department. If you have any questions or concerns regarding your permit or any other information, please contact this office at extension 4343.

Sincerely,

James P. Marshall, Supervisor
Records and Data Department

JPM:mlm

Enclosures: 1. Approved Permit
2. Rule 40D-1.521, F.A.C.

Excellence
WUPINAP Through
R.3-23-92 Quality
Service

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE
INDIVIDUAL
PERMIT NO. 204695.03**

EXPIRATION DATE: October 28, 2007

PERMIT ISSUE DATE: October 28, 1997

THE PERMITTEE IS RESPONSIBLE FOR APPLYING FOR A RENEWAL OF THIS PERMIT PRIOR TO THE EXPIRATION DATE WHETHER OR NOT THE PERMITTEE RECEIVES PRIOR NOTIFICATION BY MAIL. FAILURE TO DO SO AND CONTINUED USE OF WATER AFTER EXPIRATION DATE IS A VIOLATION OF DISTRICT RULES AND MAY RESULT IN A MONETARY PENALTY AND/OR LOSS OF WATER. APPLICATION FOR RENEWAL PRIOR TO THE EXPIRATION DATE IS SUBJECT TO DISTRICT EVALUATION AND APPROVAL.

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined herein, and may require various activities to be performed by the Permittee as outlined by the Special Conditions. This permit, subject to all terms and conditions, meets all District permitting criteria.

PROJECT NAME: Crystal River South Power Plant

GRANTED TO: Florida Power Corporation
3201 34th Street South
St. Petersburg, FL 33711

ABSTRACT: This is a renewal with modifications to decrease permitted quantities for an existing industrial (boiler makeup) water use permit located in Citrus County. The Annual Average quantity decreased from 1,040,000 gallons per day (gpd) to 1,000,000 gpd (decrease of 40,000 gpd) and the Peak Month quantity decreased from 1,820,000 gpd to 1,500,000 gpd (decrease of 320,000 gpd). The decrease in quantity is due to the improved water conservation practices used by this plant. The quantities are based on the demand projections identified in the water budgets for the projected ten-year permit term. Special Conditions require: reporting of metered pumpage monthly; reporting of water quality from District ID 4, monthly; reporting of water levels from District ID 7, daily; capping unused wells; submittal of a water conservation report by October 1, 2002; and allow flexibility in pumpage distribution.

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)

AVERAGE: 1,000,000 PEAK MONTHLY: 1,500,000

<u>Use</u>	<u>Average</u>	<u>Peak Monthly</u>
Industrial or Commercial:	1,000,000 gpd	1,500,000 gpd

See Withdrawal Table for quantities permitted for each withdrawal point.

PROPERTY LOCATION: Citrus County, approximately 3 miles west of Red Level.

Permit No.: 204695.03
Permittee: Florida Power Corporation
Page: 2

TYPE OF APPLICATION: Renewal

WATER USE CAUTION AREA:
N/A

APPLICATION FILED: April 25, 1997

ACRES: 5,125.17 Owned

APPLICATION AMENDED: April 28, 1997

WATER USE: INDUSTRIAL OR COMMERCIAL

FACILITY NAME

USE TYPE

Crystal River South Power Plant Boiler Makeup-Water
Boiler Makeup-Water & Pollution Control

<u>I.D. NO.</u>	<u>PERMITTEE/ LOCATION</u>	<u>DIAM.</u>	<u>DEPTH</u>		<u>GALLONS PER DAY</u>	
<u>DISTRICT</u>	<u>LAT/LONG</u>	<u>(INCHES)</u>	<u>TOTAL/CASED</u>	<u>USE</u>	<u>AVERAGE</u>	<u>PEAK MONTHLY</u>
PW1A/1	285745/824156	8	42 / 42	I/C	25,000	37,500
PW1B/2	285743/824156	8	42 / 42	I/C	25,000	37,500
SPW3/3	285736/823805	10	90 / 36	I/C	380,000	570,000
SPW4/4	285736/823809	10	125 / 37	I/C	285,000	427,500
SPW5/5	285736/823819	10	72 / UNK	I/C	285,000	427,500

I/C = Industrial or Commercial

DISTRICT

I.D. NO.

SECTION/TOWNSHIP/RANGE

1 and 2	33/17/16
3	31/17/17
4 and 5	36/17/16

SPECIAL CONDITIONS:

All conditions referring to approval by the Regulation Department Director, Resource Regulation, shall refer to the Director, Brooksville Regulation Department, Resource Regulation.

1. All reports required by the permit shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

Permit Data Section, Records and Data Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by the permit.

2. The Permittee shall continue to maintain and operate the existing non-resettable, totalizing flow meter(s), or other flow measuring device(s) as approved by the Regulation Department Director, Resource Regulation, for District ID No(s). **1, 2, 3, 4, and 5**, Permittee ID No(s). **PW1A, PW1B, SPW3, SPW4, and SPW5**. Such device(s) shall maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a **monthly** basis and reported to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permit Data Section, Records and Data Department, indicating zero gallons.
3. Water quality samples shall be collected and analyzed, for parameter(s), and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Permittee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, the Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Regulation Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the Regulation Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

<u>District ID No.</u>	<u>Permittee ID No.</u>	<u>Minimum Pumping Time (minutes)</u>	<u>Parameter</u>	<u>Sampling Frequency</u>
4	SPW4	15 minutes	Chlorides, Sulfates & T.D.S.	Monthly

Water quality samples shall be collected based on the following timetable:

Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified
Semi-annually	Same week of months specified

Permit No.: 204695.03

Permittee: Florida Power Corporation

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Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

4. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.
5. The average day, peak monthly, and maximum daily, if applicable, quantities for District ID No(s). **3, 4, and 5**, Permittee ID No(s). **SPW3, SPW4, and SPW5**, shown above in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes. The quantities listed in the table for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to **440,000** gallons per day on an average basis and up to **570,000** gallons per day on a peak monthly basis for the individual wells, so long as adverse environmental impacts do not result and other conditions of this Permit are complied with. In all cases, the total average annual daily withdrawal, the total peak monthly daily withdrawal, and the total crop protection daily withdrawal are limited to the quantities set forth above.
6. The Permittee shall monitor water levels in the monitor well(s) as specified in the table below. Reports of the data shall be submitted to the Permit Data Section, Records and Data Department, in a form acceptable to the District. All data shall be referenced to National Geodetic Vertical Datum (NGVD). The frequency of water-level recording may be modified by the Regulation Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

<u>District ID No.</u>	<u>Permittee ID No.</u>	<u>Latitude/ Longitude</u>	<u>Aquifer</u>	<u>Recording Frequency</u>
7	MONW	285744/823824	Floridan	Daily

Water levels shall be recorded based on the following timetable of recording frequency:

<u>Recording Frequency</u>	<u>Recording Time</u>
Continuous Recording	Continuous hourly basis
Daily	Same time of each day
Weekly	Same day of each week
Monthly	Same week of each month

The maximum and minimum of the 24-hour values (continuous recording) for each day shall be calculated, and only the maximum and minimum values for each day shall be reported to the Permit Data Section, Records and Data Department. The time and date that the water level is measured shall be reported with the data.

7. The Permittee shall continue to carry out the provisions of its water conservation plan submitted with the application for the duration of this permit. The Permittee shall submit a progress report by October 1, 2002.

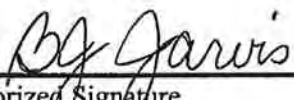
Permit No.: 204695.03

Permittee: Florida Power Corporation

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STANDARD CONDITIONS:

1. The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit "A" and made a part hereof.

A handwritten signature in cursive script, appearing to read "RJ Jarvis", is written over a horizontal line.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

40D-2
Exhibit "A"

WATER USE PERMIT CONDITIONS

STANDARD CONDITIONS

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, following notice and hearing.
2. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.
3. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.
5. The District shall collect water samples from any withdrawal point listed in the permit or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.
6. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
7. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.
8. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.
9. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
10. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

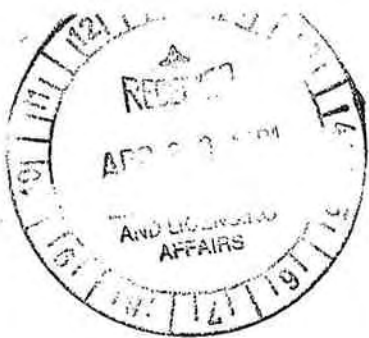
11. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
12. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:
 - a. A reduction in water levels which impairs the ability of a well to produce water;
 - b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.
13. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:
 - a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
 - b. Sinkholes or subsidence caused by reduction in water levels;
 - c. Damage to crops and other vegetation causing financial harm to the owner; and
 - d. Damage to the habitat of endangered or threatened species.
14. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
15. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
16. The Permittee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.
17. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.

SUBPART B - FORMAL PROCEEDINGS

40D-1.521 Initiation of Formal Proceedings

- (1) Formal proceedings shall be initiated by petition to the District. The term petition as used herein includes any application or other document which expresses a request for formal proceedings. Each petition should be printed, typewritten or otherwise duplicated in legible form on white paper of standard letter size and signed by the petitioner or his representative. Unless printed, the impression shall be on one side of the paper only and lines shall be double spaced and indented.
- (2) All petitions filed under these rules shall contain:
 - A) The name and address of the District and the District's file or identification number, if known;
 - B) The name and address of the petitioner or petitioners;
 - C) An explanation of how each petitioner's substantial interests will be affected by the District's determination;
 - D) A statement of when and how petitioner received Notice of the District's Proposed or Final Agency Action;
 - E) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
 - F) A concise statement of the ultimate facts which petitioner believes entitle him to relief sought as well as the rules and statutes which support petitioner's claim for relief;
 - G) A statement of preference of presiding officer;
 - H) A demand for the relief to which the petitioner deems himself entitled; and
 - I) Other information which the petitioner contends is material.
- (3) Upon receipt of a petition for formal proceedings the District shall review the petition and shall provide a statement of compliance of the petition which the requirements of this rule to the Board and the petitioner. The Board shall accept those petitions in substantial compliance with this rule which have been timely filed and which state a dispute which is within the jurisdiction of the District to resolve. If the petition is accepted the Board shall designate the presiding officer. The District shall promptly give written notice to all parties of the action taken on the petition, and shall state with particularity its reasons therefore.
- (4) If the Board designates a Hearing Officer assigned by the Division of Administrative Hearings as the presiding officer, the Agency Clerk shall forward the petition and all materials filed with the District to the Division of Administrative Hearings, and shall notify all parties of such action.
- (5) Petitioners entitled to a hearing pursuant to Subsection 120.57(1), Florida Statutes, may waive their right to a formal hearing and request an informal hearing before the Board pursuant to Subsection 120.57(2), Florida Statutes, which may be granted at the option of the District.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact the Records and Data Department at (352) 796 - 7211 or 1-800-423-1476; TDD only 1-800-231-6103.



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
(SWFWMD)
INDIVIDUAL WATER USE PERMIT

PERMIT GRANTED TO:

Florida Power Corporation
3201 34th Street S.
St. Petersburg, FL 33733

(Legal Name and Address)

PERMIT NO.: 204695.02
DATE PERMIT GRANTED: April 25, 1991
DATE PERMIT APPLICATION FILED: November 19, 1990
PERMIT EXPIRES ON: April 25, 1997
SOURCE CLASSIFICATION: Groundwater
USE CLASSIFICATION: Industrial or Commercial
COUNTY: Citrus

TERMS AND CONDITIONS OF THIS PERMIT ARE AS FOLLOWS:

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, following notice and hearing.
2. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.
3. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.

This Permit authorizes the applicant named above to make a combined average annual withdrawal of 1,040,000 gallons of water per day, a combined peak monthly withdrawal of 1,820,000 gallons of water per day, and a maximum combined withdrawal rate not to exceed (not applicable) gallons per day. Withdrawals are authorized as shown in the table below.

USER	DIST.	WITHDRAWAL POINT						GALLONS PER DAY		
<u>I.D.</u>	<u>I.D.</u>	<u>LATTITUDE</u>	<u>LONGITUDE</u>	<u>SEC-TWN-RGE</u>	<u>AVERAGE</u>	<u>PEAK MONTHLY</u>	<u>MAXIMUM</u>			
PW1A	1	28 57 44	82 41 57	33 17S 16E	25,000	50,000	N/A			
PW1B	2	28 57 43	82 41 57	33 17S 16E	25,000	50,000	N/A			
SPW3	3	28 57 36	82 38 05	31 17S 17E	440,000	720,000	N/A			
SPW4	4	28 57 35	82 38 09	36 17S 16E	275,000	504,000	N/A			
SPW5	5	28 57 35	82 38 20	36 17S 16E	275,000	504,000	N/A			

Permittee: Florida Power Corporation
Permit No.: 204695.02

4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.
5. The District shall collect water samples from any withdrawal point listed in the permit or shall require the permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.
6. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
7. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.
8. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.
9. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
10. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
11. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
12. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:
 - a. A reduction in water levels which impairs the ability of a well to produce water;
 - b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.

Permittee: Florida Power Corporation
Permit No.: 204695.02

13. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:
 - a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
 - b. Sinkholes or subsidence caused by reduction in water levels;
 - c. Damage to crops and other vegetation causing financial harm to the owner; and
 - d. Damage to the habitat of endangered or threatened species.
14. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
15. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
16. The permittee shall notify the District within 30 days of the sale or conveyance of the permitted water use system or the land on which the system is located.

SPECIAL CONDITIONS:

17. The average day quantities, in Condition 3, for the individual withdrawal points shown in the table above are estimates of annual average use based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes. Where more than one withdrawal point is permitted, the average day quantities for individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary, up to 440,000 gpd average annual pumpage, from District Identification Nos. 3, 4, and 5, so long as adverse environmental impacts do not result and other conditions of this permit are complied with. In all cases, the combined average annual daily withdrawal and combined peak month day withdrawal are limited to the quantities set forth above.
18. The Permittee shall continue to maintain and operate the existing flow meters or other flow measuring devices as approved by the Director, Brooksville Permitting Department, Resource Regulation, for District Identification Nos. 1, 2, 3, 4, and 5 (User ID Nos. PW1A, PW1B, SPW3, SPW4, and SPW5, respectively).

Permittee: Florida Power Corporation
Permit No.: 204695.02

19. Total withdrawal from each metered source shall be recorded on a monthly basis and reported to the District (using District forms) on or before the twenty-eight (28th) day of the following month. Reports shall be addressed to:

Permits Data Group
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

20. Water quality samples shall be collected and analyzed as indicated in the table below. Reports of the analyses shall be submitted to the District (using District forms) on or before the twenty-eighth (28th) day of the following month. The parameters and frequency of sampling and analysis may be modified by District staff as necessary to ensure the protection of the resource.

<u>District</u> <u>ID No.</u>	<u>Parameter</u>	<u>Sampling Frequency</u>
4	Chlorides, Sulfate, Total dissolved solids	Monthly

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA). Reports shall be addressed as indicated above.

21. The Permittee shall submit a report describing the sampling and analytical methodologies employed. The report shall address sampling procedures, chain of custody of the samples, and methods of analysis for all parameters for which analyses are performed. The report shall be included with the first data submitted after the date this permit is granted, and upon any change in sampling and/or analytical methodology.
22. The Permittee shall continue monitoring water levels in the Floridan Aquifer. Reports of the data shall be submitted on a monthly basis to the District, in a form acceptable to the District, on or before the twenty-eighth (28th) day of the following month. All data shall be referenced to National Geodetic Vertical Datum (NGVD). The frequency of water-level recording is specified below, and may be modified by the Director, Brooksville Permitting Department, Resource Regulation, as necessary to ensure the protection of the resource. Water levels in the wells shall be recorded for the specified District ID No., aquifer, and recording frequency.

<u>District</u> <u>ID No.</u>	<u>User</u> <u>ID No.</u>	<u>Aquifer</u>	<u>Recording Frequency</u>
7	MONW	Floridan	Daily

Water levels shall be recorded on a daily basis. If water levels are recorded on a continuous hourly (or more frequent) basis, the maximum value for the day shall be reported to the District. The time and date of the water level measurement shall be reported with the data.

Permittee: Florida Power Corporation
Permit No.: 204695.02

23. Any wells not in use and in which pumping equipment is not installed shall be capped or valved in a water-tight manner in accordance with Rule 17-532.500(3), F.A.C.



Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



Southwest Florida Water Management District

2379 Broad Street (U.S. 41 South) Brooksville, Florida 34609-6899
Phone (904) 796-7211 or 1-800-423-1476 SUNCOM 628-4150

BARTOW 813-534-7080
BROOKSVILLE (Listed)
TAMPA 813-985-7481
VENICE 813-488-4666

Charles A. Black
Chairman, Crystal River
Roy G. Harrell, Jr.
Vice Chairman, St. Petersburg
Anne Bishopric Sager
Secretary, Venice
Joseph S. Casper
Treasurer, Tampa
Mary Ann Hogan
Brooksville
Samuel D. Updike
Lake Wales
Gordon D. Hartman
Bradenton
David H. Knowlton
St. Petersburg
Andrew J. Lubrano
Tampa
Abby Misemer
New Port Richey
Sally Thompson
Tampa

Peter G. Hubbell
Executive Director
Mark D. Farrell
Assistant Executive Director
Kent A. Zaiser
General Counsel

April 25, 1991

Florida Power Corporation
3201 34th Street South
St. Petersburg, FL 33733

Subject: Final Agency Action Transmittal Letter
Individual Water Use Permit No. 204695.02

Your Water Use Permit(s) was/were approved by the District Governing Board subject to all terms and conditions set forth in the approved Permit(s).

Please be advised that the Governing Board has formulated a water shortage plan as referenced in Condition 4 of the Permit, and will implement such a plan during periods of water shortage. You will be notified during a declared water shortage of any change in the conditions of your Permit(s) or any suspension of your Permit(s), or of any restriction on your use of water for the duration of any declared water shortage.

One of the enclosed ID tags must be affixed in a prominent location on each permitted withdrawal facility. The necessary tags(s) and instructions are enclosed. If you have any questions or concerns about your Permit, please contact the Permitting Department or contact this office at Extension 4338.

Sincerely,

A handwritten signature in cursive script that reads "Annie L. Taylor".

ANNIE L. TAYLOR
Manager
Processing & Records Section

Enclosures: 1. Approved Permit
2. Surface Water and/or Well Tags
3. Instructions for Applying Water Use Tag

APPENDIX 10.4.2

**CRYSTAL RIVER UNITS 1, 2, AND 3
WASTEWATER TREATMENT PLANT PERMIT**



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

PERMITTEE:

Progress Energy Florida, Inc.

PERMIT NUMBER: FLA118753
PA FILE NUMBER: FLA118753-003-DW3P
ISSUANCE DATE: April 29, 2004
EXPIRATION DATE: April 28, 2009

RESPONSIBLE AUTHORITY:

Mr. Michael Olive
Plant Manager
15760 Powerline Street, MAC CN77
Crystal River, FL 34428-6708

(352) 464-7747

FACILITY:

Progress Energy Florida, Inc., Crystal River Units 1, 2 & 3 Sewage Treatment Plant
15760 Powerline Rd.
Crystal River, FL 34428
Citrus County

Latitude: 28° 57' 27" N Longitude: 82° 42' 36" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

Operation of an existing 0.030 MGD 3-Month Average Daily Flow (3MADF), Type III, extended aeration domestic wastewater treatment plant consisting of: three (3) flow equalization basins of 15,000 gallons total volume, seven (7) aeration basins each of 5,000 gallons volume, two (2) clarifiers of 10,400 gallons total volume and 156 square feet of total surface area, one (1) chlorine contact chamber of 1,250 gallons volume, two (2) digesters of 7,240 gallons total volume, and one (1) 17 sludge dewatering filter of 17 feet squared total surface area. Disinfection is achieved by using sodium hypochlorite solution. This plant is operated to provide secondary treatment with basic disinfection.

REUSE:

Land Application: An existing 0.030 MGD Annual Average Daily Flow (AADF) permitted capacity rapid infiltration basin system (R-001). R-001 consists of a two-cell percolation/evaporation pond of 87,120 square feet

"More Protection, Less Process"

Printed on recycled paper.

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of bottom surface area. R-001 also receives an industrial wastewater discharge permitted separately under FDEP Permit No. FLA016960. R-001 is located approximately at latitude 28° 11' 58" N, longitude 82° 47' 13" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Pages 1 through 17 of this permit.

CITY:

Progress Energy Florida, Inc., Crystal River
Units 1, 2 & 3 Sewage Treatment Plant

MIT NUMBER: FLA118753

PERMITTEE:

Progress Energy Florida, Inc.

I. RECLAIMED WATER AND EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Reuse and Land Application Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to direct reclaimed water to Reuse System R-001. Such reclaimed water shall be limited and monitored by the permittee as specified below:

Reclaimed Water Limitations						Monitoring Requirements				
Parameter	Units	Max/Min	Annual Average	Monthly Average	Weekly Average	Single Sample	Monitoring Frequency	Sample Type	Monitoring Location Site Number	Notes
Flow	MGD	Maximum	0.030	Report	-	-	5 Days/Week	Meter	FLW-01	See Cond.I.A.3
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
Solids, Total Suspended	MG/L	Maximum	20.0	30.0	-	60.0	Monthly	Grab	EFA-01	
pH	SU	Range	-	-	-	6.0 to 8.5	5 Days/Week	Grab	EFA-01	
Coliform, Fecal	#/100ML	Maximum	See Permit Condition I.A.4.				Monthly	Grab	EFA-01	
Total Residual Chlorine (For Disinfection)	MG/L	Minimum	-	-	-	0.5	5 Days/Week	Grab	EFA-01	See Cond.I.A.5
Nitrogen, Nitrate, Total (as N)	MG/L	Maximum	-	-	-	12.0	Monthly	Grab	EFA-01	

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2. Reclaimed water samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and as described below:

Monitoring Location	Description of Monitoring Location
EFA-01	Effluent sampling point after treatment and prior to discharge to the rapid infiltration basin.
FLW-01	Flow as measured by the in-line Rosemount Magmeter on the effluent pipe.

3. A flow meter shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and 600(6)]
4. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-610.510 and 62-600.440(4)(c)]
5. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-610.510 and 62-600.440(4)(b)]

JILITY:

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B. Other Limitations and Monitoring and Reporting Requirements

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the treatment facility shall be limited and monitored by the permittee as specified below:

Limitations					Monitoring Requirements		
Parameter	Units	Max/Min	Annual Average	Monthly Average Report	Weekly Average	Single Sample	Monitoring Location Site Number
Flow	MGD	Maximum	.030 3MADF	Report	-	-	FLW-01
Percent Capacity, (TMADF/Permitted Capacity) x 100	PERCENT	Maximum	-	Report (Mo. Total)	-	-	FLW-01
BOD, Carbonaceous 5 day, 20C	MG/L	Maximum	-	Report	-	-	INF-01
Solids, Total Suspended	MG/L	Maximum	-	Report	-	-	INF-01
							Notes
							See Cond.I.B.3, 5
							See Cond.I.B.4
							See Cond.I.B.4

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2. Samples shall be taken at the monitoring site locations listed in Permit Condition I. B. 1 and as described below:

Monitoring Location	Description of Monitoring Location
FLW-01	Flow as measured by the in-line Rosemount Magmeter on the effluent pipe.
INF-01	Influent sampling point prior to treatment and ahead of the return activated sludge line.

3. The three-month average daily flow to the treatment plant shall not exceed 0.030 MGD.
4. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4)]
5. A flow meter shall be utilized to measure flow and calibrated at least annually. [62-601.200(17) and .500(6)]
6. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. [62-620.610(18)]
7. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. [62-601.500(5)]
8. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month -- last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 - June 30 July 1 - September 30 October 1 - December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 - June 30 July 1 - December 31	July 28 January 28
Annual	January 1 - December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department postmarked by the twenty-eighth (28th) of the month following the month of operation at the address specified below:

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Florida Department of Environmental Protection
Wastewater Compliance Evaluation Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

9. Unless specified otherwise in this permit, all reports and other information required by this permit, including 24-hour notifications, shall be submitted to or reported to, as appropriate, the Department's Southwest District Office at the address specified below:

Southwest District Office
3804 Coconut Palm Drive
Tampa, Florida 33619-1352

Phone Number - 813-744-6100
FAX Number - 813-744-8198

All FAX copies shall be followed by original copies. All reports and other information shall be signed in accordance with the requirements of Rule 62-620.305, F.A.C. [62-620.305]

II. RESIDUALS MANAGEMENT REQUIREMENTS

1. The method of residuals use or disposal by this facility is transport to Central Process RMF or disposal in a Class I or II solid waste landfill. Reject radioactive contaminated sludge is to be dewatered and transported to the BFI-Carter's Valley Landfill, located at 2825 Carter Valley Landfill, Church Hill, TN 37642.
2. The permittee shall be responsible for proper treatment, management, use, and land application or disposal of its residuals. [62-640.300(5)]
3. The permittee shall not be held responsible for treatment, management, use, or land application violations that occur after its residuals have been accepted by a permitted residuals management facility with which the source facility has an agreement in accordance with Rule 62-640.880(1)(c), F.A.C., for further treatment, management, use or land application. [62-640.300(5)]
4. Disposal of residuals, septage, and other solids in a solid waste landfill, or disposal by placement on land for purposes other than soil conditioning or fertilization, such as at a monofill, surface impoundment, waste pile, or dedicated site, shall be in accordance with Chapter 62-701, F.A.C. [62-640.100(6)(k)3 & 4]
5. If the permittee intends to accept residuals from other facilities, a permit revision is required pursuant to Rule 62-640.880(2)(d), F.A.C. [62-640.880(2)(d)]
6. The permittee shall keep hauling records to track the transport of residuals between facilities. The hauling records shall contain the following information:

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Source Facility

1. Date and Time Shipped
2. Amount of Residuals Shipped
3. Degree of Treatment (if applicable)
4. Name and ID Number of Residuals Management Facility or Treatment Facility
5. Signature of Responsible Party at Source Facility
6. Signature of Hauler and Name of Hauling Firm

Residuals Management Facility or Treatment Facility

1. Date and Time Received
2. Amount of Residuals Received
3. Name and ID Number of Source Facility
4. Signature of Hauler
5. Signature of Responsible Party at Residuals Management Facility or Treatment Facility

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4)]

7. Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department if the storage lasts longer than 30 days. [62-640.300(4)]

III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

Part IV Rapid Infiltration Basins (R-001)

1. All ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project shall extend horizontally 100 feet from the application site or to the facility's property line, whichever is less, and vertically to the base of the surficial aquifer. [62-520.200(23)] [62-522.400 and 62-522.410]
2. Advisory signs shall be posted around the site boundaries to designate the nature of the project area. [62-610.518]
3. The annual average hydraulic loading rate to the percolation/evaporation shall be limited to a maximum of 0.55 inches per day (as applied to the entire bottom area). [62-610.523(3)]
4. Rapid infiltration basins normally shall be loaded for 7 days and shall be rested for 7 days. Infiltration ponds, basins, or trenches shall be allowed to dry during the resting portion of the cycle. [62-610.523(4)]
5. Rapid infiltration basins shall be routinely maintained to control vegetation growth and to maintain percolation capability by scarification or removal of deposited solids. Basin bottoms shall be maintained to be level. [62-610.523(6) and (7)]
6. Routine aquatic weed control and regular maintenance of storage pond embankments and access areas are required. [62-610.514 and 62-610.414]

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7. Overflows from emergency discharge facilities on storage ponds or on infiltration ponds, basins, or trenches shall be reported as an abnormal event to the Department's Southwest District Office within 24 hours of an occurrence. The provisions of Rule 62-610.800(9), F.A.C., shall be met. [62-610.800(9)]

V. OPERATION AND MAINTENANCE REQUIREMENTS

1. During the period of operation authorized by this permit, the wastewater facilities shall be operated under the supervision of a(n) operator(s) certified in accordance with Chapter 62-602, F.A.C. In accordance with Chapter 62-699, F.A.C., this facility is a Category III, Class D facility and, at a minimum, operators with appropriate certification must be on the site as follows:

A Class C or higher operator for ½ hour/day for 5 days/week and a weekend visit. The lead operator must be a Class C operator, or higher.

[62-620.630(3)] [62-699.310] [62-610.462]

2. An operator meeting the lead operator classification level of the plant shall be available during all periods of plant operation. "Available" means able to be contacted as needed to initiate the appropriate action in a timely manner. Daily checks of the plant shall be performed by the permittee or his representative or agent 5 days per week. On those days when the facility is not staffed by a certified operator, the permittee shall ensure that Flow, pH, Total Residual Chlorine (For Disinfection) are monitored in accordance with Part I of this permit. [62-699.311(1)]
3. The application to renew this permit shall include an updated capacity analysis report prepared in accordance with Rule 62-600.405, F.A.C. [62-600.405(5)]
4. The application to renew this permit shall include a detailed operation and maintenance performance report prepared in accordance with Rule 62-600.735, F.A.C. [62-600.735(1)]
5. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation and a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports required by the permit for at least three years from the date the report was prepared;
 - c. Records of all data, including reports and documents, used to complete the application for the permit for at least three years from the date the application was filed;
 - d. Monitoring information, including a copy of the laboratory certification showing the laboratory certification number, related to the residuals use and disposal activities for the time period set forth in Chapter 62-640, F.A.C., for at least three years from the date of sampling or measurement;
 - e. A copy of the current permit;
 - f. A copy of the current operation and maintenance manual as required by Chapter 62-600, F.A.C.;
 - g. A copy of the facility record drawings;

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- h. Copies of the licenses of the current certified operators; and
- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350]

VI. SCHEDULES

Section VI is not applicable to this facility.

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

This facility is not required to have a pretreatment program at this time. [62-625.500]

VIII. OTHER SPECIFIC CONDITIONS

1. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal, using Department Forms 62-620.910(1) and (2), no later than one-hundred and eighty days (180) prior to the expiration date of this permit. [62-620.410(5)]
2. Florida water quality criteria and standards shall not be violated as a result of any discharge or land application of reclaimed water or residuals from this facility. [62-610.850(1)(a) and (2)(a)]
3. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C. [62-600.410(8) and 62-640.400(6)]
4. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited, except as provided by Rule 62-610.472, F.A.C. [62-604.130(3)]
5. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. [62-604.550] [62-620.610(20)]

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6. The operating authority of a collection/transmission system and the permittee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or
 - c. Which are solid or viscous and obstruct flow or otherwise interfere with wastewater facility operations or treatment; or
 - d. Which result in treatment plant discharges having temperatures above 40°C.

[62-604.130(4)]

7. The treatment facility, storage ponds, rapid infiltration basins, and/or infiltration trenches shall be enclosed with a fence or otherwise provided with features to discourage the entry of animals and unauthorized persons. *[62-610.518(1)] [and 62-600.400(2)(b)]*
8. Screenings and grit removed from the wastewater facilities shall be collected in suitable containers and hauled to a Department approved Class I landfill or to a landfill approved by the Department for receipt/disposal of screenings and grit. *[62-701.300(1)(a)]*
9. The permittee shall provide adequate notice to the Department of the following:
 - a. Any new introduction of pollutants into the facility from an industrial discharger which would be subject to Chapter 403, F.S., and the requirements of Chapter 62-620, F.A.C. if it were directly discharging those pollutants; and
 - b. Any substantial change in the volume or character of pollutants being introduced into that facility by a source which was identified in the permit application and known to be discharging at the time the permit was issued.

Adequate notice shall include information on the quality and quantity of effluent introduced into the facility and any anticipated impact of the change on the quantity or quality of effluent or reclaimed water to be discharged from the facility.

[62-620.625(2)]

IX. GENERAL CONDITIONS

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. *[62-620.610(1)]*
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitutes grounds for revocation and enforcement action by the Department. *[62-620.610(2)]*

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3. As provided in Subsection 403.087(6), 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 authorize any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3)]
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. [62-620.610(4)]
5. This permit does not relieve the permittee from liability and penalties 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; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times 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. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.

[62-620.610(9)]

FACILITY: Progress Energy Florida, Inc., Crystal River
Units 1, 2 & 3 Sewage Treatment Plant
PERMITTEE: Progress Energy Florida, Inc.

PERMIT NUMBER: FLA118753

10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [62-620.610(12)]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. [62-620.610(13)]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [62-620.610(14)]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [62-620.610(15)]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300 and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2) for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [62-620.610(16)]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and

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Units 1, 2 & 3 Sewage Treatment Plant
PERMITTEE: Progress Energy Florida, Inc.

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- c. Steps being taken to prevent future occurrence of the noncompliance.

[62-620.610(17)]

- 18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminant more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health (DOH) under Chapter 64E-1, F.A.C., where such certification is required by Rule 62-160.300, F.A.C. The laboratory must be certified for any specific method and analyte combination that is used to comply with this permit. For domestic wastewater facilities, the on-site test procedures specified in Rule 62-160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-602, F.A.C.
 - e. Field activities including on-site tests and sample collection, whether performed by a laboratory or a certified operator, must follow the applicable procedures described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, and 62-160.330, F.A.C.

[62-620.610(18)]

- 19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]
- 20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - 1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 - 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,

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Units 1, 2 & 3 Sewage Treatment Plant
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3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
1. For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the **STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519**, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - a) Name, address, and telephone number of person reporting;
 - b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - e) Estimated amount of the discharge;
 - f) Location or address of the discharge;
 - g) Source and cause of the discharge;
 - h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - i) Description of area affected by the discharge, including name of water body affected, if any; and
 - j) Other persons or agencies contacted.
 2. Oral reports, not otherwise required to be provided pursuant to subparagraph b.1 above, shall be provided to the Department within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report.

[62-620.610(20)]

21. The permittee shall report all instances of noncompliance not reported under Permit Conditions IX. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Permit Condition IX. 20 of this permit. [62-620.610(21)]
22. Bypass Provisions.
 - a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:

FACILITY: Progress Energy Florida, Inc., Crystal River
Units 1, 2 & 3 Sewage Treatment Plant
PERMITTEE: Progress Energy Florida, Inc.

PERMIT NUMBER: FLA118753.

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The permittee submitted notices as required under Permit Condition IX. 22. b. of this permit.
- b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Permit Condition IX. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
 - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Permit Condition IX. 22. a. 1. through 3. of this permit.
 - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Permit Condition IX. 22. a. through c. of this permit.

[62-620.610(22)]

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Permit Condition IX. 20. of this permit; and
 4. The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

• FACILITY: Progress Energy Florida, Inc., Crystal River
Units 1, 2 & 3 Sewage Treatment Plant
PERMITTEE: Progress Energy Florida, Inc.

PERMIT NUMBER: FLA118753

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Timothy J. Parker, P.E.
Water Facilities Administrator
Southwest District

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Compliance Evaluation Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Progress Energy Florida, Inc.
MAILING ADDRESS: 15760 Powerline Street, MAC CN77
Crystal River, FL 34428-6708

PERMIT NUMBER FLA118753

LIMIT: Final
CLASS SIZE: N/A
REPORT: Monthly
GROUP: Domestic

FACILITY: Progress Energy Florida, Inc., Crystal River Units 1, 2 & 3
Sewage Treatment Plant

LOCATION: 15760 Powerline Street
Crystal River, FL 34428-6708
COUNTY: Citrus

MONITORING GROUP NUMBER: R-001
MONITORING GROUP DESC: Perc ponds (R-001), including Influent

NO DISCHARGE FROM SITE: ☐
MONITORING PERIOD From: To:

Parameter	Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow, To perc pond	Sample Measurement						
PARM Code 50050 Y	Permit Requirement	0.030 (An.Avg.)		MGD		5 Days/Week	Meter
Flow	Sample Measurement						
PARM Code 50050 1	Permit Requirement	Report (Mo.Avg.)		MGD		5 Days/Week	Meter
BOD, Carbonaceous 5 day, 20C	Sample Measurement						
PARM Code 80082 Y	Permit Requirement	20.0 (An.Avg.)		MG/L		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement						
PARM Code 80082 A	Permit Requirement	30.0 (Mo.Avg.)	60.0 (Max.)	MG/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement						
PARM Code 00530 Y	Permit Requirement	20.0 (An.Avg.)		MG/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement						
PARM Code 00530 A	Permit Requirement	30.0 (Mo.Avg.)	60.0 (Max.)	MG/L		Monthly	Grab

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

DISCHARGE MONITORING 'ORT - PART A (Continued)

FACILITY: Progress Energy Florida, Inc., Crystal River Units 1, 2 & 3 Sewage Treatment Plant

MONITORING GROUP NUMBER: R-001

PERMIT NUMBER: FLA118753

MONITORING PERIOD From: To

Parameter	Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
pH	Sample Measurement						
PARM Code 00400 A	Permit Requirement		6.0 (Min.)		SU	5 Days/Week	Grab
Mon.Site No. EFA-01	Sample Measurement						
Coliform, Fecal	Permit Requirement		200 (An.Avg.)		#/100ML	Monthly	Grab
PARM Code 74055 Y	Sample Measurement						
Mon.Site No. EFA-01	Permit Requirement		Report (Mo.Geo.Mean)		#/100ML	Monthly	Grab
Coliform, Fecal	Sample Measurement						
PARM Code 74055 A	Permit Requirement		0.5 (Min.)		MGL	5 Days/Week	Grab
Mon.Site No. EFA-01	Sample Measurement						
Total Residual Chlorine (For Disinfection)	Permit Requirement						
PARM Code 50060 A	Sample Measurement						
Mon.Site No. EFA-01	Permit Requirement						
Nitrogen, Nitrate, Total (as N)	Sample Measurement						
PARM Code 00620 A	Permit Requirement						
Mon.Site No. EFA-01	Sample Measurement						
Flow, To plant	Permit Requirement						
PARM Code 50050 Q	Permit Requirement						
Mon.Site No. FLW-01	Permit Requirement						
Percent Capacity, (TMADP/Permitted Capacity) x 100	Sample Measurement						
PARM Code 00180 I	Permit Requirement						
Mon.Site No. FLW-01	Permit Requirement						
BOD, Carbonaceous 5 day, 20C	Sample Measurement						
PARM Code 80082 G	Permit Requirement						
Mon.Site No. INF-01	Permit Requirement						
Solids, Total Suspended	Sample Measurement						
PARM Code 00530 G	Permit Requirement						
Mon.Site No. INF-01	Permit Requirement						

DAILY SAMPLE RESULTS - PART B

Permit Number: FLA118753

Facility: Progress Energy Florida, Inc.. Crystal River Units 1, 2 & 3
Sewage Treatment Plant

Monitoring Period From: _____ To: _____

	CBOD5 (MG/L)	Fecal Coliform Bacteria (#/100ML)	Nitrogen, Nitrate, Total (as N) (MG/L)	pH (SU)	TSS (MG/L)	TRC (For Disinfect.) (MG/L)	Flow (MGD)	Percent Capacity, (TMADF/Permitted Capacity) x 100 (PERCENT)	CBOD5 (MG/L)	TSS (MG/L)	
Code	80082	74055	00620	00400	00530	50060	50050	00180	80082	00530	
Mon. Site	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	FLW-01	FLW-01	INF-01	INF-01	
1											
2											
3											
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23											
24											
25											
26											
27											
28											
29											
30											
31											
Total											
Mo. Avg.											

PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
ng Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

INSTRUCTIONS FOR COMPLETING THE W WATER DISCHARGE MONITORING REPORT

Read these instructions as well as the SUPPLEMENTAL INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT before completing the DMR. Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be completed in full and typed or printed in ink. A signed, original DMR shall be mailed to the address printed on the DMR by the 28th of the month following the monitoring period. The DMR shall not be submitted before the end of the monitoring period.

The DMR consists of three parts--A, B, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent or reclaimed water data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part D is used for reporting ground water monitoring well data.

When results are not available, the following codes should be used on parts A and D of the DMR and an explanation provided where appropriate. Note: Codes used on Part B for raw data are different.

CODE	DESCRIPTION/INSTRUCTIONS	CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.	NOD	No discharge from/to site.
DRY	Dry Well	OPS	Operations were shutdown so no sample could be taken.
FLD	Flood disaster.	OTH	Other. Please enter an explanation of why monitoring data were not available.
IFS	Insufficient flow for sampling.	SEF	Sampling equipment failure.
LS	Lost sample.		
MNR	Monitoring not required this period.		

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

1. Results greater than or equal to the PQL shall be reported as the measured quantity.
2. Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
3. Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. <0.001. A value of one-half the MDL or one-half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A -DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.). Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number; however, if the monitoring group includes other monitoring locations (e.g., influent sampling), the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row in the non-shaded area above the limit. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.) and units.

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter in the non-shaded area. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DA AMPL RESULTS

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Daily Monitoring Results: Transfer all analytical data from your facility's laboratory or a contract laboratory's data sheets for all day(s) that samples were collected. Record the data in the units indicated. Table 1 in Chapter 62-160, F.A.C., contains a complete list of all the data qualifier codes that your laboratory may use when reporting analytical results. However, when transferring numerical results onto Part B of the DMR, only the following data qualifier codes should be used and an explanation provided where appropriate.

CODE	DESCRIPTION/INSTRUCTIONS
<	The compound was analyzed for but not detected.
A	Value reported is the mean (average) of two or more determinations.
J	Estimated value, value not accurate.
Q	Sample held beyond the actual holding time.
Y	Laboratory analysis was from an unpreserved or improperly preserved sample.

Add the results to get the Total and divide by the number of days in the month to get the Monthly Average.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Time Sample Obtained: Enter the time the sample was taken.

Sample Measurement: Record the results of the analysis. If the result was below the minimum detection limit, indicate that.

Detection Limits: Record the detection limits of the analytical methods used.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Sampling Equipment Used: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comments and Explanation: Use this space to make any comments on or explanations of results that are unexpected. If more space is needed, reference all attachments in this area.

SPECIAL INSTRUCTIONS FOR LIMITED WET WEATHER DISCHARGES

Flow (Limited Wet Weather Discharge): Enter the measured average flow rate during the period of discharge or divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Flow (Upstream): Enter the average flow rate in the receiving stream upstream from the point of discharge for the period of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Actual Stream Dilution Ratio: To calculate the Actual Stream Dilution Ratio, divide the average upstream flow rate by the average discharge flow rate. Enter the Actual Stream Dilution Ratio accurate to the nearest 0.1.

No. of Days the SDF > Stream Dilution Ratio: For each day of discharge, compare the minimum Stream Dilution Factor (SDF) from the permit to the calculated Stream Dilution Ratio. On Part B of the DMR, enter an asterisk (*) if the SDF is greater than the Stream Dilution Ratio on any day of discharge. On Part A of the DMR, add up the days with an "x" and record the total number of days the Stream Dilution Factor was greater than the Stream Dilution Ratio.

CBOD₅: Enter the average CBOD₅ of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Actual Rainfall: Enter the actual rainfall for each day on Part B. Enter the actual cumulative rainfall to date for this calendar year and the actual total monthly rainfall on Part A. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Rainfall During Average Rainfall Year: On Part A, enter the total monthly rainfall during the average rainfall year and the cumulative rainfall for the average rainfall year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which fell during the average rainfall year from January through the month for which this DMR contains data.

No. of Days LWWD Activated During Calendar Year: Enter the cumulative number of days that the limited wet weather discharge was activated since January 1 of the current year.

Reason for Discharge: Attach to the DMR a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

In the Matter of an
Application for Permit by:

April 29, 2004

Progress Energy Florida, Inc.
Mr. Michael Olive
Plant Manager
15760 Powerline Street
Crystal River, FL 34428

PA File No. FLA118753-003-DW3P
Citrus County
Progress Energy Florida, Inc. - Crystal River
Units 1, 2 & 3 Sewage Treatment Plant

NOTICE OF PERMIT ISSUANCE

Enclosed is Permit Number FLA118753 to operate a domestic wastewater treatment facility issued pursuant to Chapter 403, F.S., Chapters 62-4, 62-600, 62-601, 62-602, 62-610, 62-620, 62-640, and 62-699, F.A.C.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within fourteen days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under Rule 62-110.106(4), Florida Administrative Code, a person may request enlargement of the time for filing a petition for an administrative hearing. The request must be filed (received by the clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions by the applicant or any of the persons listed below must be filed within fourteen days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within fourteen days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The 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 fourteen days of receipt of notice shall

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constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

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

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

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

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

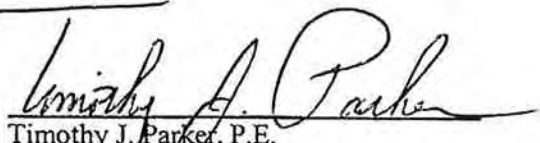
This permit action is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this permit action is filed with the clerk of the Department.

Progress Energy Florida, Inc.
Progress Energy Florida, Inc. – Crystal River Units 1, 2 & 3 Sewage Treatment Plant
PA File No. FLA118753-003-DW3P

Executed in Tampa, FL

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Timothy J. Parker, P.E.
Water Facilities Administrator
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-1352

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on 4/29/04 to the listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to s. 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 April 29, 2004
(Clerk) (Date)

Copies Furnished To:

Shane R. Fischer, P.E., Golder Associates, Inc.
Douglas Harmon, Operator
FDEP – Joe Squitieri, Environmental Specialist

APPENDIX 10.4.3

CRYSTAL RIVER UNITS 1, 2, AND 3 IWWP #FLA01690



Florida Department of Environmental Protection

Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary - Designee

STATE OF FLORIDA INDUSTRIAL WASTEWATER FACILITY PERMIT

PERMITTEE:

Progress Energy Florida, Inc.
P.O. Box 14042 MAC PEF-903
St. Petersburg, FL 33701-5501

PERMIT NUMBER:

FLA016960

PA FILE NUMBER:

FLA016960-002-IW1N

ISSUANCE DATE:**EXPIRATION DATE:****RESPONSIBLE AUTHORITY:**

Mr. Bernie L. Cumble
Plant Manager

FACILITY:

Crystal River Energy Complex
15760 West Powerline Street
Crystal River, FL 34428
Citrus County

Latitude: 28° 57' 27" N Longitude: 82° 42' 36" W

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.) and applicable rules of the Florida Administrative Code (F.A.C.). This permit is accompanied by an Administrative Order pursuant to Paragraphs 403.088(2)(e) and (f), Florida Statutes. Compliance with Administrative Order AO-114-SW is a specific requirement of this permit. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

The Crystal River Energy Complex is a steam electric power generation facility consisting of five units. Units 1, 2, 4, and 5 are coal-fired while Unit #3 is a nuclear-powered unit. Units 4 and 5 are certified pursuant to Power Plant Siting Act.

WASTEWATER TREATMENT:

The neutralized wastes are discharged into a percolation pond system consisting of three ponds. Ponds #1 and #2 are operated in parallel. The ponds act as settling basins and the settled effluent from either pond is routed to Pond #3 which overflows into an area called "South Pond Expansion" (11.0 acres) for percolation. The South Pond Expansion area has the capability to hold the wastewater as well as direct rainfall resulting from a 25-year 24-hour storm in the 16-acre pond catchment area. The sources of wastewater include power plant equipment drains, laboratory drains, floor drains, neutralized regeneration wastes from the demineralizer resin beds, wastewater from the water treatment process (carbon and media filter backwash, and lime sludge) boiler blowdown, boiler drains (chemical cleanings), air pre-heater wash drains, sewage treatment plant effluents, stormwater drainage from the transformer area, blowdown from the Flue Gas Desulfurization, precipitator washes, boiler washes, cooling water blowdown, and *reverse osmosis/micro filtration concentrate*.

PERMITTEE: Progress Energy Florida, Inc.
FACILITY: Crystal River Energy Complex

PA FILE NUMBER: FLA016960-002-IW1N

EFFLUENT DISPOSAL:

Land Application:

An existing 0.91 MGD monthly average daily flow (MADF) land application system (G-001) consisting of percolation pond. Land application system G-001 is located approximately at latitude 28° 57' 27" N, longitude 82° 42' 36" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions as set forth in Part I through Part VIII on pages 3 through 16 of this permit.

I. Effluent Limitations and Monitoring Requirements

A. Surface Water Discharges

1. This section is not applicable to this facility.

B. Underground Injection Control Systems

1. This section is not applicable to this facility.

C. Land Application Systems

1. During the period beginning on the issuance date and lasting through the expiration date of this permit, the permittee is authorized to discharge process wastewater, non process wastewater, power plant equipment drains, laboratory drains, floor drains, neutralized regeneration wastes from the demineralizer resin beds, wastewater from the water treatment process (carbon and media filter backwash, and lime sludge) boiler blowdown, boiler drains (chemical cleanings), air pre-heater wash drains, sewage treatment plant effluents, stormwater drainage from the transformer area, blowdown from the Flue Gas Desulfurization, precipitator washes, boiler washes, cooling water blowdown, and *reverse osmosis/micro filtration concentrate* to Land Application System G-001, a percolation pond. Such discharge shall be limited and monitored by the permittee as specified below and reported in accordance with condition I.E.1.:

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Flow (MGD)	0.91	Report	--	Daily	Meter	FLW-1
pH (SU)	--	Report	Report	Quarterly	In-situ	EFF-1
Solids, Total Dissolved (TDS) (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Specific Conductance (UMHO/CM)	--	Report	--	Quarterly	In-situ	EFF-1
Oil and Grease (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Chloride (as Cl) (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Cyanide, Total (MG/L)	--	See Condition I.A.3	--	Quarterly	Grab	EFF-1
Alpha, Gross Particle Activity (PCI/L)	--	Report	--	Quarterly	Grab	EFF-1
Radium 226 + Radium 228, Total (PCI/L)	--	Report	--	Quarterly	Grab	EFF-1
Antimony, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Arsenic, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Beryllium, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Cadmium, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Copper, Total Recoverable (MG/L)	--	Report	--	Quarterly	Grab	EFF-1

Parameters (units)	Discharge Limitations			Monitoring Requirements		
	Monthly Average	Daily Maximum	Daily Minimum	Monitoring Frequency	Sample Type	Sample Point
Chromium, Total Recoverable (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Iron, Total Recoverable (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Lead, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Mercury, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Nickel, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Selenium, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Sodium, Total Recoverable (MG/L)	--	Report	--	Quarterly	Grab	EFF-1
Thallium, Total Recoverable (UG/L)	--	Report	--	Quarterly	Grab	EFF-1
Zinc, Total Recoverable (MG/L)	--	Report	--	Quarterly	Grab	EFF-1

2. Effluent samples shall be taken at the monitoring site locations listed in permit condition I.C.1 and as described below:

Sample Point	Description of Monitoring Location
FLW-1	The sum of all flows to percolation pond system.
EFF-1	At discharge pipe into the active pond, either the East Pond or West Pond. Ponds will be rotated on a yearly basis, or as necessary.

3. The permittee shall sample and monitor both the effluent and groundwater monitoring wells for cyanide after the Flue Gas Desulfurization system has been placed into commercial operation.

D. Other Methods of Disposal or Recycling

1. There shall be no discharge of industrial wastewater from this facility to ground or surface waters, except as authorized by this permit.

E. Other Limitations and Monitoring and Reporting Requirements

1. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Southwest District Office Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type on DMR	Monitoring Period	DMR Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge.

The permittee shall make copies of the attached DMR form(s) and shall submit the original completed DMR form(s) to the address specified below: (Please submit a copy of the DMR to the Southwest District Office)

Originals to:

Department of Environmental Protection
Wastewater Compliance Evaluation Section
Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Copies to:

FDEP-Southwest District
Industrial Wastewater Program
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Facsimile (813) 632-7662

2. Unless specified otherwise in this permit, all reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Southwest District Office at the address specified below:

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Phone Number - (813) 632-7600

FAX Number - (813) 632-7662 (All FAX copies shall be followed by original copies.)

3. All reports and other information shall be signed in accordance with requirements of Rule 62-620.305, F.A.C.
4. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
5. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.
6. Any bypass of the treatment facility which is not included in the monitoring specified in sections I.A, I.B, I.C, or I.D, is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reportable data. All monitoring results shall be reported on the appropriate DMR.

II. Industrial Wastewater Residuals Management Requirements

This section is not applicable to the facility.

III. Ground Water Monitoring Requirements

A. Construction Requirements

1. Prior to construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location in order to properly determine the well depth and screen interval.
2. The permittee shall give at least 72-hours notice to the Department, prior to the installation of any monitoring wells detailed in this permit.
3. Within 30 days after installation of a new monitoring well, the permittee shall submit to the Department's Southwest District Office detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report.
4. Within sixty (60) days of Department approval of the facility's revised groundwater monitoring plan, the permittee shall relocate and install the new ground water monitoring wells for intermediate monitoring well MWI-7 and new background well.

B. Operational Requirements

1. During the period of operation authorized by this permit, the permittee shall sample ground water in accordance with this permit and the approved ground water monitoring plan prepared under Rule 62-522.600, F.A.C.
2. The following monitoring wells shall be sampled for Well Group For: percolation pond, Land Application System G-001:

Monitoring Well ID	Alternate Well Name and/or Description of Monitoring Location	Depth (Feet)	Aquifer Monitored	New or Existing
MWB-X	New Proposed Background Well	--	Upper Floridan	New
MWI-1	Intermediate Monitoring Well	20	Upper Floridan	Existing
MWI-2R	Intermediate Monitor Well	19.5	Upper Floridan	Existing
MWI-7R	Intermediate Monitor Well (Relocated)	--	Upper Floridan	New
MWC-12R	Compliance Monitor Well	20	Upper Floridan	Existing
MWC-16	Compliance Monitor Well	21.1	Upper Floridan	Existing
MWC-21R	Compliance Monitor Well	20	Upper Floridan	Existing
MWC-27	Compliance Monitor Well	33	Upper Floridan	Existing
MWC-28	Compliance Monitor Well	20	Upper Floridan	Existing
MWC-29	Compliance Monitor Well	20	Upper Floridan	Existing
MWC-IF2	Compliance Monitor Well	14	Upper Floridan	Existing

MWB = Background; MWI = Intermediate; MWC = Compliance; MWP = Piezometer

3. The monitor wells specified in Condition III.B.2 shall be sampled for the parameters listed below:

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Radium 226 and 228	5.0	PCI/L	Grab	Quarterly
Copper, Total Recoverable	Report	MG/L	Grab	Quarterly
Chloride (as Cl)	Report	MG/L	Grab	Quarterly
Iron, Total Recoverable	Report	MG/L	Grab	Quarterly

Parameter Name	Compliance Well Limit	Units	Sample Type	Monitoring Frequency
Nitrogen, Nitrate, Total (as NO3)	10.0	MG/L	Grab	Quarterly
pH	6.5-8.5	SU	Grab	Quarterly
Sodium, Total Recoverable	160	MG/L	Grab	Quarterly
Solids, Total Dissolved (TDS)	Report	MG/L	Grab	Quarterly
Specific Conductance	Report	MMHOS/CM	In-situ	Quarterly
Turbidity	Report	NTU	In-situ	Quarterly
Water Level Relative to NGVD	Report	FEET	In-situ	Quarterly
Alpha, Gross Particle Activity	15.0	PCI/L	Grab	Quarterly
Antimony, Total Recoverable	6.0	UG/L	Grab	Quarterly
Arsenic, Total Recoverable	10.0	UG/L	Grab	Quarterly
Barium, Total Recoverable	2.0	MG/L	Grab	Quarterly
Beryllium, Total Recoverable	4.0	UG/L	Grab	Quarterly
Cadmium, Total Recoverable	5.0	UG/L	Grab	Quarterly
Lead, Total Recoverable	15.0	UG/L	Grab	Quarterly
Nickel, Total Recoverable	100.0	UG/L	Grab	Quarterly
Thallium, Total Recoverable	2.0	UG/L	Grab	Quarterly
Oxygen, Dissolved (DO)	Report	MG/L	In-situ	Quarterly
Zinc, Total Recoverable	Report	MG/L	Grab	Quarterly
Fluoride, Total (as F)	Report	MG/L	Grab	Quarterly
Cyanide, Total	0.2	MG/L	Grab	Quarterly

4. For the land application system for G-001, all ground water quality criteria specified in Chapter 62-520, F.A.C., shall be met at the edge of the zone of discharge. The zone of discharge for this project is the lateral extent of the upland environment on the property, where ground water is discharging to the marine environment.
5. The permittee's discharge to ground water shall not cause a violation of water quality standards for ground waters at the boundary of the zone of discharge in accordance with Rules 62-520.400 and 62-520.420, F.A.C.
6. The permittee's discharge to ground water shall not cause a violation of the minimum criteria for ground water specified in Rule 62-520.400, F.A.C., within the zone of discharge.
7. If the concentration for any constituent listed in Permit Condition III.B.3 in the natural background quality of the ground water is greater than the stated maximum, or in the case of pH is also less than the minimum, the representative background quality shall be the prevailing standard.
8. Water levels shall be recorded prior to evacuating the well for sample collection. Elevation references shall include the top of the well casing and land surface at each well site (NGVD allowable) at a precision of plus or minus 0.01 feet.
9. Ground water monitoring wells shall be purged prior to sampling to obtain a representative sample.

10. Analyses shall be conducted on un-filtered samples, unless filtered samples have been approved by the Department as being more representative of ground water conditions.
11. If a monitoring well becomes damaged or cannot be sampled for some reason, the permittee shall notify the Department immediately and a written report shall follow within seven days detailing the circumstances and remedial measures taken or proposed. Repair or replacement of monitoring wells shall be approved in advance by the Department.
12. All piezometers and monitoring wells not part of the approved ground water monitoring plan are to be plugged and abandoned in accordance with Rule 62-532.500(4), F.A.C., unless there is intent for their future use.
13. The permittee shall sample and monitor all groundwater monitoring wells for cyanide, beginning the next quarterly sampling event after the Flue Gas Desulfurization system has been placed into commercial operation.
14. Ground water monitoring test results shall be submitted on Part D of DEP Form 62-620.910(10) (attached) and shall be submitted to the address specified in I.E.3. Results shall be submitted with the DMR for each month listed in the following schedule.

SAMPLE PERIOD	REPORT DUE DATE
January - March	April 28
April - June	July 28
July - September	October 28
October - December	January 28

IV. Other Land Application Requirements

1. This section is not applicable to this facility.

V. Operation and Maintenance Requirements

A. Treatment and Disposal Facilities

1. The permittee shall ensure that the operation of this facility is as described in the application and supporting documents.
2. The operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.

B. Record keeping Requirements:

1. The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:
 - a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
 - b. Copies of all reports, other than those required in items a. and f. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
 - c. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
 - d. A copy of the current permit;

- e. A copy of any required record drawings;
- f. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule.

VI. Schedules

1. The permittee shall achieve compliance with the other conditions of this permit as follows:

Operational level attained Issuance Date of permit

2. No later than 14 calendar days following a date identified in the above schedule(s) of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by an identified date, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
3. A Best Management Practices (BMP) Plan shall be prepared and implemented in accordance with Part VII of this permit and the following schedule:

Action Item		Scheduled Completion Date
1	Develop a Best Management Practice Plan (BMP).	Within sixty (60) days of permit issuance.
2	Implement BMP Plan.	Within one year of permit issuance.

4. The following implementation steps shall be completed in accordance with the following schedule:

Implementation Steps		Scheduled Completion Date
1	Submit to the Department for review and approval, a revised ground water monitoring plan (GWMP) to include the relocated well and new background well.	Within sixty (60) days of permit issuance.
2	Relocate and install all proposed groundwater monitoring wells in the approved GWMP.	Within sixty (60) days of the Department's approval of the GWMP.
3	The permittee shall notify the Department when the Flue Gas Desulfurization system (FGD) has been placed into operation.	Within sixty (60) days after placing into commercial operation.
4	Submit to the Department DEP Form 62-620.910(12), Notification of Completion of Construction.	Within thirty (30) days of placing FGD system into operation.
5	Submit to the Department detailed information on the well's location and construction on the attached DEP Form(s) 62-522.900(3), Monitor Well Completion Report.	Within 30 days after installation of all new and relocated monitoring wells.
6	Installation of flow meter(s).	Within 180-days of permit issuance.
7	<i>Installation of Reverse Osmosis Treatment System and a micro filtration unit.</i>	Within 180-days of permit issuance.

5. In accordance with sections 403.088(2)(e) and (f), F.S., a compliance schedule for this facility is contained in Administrative Order AO-114-SW that is hereby incorporated by reference.

VII. Other Specific Conditions

A. Specific Conditions Applicable to All Permits

1. Drawings, plans, documents or specifications submitted by the permittee, not attached hereto, but retained on file at the Southwest District Office, are made a part hereof.
2. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) F.S., applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
3. This permit satisfies Industrial Wastewater program permitting requirements only and does not authorize operation of this facility prior to obtaining any other permits required by local, state or federal agencies.
4. The permittee shall provide verbal notice to the Department as soon as practical after discovery of a sinkhole within an area for the management or application of wastewater or sludge. The permittee shall immediately implement measures appropriate to control the entry of contaminants, and shall detail these measures to the Department in a written report within 7 days of the sinkhole discovery.

B. Specific Conditions Related to Construction

1. This section is not applicable to this facility.

C. Duty to Reapply

- 1 The permittee shall apply for renewal of this permit at least 180 days before the expiration date of the permit using the appropriate forms listed in Rule 62-620.910, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C. The existing permit shall not expire until the Department has taken final action on the application renewal in accordance with the provisions of 62-620.335(3) and (4), F.A.C.

D. Specific Conditions Related to Existing Manufacturing, Commercial, Mining, and Silviculture Wastewater Facilities or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) One hundred micrograms per liter,
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony, or
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony, or
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application.

E. Specific Conditions Related to Best Management Practices

1. BMP Plan:

For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (the "Act"), oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the Act. The permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes, the potential for the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations; and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Implementation:

The BMP plan shall be developed and implemented in accordance with the schedule contained in Part VI of this permit.

3. General Requirements:

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- b. Establish specific objectives for the control of pollutants.
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural conditions (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
- c. Establish specific best management practices to meet the objectives identified under paragraph (b) of this subsection, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented.
- d. Be reviewed by plant engineering staff and plant manager.

4. Documentation:

The permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.

5. BMP Plan Modification:

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

6. **Modification for Ineffectiveness:**

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under paragraphs (b) and (c) of item 3, the permit shall be subject to modification pursuant to rule 62-620.325, F.A.C., to incorporate revised BMP requirements.

F. Reopener Clause

1. The permit shall be revised, or alternatively, revoked and reissued in accordance with the provisions contained in Rules 62-620.325 and 62-620.345, F.A.C., if applicable, or to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the Clean Water Act (the Act), as amended, if the effluent standards, limitations, or water quality standards so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any condition in the permit/or;
- b. Controls any pollutant not addressed in the permit.

The permit as revised or reissued under this paragraph shall also contain any other requirements of the Act then applicable.

2. The permit may be reopened to adjust effluent limitations or monitoring requirements should future Water Quality Based Effluent Limitation determinations, water quality studies, DEP approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement.
3. The Department may develop a Total Maximum Daily Load (TMDL) during the life of the permit. Once a TMDL has been established and adopted by rule, the Department shall revise this permit to incorporate the final findings of the TMDL.

VIII. General Conditions

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, F.S. Any permit noncompliance constitutes a violation of Chapter 403, F.S., and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [62-620.610(1), F.A.C.]
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 constitutes grounds for revocation and enforcement action by the Department. [62-620.610(2), F.A.C.]
3. As provided in subsection 403.087(7), 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 authorize any infringements of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [62-620.610(3), F.A.C.]
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. [62-620.610(4), F.A.C.]
5. This permit does not relieve the permittee from liability and penalties 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; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless

specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[62-620.610(5), F.A.C.]*

6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. *[62-620.610(6), F.A.C.]*
7. The permittee shall at all times 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. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. *[62-620.610(7), F.A.C.]*
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. *[62-620.610(8), F.A.C.]*
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. *[62-620.610(9), F.A.C.]*
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, F.A.C. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. *[62-620.610(10), F.A.C.]*
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. *[62-620.610(11), F.A.C.]*
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. *[62-620.610(12), F.A.C.]*
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-4.052, F.A.C. *[62-620.610(13), F.A.C.]*

14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the Department approves the transfer. *[62-620.610(14), F.A.C.]*
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. *[62-620.610(15), F.A.C.]*
16. The permittee shall apply for a revision to the Department permit in accordance with Rule 62-620.300, F.A.C., and the Department of Environmental Protection Guide to Wastewater Permitting at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.325(2), F.A.C., for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. *[62-620.610(16), F.A.C.]*
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance. *[62-620.610(17), F.A.C.]*
18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapters 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10), or as specified elsewhere in the permit.
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations which require averaging of measurements shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Except as specifically provided in Rule 62-160.300, F.A.C., any laboratory test required by this permit shall be performed by a laboratory that has been certified by the Department of Health Environmental Laboratory Certification Program (DOH ELCP). Such certification shall be for the matrix, test method and analyte(s) being measured to comply with this permit. For domestic wastewater facilities, testing for parameters listed in Rule 62-160.300(4), F.A.C., shall be conducted under the direction of a certified operator.
 - e. Field activities including on-site tests and sample collection shall follow the applicable standard operating procedures described in DEP-SOP-001/01 adopted by reference in Chapter 62-160, F.A.C.
 - f. Alternate field procedures and laboratory methods may be used where they have been approved in accordance with Rules 62-160.220 and 62-160.330, F.A.C. *[62-620.610(18), F.A.C.]*
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. *[62-620.610(19), F.A.C.]*
20. The permittee shall report to the Department's Southwest District Office any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,

- (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 - (4) Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
- (1) For unauthorized releases or spills of untreated or treated wastewater reported pursuant to subparagraph a.(4) that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the Department by calling the STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - (a) Name, address, and telephone number of person reporting;
 - (b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - (c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - (d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - (e) Estimated amount of the discharge;
 - (f) Location or address of the discharge;
 - (g) Source and cause of the discharge;
 - (h) Whether the discharge was contained on-site, and cleanup actions taken to date;
 - (i) Description of area affected by the discharge, including name of water body affected, if any; and
 - (j) Other persons or agencies contacted.
 - (2) Oral reports, not otherwise required to be provided pursuant to subparagraph b.(1) above, shall be provided to Department's Southwest District Office within 24 hours from the time the permittee becomes aware of the circumstances.
- c. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department's Southwest District Office shall waive the written report. [62-620.610(20), F.A.C.]
21. The permittee shall report all instances of noncompliance not reported under Conditions VIII.17., 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII.20. of this permit. [62-620.610(21), F.A.C.]
22. Bypass Provisions.
- a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII.22.b. of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII.20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
 - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII.22 a.(1) through (3) of this permit.
 - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII.22.a. through c. of this permit. [62-620.610(22), F.A.C.]

PERMITTEE: Progress Energy Florida, Inc.
FACILITY: Crystal River Energy Complex

PA FILE NUMBER: FLA016960-002-IW1N

23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII.20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII.5. of this permit.
- b. In any enforcement proceeding, the burden of proof for establishing the occurrence of an upset rests with the permittee.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.
[62-620.610(23), F.A.C.]

Executed in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Jeffrey S. Greenwell, P.E.
Water Facilities Administrator
Southwest District

APPENDIX 10.4.4

**CRYSTAL RIVER 3 – SECTION 7 CONSULTATION
U.S. NMFS BIOLOGICAL OPINION**



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

WASHINGTON, D.C. 20555-0001

September 19, 2002

Mr. Dale E. Young, Vice President
Crystal River Nuclear Plant (NA1B)
ATTN: Supervisor, Licensing & Regulatory Programs
15760 W. Power Line Street
Crystal River, Florida 34428-6708

**SUBJECT: CRYSTAL RIVER UNIT 3 - SECTION 7 CONSULTATION UNDER THE
ENDANGERED SPECIES ACT REGARDING SEA TURTLES AT THE CRYSTAL
RIVER ENERGY COMPLEX (TAC NO. MB1562)**

Dear Mr. Young

Enclosed is a copy of the National Marine Fisheries Service's (NMFS's) Biological Opinion, which was issued August 8, 2002. This Opinion is a reinitiation of consultation subsequent to the June 1999 Opinion. The U.S. Nuclear Regulatory Commission formally requested reinitiation on April 2, 2001, because of a possibility that the Crystal River Energy Complex (CREC) would exceed the NMFS anticipated incidental take levels for live turtles established in the Incidental Take Statement of the June 1999 Opinion.

The August 8, 2002, Opinion states the NMFS belief that the continued operation of the cooling water intake system located near the Gulf of Mexico is not likely to jeopardize the continued existence of the five species of sea turtles found at CREC. However, it revises the Incidental Take Statement and modifies some of the Terms and Conditions of the previous Opinion. These should be evaluated for the potential need to revise the Crystal River Unit 3 Technical Specifications and plant procedures. If you have any questions following review of the document, please contact me at (301) 415-2020.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Mozafari".

Brenda L. Mozafari, Senior Project Manager, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-302

Enclosure: NMFS Biological Opinion

cc w/o encl: J. Powers, NMFS

cc: See next page



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312; FAX 570-5517
<http://caldera.sero.nmfs.gov>

AUG 18 2002

F/SER3:BH:tg

Mr. Herbert N. Berkow, Director
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555-0001

50-302

Dear Mr. Berkow:

This document represents the National Marine Fisheries Service's (NOAA Fisheries) biological opinion (Opinion) based on your request for reinitiation of Endangered Species Act (ESA) section 7 consultation for the operation of the Crystal River Energy Complex's (CREC) cooling water intake system located near the Gulf of Mexico in Citrus County, Florida, and its effects on loggerhead turtles (*Caretta caretta*), Kemp's ridley turtles (*Lepidochelys kempii*), leatherback turtles (*Dermochelys coriacea*), hawksbill turtles (*Eretmochelys imbricata*), and green turtles (*Chelonia mydas*). This Opinion has been prepared in accordance with section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536 *et seq.*). The NOAA Fisheries consultation number for this action is F/SER/2001/01080. If you have any questions about this consultation, please refer to this number.

This Opinion is based on information provided in a letter from the Nuclear Regulatory Commission (NRC) dated October 11, 2001, with an attached biological assessment; phone conversations and meetings between NOAA Fisheries staff, NRC staff, and CREC staff; published and unpublished scientific information on the biology and ecology of threatened and endangered turtles within the action area; and other sources of information. A complete administrative record of this consultation is on file at the NOAA Fisheries' Southeast Regional Office in St. Petersburg, Florida.

The Opinion states NOAA Fisheries' belief that the proposed action is not likely to jeopardize the continued existence of loggerhead, Kemp's ridley, green, hawksbill and leatherback sea turtles. However, NOAA Fisheries anticipates incidental takes of these species and has issued an Incidental Take Statement (ITS), pursuant to section 7 of the ESA. This ITS contains reasonable and prudent measures with implementing terms and conditions to help minimize this take.

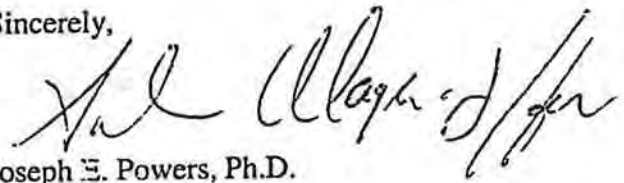
Incidental takes of marine mammals are not authorized. If the NRC believes such takes may occur, an incidental take authorization under Marine Mammal Protection Act, Section 101 (a)(5),



IE23
Per B. Mozafari

is necessary. In this regard, please contact Ken Hollingshead of our headquarters Protected Resources staff at (301) 713-2055.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Powers", written over a horizontal line.

Joseph E. Powers, Ph.D.
Acting Regional Administrator

Enclosure

cc: F/PR3
o:\section7\formal\crys2002.wpd
File: 1514.22.m.3

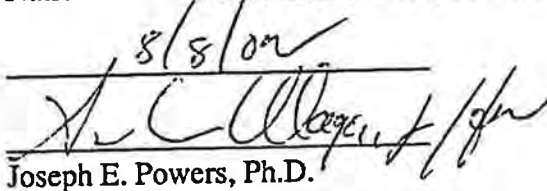
**Endangered Species Act - Section 7 Consultation
Biological Opinion**

Agency: United States Nuclear Regulatory Commission

Activity: Cooling water intake system at the Crystal River Energy Complex (F/SER/2001/01080)

Consultation Conducted By: National Marine Fisheries Service, Southeast Region

Date Issued: 8/8/01

Approved By: 
Joseph E. Powers, Ph.D.
Acting Regional Administrator

This document represents the National Marine Fisheries Service's (NOAA Fisheries) biological opinion (Opinion) based on our review of the operation of the Crystal River Energy Complex's (CREC) cooling water intake system located near the Gulf of Mexico in Citrus County, Florida, and its effects on loggerhead turtles (*Caretta caretta*), Kemp's ridley turtles (*Lepidochelys kempii*), leatherback turtles (*Dermochelys coriacea*), hawksbill turtles (*Eretmochelys imbricata*), and green turtles (*Chelonia mydas*). This Opinion has been prepared in accordance with section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1536 *et seq.*). The NOAA Fisheries consultation number for this action is F/SER/2001/01080. If you have any questions about this consultation, please refer to this number.

History of the Consultation

In a letter dated April 2, 2001, the Nuclear Regulatory Commission (NRC) reinitiated ESA section 7 consultation for the operation of the CREC cooling water intake system. The NOAA Fisheries, Southeast Regional Office (SERO), Protected Resources Division received this letter on April 9, 2001. The NRC reinitiated consultation because it felt that CREC would exceed the incidental take levels for live turtles issued with the June 16, 1999, incidental take statement (ITS) that concluded the no jeopardy Opinion issued for the operation of CREC's cooling water intake system. In a letter dated April 9, 2001, NOAA Fisheries agreed that CREC would likely exceed its ITS levels and agreed that reinitiation of section 7 consultation was warranted.

NOAA Fisheries staff met with CREC and NRC staff at the CREC facility on May 9, 2001. During this meeting NOAA Fisheries staff requested an update of NRC's and CREC's October 1998 biological assessment (BA) in order to complete a formal section 7 consultation. NOAA

Fisheries received the updated BA on October 22, 2001, and considers this information to be a complete initiation package. This Opinion is based on information provided in the letter from the NRC dated October 11, 2001, with the attached BA; phone conversations and meetings between NOAA Fisheries staff, NRC staff, and CREC staff; published and unpublished scientific information on the biology and ecology of threatened and endangered turtles within the action area; and other sources of information. A complete administrative record of this consultation is on file at the NOAA Fisheries' Southeast Regional Office in St. Petersburg, Florida.

I. Description of the Proposed Action

The Proposed Action

The CREC contains five separate power plants. Unit 1 is an approximately 400 MW electric (MWe) coal-fueled plant. Unit 2 is an approximately 500 MWe coal-fueled plant. Unit 3 is an approximately 890 MWe pressurized water, nuclear-fueled plant. Units 4 and 5 are coal-fueled plants rated at approximately 640 MWe each. This consultation will analyze the cooling water intake systems for Units 1, 2, and 3.

The intake structures for Units 1, 2, and 3 are concrete structures with bar racks, traveling screens, and seawater pump components. Surface water trash barriers are deployed in front of the bar racks to collect large floating debris. Water is drawn from the intake canal through the bar racks, through the traveling screens, into the pumps, and then flows through the plant's condensers and auxiliary systems. The water is then discharged through an outfall into the discharge canal. The discharge canal directs water back to the Gulf of Mexico.

The intake bar racks prevent trash and large debris carried by the seawater from entering the intake structure. The seawater must pass through the bar racks which are made of steel bars spaced on 4-inch centers. The bar racks extend from well above the water line to the concrete base at the bottom of the intake canal. Debris and marine life smaller than the bar rack openings pass through the bar racks. The traveling screens effectively remove this floating or suspended debris from the intake water. Intake water passing through these screens suspends debris and solid materials onto the screens. The screens are conveyed upwards to an overlapping water spray system which washes these materials off the screens and into a debris trough. The traveling screen system is operated approximately three times a day.

Each of the three plants that use seawater for cooling have four large circulating pumps used to draw seawater into the plant. The water is then pumped through the condensers and out to the discharge canal. On Units 1 and 2, the total design flow is 638,000 gallons per minute (gpm). Unit 3 design flow is 680,000 gpm. In addition, Unit 3 has a low flow nuclear services water pumping system with a normal flow rate of approximately 10,000 gpm. Under emergency conditions, additional pumps would increase this flow up to approximately 20,000 gpm. From the discharge of the pumps, the water flows to the main condensers; and for Unit 3, an additional flow path exists for the nuclear services and decay heat cooling water heat exchangers. After the

seawater passes through the tubes of the condenser and/or heat exchangers, the seawater is transported in underground pipes to the discharge canal. The discharge canal directs the water back to the Gulf of Mexico.

The bar racks are inspected 24 hours a day during times of high turtle concentrations in the intake canal (February through May) and once every two hours during other times of the year. If a turtle is stranded on the bar racks, it is immediately recovered with dip nets. Healthy turtles are placed in a holding tank at the CREC Mariculture Center, where Mariculture Center Staff members determine the proper disposition of the turtle, in conjunction with Florida Fish and Wildlife Conservation Commission (FWC) personnel. Non-healthy turtles are also taken to the Mariculture Center with disposition to be determined by FWC. Dead turtles are sent to the Mariculture Center and picked up by FWC.

Action Area

The CREC is located on an approximate 5,000-acre site near the Gulf of Mexico in Citrus County, Florida. The Complex is approximately 7.5 miles northwest of the city of Crystal River, within the coastal salt marsh area of west central Florida. The action area consists of 3 of the 5 power plants (Plants 1, 2 and 3) that make up CREC, the 2.8-mile discharge canal, and the intake canal and intake structures, which includes the bar racks, traveling screens, and sea water pump components. The intake canal is a dredged canal approximately 14 miles long with an average depth of 20 feet (the area of the intake canal has a natural rock bottom starting under the initial layer of sand and sediment. The depth of the sand and sediment layer varies greatly in the area. The canal was dredged through the sand and sediment leaving a rock bottom that extends the length of the canal). The canal is bordered on both sides by land beginning from the plant site and extending 3 miles to the west. The canal then extends westward an additional 11 miles out into the Gulf of Mexico.

II. Status of the Species

The following endangered and threatened marine mammal, sea turtle, and marine plant species under the jurisdiction of NOAA Fisheries are known to occur in or near the action area:

<u>Common Name</u>	<u>Scientific Name</u>
<u>Endangered</u>	
Green sea turtle	<i>Chelonia mydas*</i>
Kemp's ridley sea turtle	<i>Lepidochelys kempii</i>
Hawksbill sea turtle	<i>Eretmochelys imbricata</i>
Leatherback sea turtle	<i>Dermochelys coriacea</i>
Right whale	<i>Eubalaena glacialis</i>
Humpback whale	<i>Megaptera novaeangliae</i>

Sperm whale

Physeter macrocephalus

Threatened

Loggerhead sea turtle

Caretta caretta

Gulf sturgeon

Acipenser oxyrinchus desotoi

Critical Habitat

There is no critical habitat in the action area.

** Green turtles in U.S. waters are listed as threatened except for the Florida breeding population, which is listed as endangered. Due to the inability to distinguish between the populations away from the nesting beaches, green turtles are considered endangered wherever they occur in U.S. waters.*

Sperm whales (*Physeter macrocephalus*), occur in the Gulf of Mexico but are rare in state waters. Other endangered whales, including North Atlantic right whales (*Eubalaena glacialis*) and humpback whales (*Megaptera novaengliae*), have been observed occasionally in the Gulf of Mexico. The individuals observed have likely been inexperienced juveniles straying from the normal range of these stocks. NOAA Fisheries does not believe that there are resident stocks of these species in the Gulf of Mexico; therefore, these species are not likely to be adversely affected by projects in the Gulf. Based on this information, NOAA Fisheries believes that the chance of the proposed action affecting listed species of large whales is discountable.

Although the Gulf sturgeon's migratory habits are not well known, NOAA Fisheries believes it is unlikely that Gulf sturgeon will stray from mud and sand bottom marine foraging areas in the Gulf to enter the rocky bottomed intake canal of the CREC and subsequently be affected by the cooling water intake system. Studies conducted by CREC from 1980 to 1983, to determine the species of fish and invertebrates affected by the cooling water system, showed no evidence of Gulf sturgeon. Based on this information, NOAA Fisheries believes that the chance of the proposed action adversely affecting Gulf sturgeon is discountable. Therefore, the remainder of the analysis in this Opinion will focus on the five species of sea turtles in or near the action area.

A. Species/critical habitat description

Loggerhead Sea Turtle

The loggerhead sea turtle was listed as a threatened species in 1978. This species inhabits the continental shelves and estuarine environments along the margins of the Atlantic, Pacific, and Indian oceans, and within the continental United States it nests from Louisiana to Virginia. The major nesting areas include coastal islands of Georgia, South Carolina, and North Carolina, and the Atlantic and Gulf coasts of Florida, with the bulk of the nesting occurring on the Atlantic

coast of Florida. Developmental habitat for small juveniles are the pelagic waters of the North Atlantic and the Mediterranean Sea.

There is no critical habitat designated for the loggerhead sea turtle.

Green Sea Turtle

Federal listing of the green sea turtle occurred on July 28, 1978, with all populations listed as threatened except for the Florida and Pacific coast of Mexico breeding populations which are endangered. The complete nesting range of the green turtle within the NOAA Fisheries' Southeast Region includes sandy beaches of mainland shores, barrier islands, coral islands, and volcanic islands between Texas and North Carolina and at the U.S. Virgin Islands (U.S.V.I.) and Puerto Rico (NOAA Fisheries and USFWS 1991a). Principal U.S. nesting areas for green turtles are in eastern Florida, predominantly Brevard through Broward counties (Ehrhart and Witherington 1992). Regular green turtle nesting also occurs on St Croix, U.S.V.I., and on Vieques, Culebra, Mona, and the main island of Puerto Rico (Mackay and Rebholz 1996, Díez pers. comm.).

Critical habitat for the green sea turtle has been designated for the waters surrounding Isla Culebra, Puerto Rico, and its associated keys.

Kemp's Ridley Sea Turtle

The Kemp's ridley was listed as endangered on December 2, 1970. Internationally, the Kemp's ridley is considered the most endangered sea turtle (Zwinenberg 1977, Groombridge 1982). Kemp's ridleys nest in daytime aggregations known as arribadas, primarily at Rancho Nuevo, a stretch of beach in Mexico, Tamaulipas State. The species occurs mainly in coastal areas of the Gulf of Mexico and the northwestern Atlantic Ocean. Occasional individuals reach European waters (Brongersma 1972). Adults of this species are usually confined to the Gulf of Mexico, although adult-sized individuals sometimes are found on the Eastern Seaboard of the United States.

There is no designated critical habitat for the Kemp's ridley sea turtle.

Leatherback Sea Turtle

The leatherback was listed as endangered on June 2, 1970. Leatherbacks are widely distributed throughout the oceans of the world, and are found in waters of the Atlantic, Pacific, and Indian oceans; the Caribbean Sea; and the Gulf of Mexico (Ernst and Barbour 1972). Adult leatherbacks forage in temperate and subpolar regions from 71°N to 47°S latitude in all oceans and undergo extensive migrations between 90°N and 20°S, to and from the tropical nesting beaches. In the Atlantic Ocean, leatherbacks have been recorded as far north as Newfoundland, Canada, and Norway, and as far south as Uruguay, Argentina, and South Africa (see NOAA

Fisheries, SEFSC 2001). Female leatherbacks nest from the southeastern United States to southern Brazil in the western Atlantic and from Mauritania to Angola in the eastern Atlantic. The most significant nesting beaches in the Atlantic, and perhaps in the world, are in French Guiana and Suriname (see NOAA Fisheries, SEFSC 2001).

Critical habitat for the leatherback includes the waters adjacent to Sandy Point, St. Croix, U.S.V.I.

Hawksbill Sea Turtles

The hawksbill turtle is listed as endangered under the ESA, and is considered Critically Endangered by the International Union for the Conservation of Nature (IUCN) based on global population declines of over 80% during the last three generations (105 years) (Meylan and Donnelly 1999). Only five regional nesting populations remain with more than 1,000 females nesting annually (Seychelles, Mexico, Indonesia, and two in Australia) (Meylan and Donnelly 1999). Most populations are declining, depleted, or remnants of larger aggregations. Although hawksbills are subject to the suite of threats that affect other marine turtles, the decline of the species is primarily attributed to centuries of exploitation for tortoiseshell, the beautifully patterned scales that cover the turtle's shell (Parsons 1972).

Critical habitat for the hawksbill includes the waters around Mona and Monito Islands, Puerto Rico.

B. Life history

Loggerhead Sea Turtle

Mating takes place in late March-early June, and eggs are laid throughout the summer, with a mean clutch size of 100-126 eggs in the southeastern United States. Individual females nest multiple times during a nesting season, with a mean of 4.1 nests/nesting individual (Murphy and Hopkins 1984). Nesting migrations for an individual female loggerhead are usually on an interval of 2-3 years, but can vary from 1-7 years (Dodd 1988). Loggerhead sea turtles originating from the western Atlantic nesting aggregations are believed to lead a pelagic existence in the North Atlantic Gyre for as long as 7-12 years or more, but there is some variation in habitat use by individuals at all life stages. Turtles in this life history stage are called "pelagic immatures." Stranding records indicate that when pelagic immature loggerheads reach 40-60 cm straight-line carapace length they begin to recruit to coastal inshore and nearshore waters of the continental shelf throughout the U.S. Atlantic and Gulf of Mexico.

Benthic immature loggerheads, the life stage following the pelagic immature stage, have been found from Cape Cod, Massachusetts, to southern Texas, and occasionally strand on beaches in northeastern Mexico. Large benthic immature loggerheads (70-91 cm) represent a larger proportion of the strandings and in-water captures (Schroeder et al. 1998) along the south and

western coasts of Florida as compared with the rest of the coast, which could indicate that the larger animals are either more abundant in these areas or just more abundant within the area relative to the smaller turtles. Benthic immature loggerheads foraging in northeastern U.S. waters are known to migrate southward in the fall as water temperatures cool (Epperly et al. 1995b, Keinath 1993, Morreale and Standora 1999, Shoop and Kenney 1992), and migrate northward in spring. Past literature gave an estimated age at maturity of 21-35 years (Frazer and Ehrhart 1985, Frazer et al. 1994) and the benthic immature stage as lasting at least 10-25 years. However, NOAA Fisheries, SEFSC (2001) reviewed the literature and constructed growth curves from new data, estimating ages of maturity ranging from 20-38 years and benthic immature stage lengths from 14-32 years.

Juveniles are omnivorous and forage on crabs, mollusks, jellyfish, and vegetation at or near the surface (Dodd 1988). Sub-adult and adult loggerheads are primarily coastal and typically prey on benthic invertebrates such as mollusks and decapod crustaceans in hard bottom habitats.

Green Sea Turtle

Green sea turtle mating occurs in the waters off the nesting beaches. Each female deposits 1-7 clutches (usually 2-3) during the breeding season at 12-14 day intervals. Mean clutch size is highly variable among populations, but averages 110-115. Females usually have 2-4 or more years between breeding seasons, while males may mate every year (Balazs 1983). After hatching, green sea turtles go through a post-hatchling pelagic stage where they are associated with drift lines of algae and other debris

Green turtle foraging areas in the southeast United States include any neritic waters having macroalgae or sea grasses near mainland coastlines, islands, reefs, or shelves, and any open-ocean surface waters, especially where advection from wind and currents concentrates pelagic organisms (Hirth 1997, NOAA Fisheries and USFWS 1991). Principal benthic foraging areas in the region include Aransas Bay, Matagorda Bay, Laguna Madre, and the Gulf inlets of Texas (Doughty 1984, Hildebrand 1982, Shaver 1994), the Gulf of Mexico off Florida from Yankeetown to Tarpon Springs (Caldwell and Carr 1957, Carr 1984), Florida Bay and the Florida Keys (Schroeder and Foley 1995), the Indian River Lagoon System, Florida (Ehrhart 1983), and the Atlantic Ocean off Florida from Brevard through Broward counties (Wershoven and Wershoven 1992, Guseman and Ehrhart 1992). Adults of both sexes are presumed to migrate between nesting and foraging habitats along corridors adjacent to coastlines and reefs. Age at sexual maturity is estimated to be between 20 to 50 years (Balazs 1982, Frazer and Ehrhart 1985).

Green sea turtles are primarily herbivorous, feeding on algae and sea grasses, but also occasionally consume jellyfish and sponges. The post-hatchling, pelagic-stage individuals are assumed to be omnivorous, but little data are available.

Kemp's Ridley Sea Turtle

Remigration of females to the nesting beach varies from annually to every 4 years, with a mean of 2 years (TEWG 1998). Nesting occurs from April into July and is essentially limited to the beaches of the western Gulf of Mexico, near Rancho Nuevo in southern Tamaulipas, Mexico. The mean clutch size for Kemp's ridleys is 100 eggs/nest, with an average of 2.5 nests/female/season.

Juvenile/subadult Kemp's ridleys have been found along the Eastern Seaboard of the United States and in the Gulf of Mexico. Atlantic juveniles/subadults travel northward with vernal warming to feed in the productive, coastal waters of Georgia through New England, returning southward with the onset of winter to escape the cold (Lutcavage and Musick 1985, Henwood and Ogren 1987, Ogren 1989). In the Gulf, juvenile/subadult ridleys occupy shallow, coastal regions. Ogren (1989) suggested that in the northern Gulf they move offshore to deeper, warmer water during winter. Studies suggest that subadult Kemp's ridleys stay in shallow, warm, nearshore waters in the northern Gulf of Mexico until cooling waters force them offshore or south along the Florida coast (Renaud 1995). Little is known of the movements of the post-hatching, planktonic stage within the Gulf. Studies have shown the post-hatchling pelagic stage varies from 1-4 or more years, and the benthic immature stage lasts 7-9 years (Schmid and Witzell 1997). The Turtle Expert Working Group (1998) (TEWG) estimates age at maturity to range from 7-15 years.

Stomach contents of Kemp's ridleys along the lower Texas coast consisted of a predominance of nearshore crabs and mollusks, as well as fish, shrimp and other foods considered to be shrimp fishery discards (Shaver 1991). Pelagic stage, neonatal Kemp's ridleys presumably feed on the available Sargassum and associated infauna or other epipelagic species found in the Gulf of Mexico.

Leatherback Sea Turtle

Female leatherbacks nest from the southeastern United States to southern Brazil in the western Atlantic and from Mauritania to Angola in the eastern Atlantic, with nesting occurring as early as late February or March. When they leave the nesting beaches, leatherbacks move offshore but eventually utilize both coastal and pelagic waters. Very little is known about the pelagic habits of the hatchlings and juveniles, and they have not been documented to be associated with the Sargassum areas as are other species. Leatherbacks are deep divers, with recorded dives to depths in excess of 1,000 m (Eckert et al. 1989), but they may come into shallow waters if there is an abundance of jellyfish nearshore.

Although leatherbacks are a long-lived species (> 30 years), they are somewhat faster to mature than loggerheads. Leatherbacks have an estimated age at sexual maturity reported of about 13-14 years for females, with 9 years reported as a likely minimum (Zug 1996) and 19 years as a likely maximum (NOAA Fisheries, SEFSC 2001). They nest frequently (up to 7 nests per year) during

a nesting season and nest about every 2-3 years. During each nesting, they produce 100 eggs or more in each clutch and, thus, can produce 700 eggs or more per nesting season (Schultz 1975).

Leatherback sea turtles feed primarily on jellyfish as well as cnidarians and tunicates. They are also the most pelagic of the turtles, but have been known to enter coastal waters on a seasonal basis to feed in areas where jellyfish are concentrated.

Hawksbill Sea Turtles

The life history of hawksbills consists of a pelagic stage that lasts from the time they leave the nesting beach as hatchlings until they are approximately 22-25 cm in straight carapace length (Meylan 1988, Meylan in prep.), followed by residency in developmental habitats (foraging areas where immatures reside and grow) in coastal waters. Adult foraging habitat, which may or may not overlap with developmental habitat, is typically coral reefs, although other hard-bottom communities and occasionally mangrove-fringed bays may be occupied. Hawksbills show fidelity to their foraging areas over periods of time as great as several years (van Dam and Díez 1998).

Hawksbills may undertake developmental migrations (migrations as immatures) and reproductive migrations that involve travel over hundreds or thousands of kilometers (Meylan 1999b). Reproductive females undertake periodic (usually non-annual) migrations to their natal beach to nest. Movements of reproductive males are less well known, but are presumed to involve migrations to the nesting beach or to courtship stations along the migratory corridor. Females nest an average of 3-5 times per season with some geographic variation in this parameter (see references on pp. 204-205, Meylan and Donnelly 1999; Richardson et al. 1999). Clutch size is higher on average (up to 250 eggs) than that of green turtles (Hirth 1980). Reproductive females may exhibit a high degree of fidelity to their nest sites. This, plus the tendency of hawksbills to nest at regular intervals within a season, make them vulnerable to capture on the nesting beach.

C. Population dynamics, status, and distribution

Loggerhead Sea Turtle

Loggerhead sea turtles occur throughout the temperate and tropical regions of the Atlantic, Pacific, and Indian oceans and are the most abundant species of sea turtle occurring in U.S. waters. Loggerhead sea turtles concentrate their nesting in the north and south temperate zones and subtropics, but generally avoid nesting in tropical areas of Central America, northern South America, and the Old World (Magnuson et al. 1990).

In the western Atlantic, most loggerhead sea turtles nest from North Carolina to Florida and along the Gulf coast of Florida. There are five western Atlantic subpopulations, divided geographically as follows: (1) a northern nesting subpopulation, occurring from North Carolina to northeast Florida at about 29° N (approximately 7,500 nests in 1998); (2) a south Florida

nesting subpopulation, occurring from 29° N on the east coast to Sarasota on the west coast (approximately 83,400 nests in 1998); (3) a Florida Panhandle nesting subpopulation, occurring at Eglin Air Force Base and the beaches near Panama City, Florida (approximately 1,200 nests in 1998); (4) a Yucatán nesting subpopulation, occurring on the eastern Yucatán Peninsula, Mexico (Márquez 1990) (approximately 1,000 nests in 1998) (TEWG 2000); and (5) a Dry Tortugas nesting subpopulation, occurring in the islands of the Dry Tortugas, near Key West, Florida (approximately 200 nests per year) (NOAA Fisheries, SEFSC 2001). Natal homing of females to the nesting beach provides the barrier between these subpopulations, preventing recolonization with turtles from other nesting beaches.

Based on the data available, it is difficult to estimate the size of the loggerhead sea turtle population in the United States or its territorial waters. There is, however, general agreement that the number of nesting females provides a useful index of the species' population size and stability at this life stage. Nesting data collected on index nesting beaches in the United States from 1989-1998 represent the best data set available to index the population size of loggerhead sea turtles. However, an important caveat for population trends analysis based on nesting beach data is that this may reflect trends in adult nesting females but not reflect overall population growth rates. Given this caveat, between 1989 and 1998, the total number of nests laid along the U.S. Atlantic and Gulf coasts ranged from 53,014 to 92,182 annually, with a mean of 73,751. On average, 90.7% of these nests were from the south Florida subpopulation, 8.5% were from the northern subpopulation, and 0.8% were from the Florida Panhandle nest sites. There is limited nesting throughout the Gulf of Mexico west of Florida, but it is not known to which subpopulation the turtles making these nests belong.

The number of nests in the northern subpopulation from 1989 to 1998 was 4,370 to 7,887, with a 10-year mean of 6,247 nests. With each female producing an average of 4.1 nests in a nesting season, the average number of nesting females per year in the northern subpopulation was 1,524. The total nesting and non-nesting adult female population is estimated as 3,810 adult females in the northern subpopulation (TEWG 1998, 2000). The northern population, based on number of nests, has been classified as stable or declining (TEWG 2000). Another consideration adding to the vulnerability of the northern subpopulation is that NOAA Fisheries' scientists estimate that the northern subpopulation produces 65% males, while the south Florida subpopulation is estimated to produce 80% females (NOAA Fisheries, SEFSC 2001).

The southeastern U.S. nesting aggregation is of great importance on a global scale and is second in size only to the nesting aggregation on islands in the Arabian Sea off Oman (Ross 1979, Ehrhart 1989, NOAA Fisheries and USFWS 1991b). The global importance of the southeast U.S. nesting aggregation is especially significant because the status of the Oman colony has not been evaluated recently, but it is located in an area of the world where it is highly vulnerable to disruptive events such as political upheavals, wars, catastrophic oil spills, and lack of strong protections (Meylan et al. 1995).

Ongoing threats to the western Atlantic populations include incidental takes from dredging, commercial trawling, longline fisheries, and gillnet fisheries; loss or degradation of nesting habitat from coastal development and beach armoring; disorientation of hatchlings by beachfront lighting; nest predation by native and non-native predators; degradation of foraging habitat; marine pollution and debris; watercraft strikes; and disease.

Green Sea Turtle

The vast majority of green turtle nesting within the southeast United States occurs in Florida. In Florida from 1989-1999, green turtle abundance from nest counts ranges from 109-1,389 nesting females per year (Meylan et al. 1995 and Florida Marine Research Institute Statewide Nesting 2001 Database, unpublished data; estimates assume 4 nests per female per year, Johnson and Ehrhart 1994). High biennial variation and a predominant 2-year re-migration interval (Witherington and Ehrhart 1989, Johnson and Ehrhart 1994) warrant combining even and odd years into 2-year cohorts. This gives an estimate of total nesting females that ranges from 705-1,509 during the period 1990-1999. It is important to note that because methodological limitations make the clutch frequency number (4 nests/female/year) an underestimate (by as great as 50%), a more conservative estimate is 470-1,509 nesting females in Florida between 1990 and 1999. In Florida during the period 1989-1999, numbers of green turtle nests by year show no trend. However, odd-even year cohorts of nests do show a significant increase during the period 1990-1999 (Florida Marine Research Institute, 2001 Index Nesting Beach Survey Database).

It is unclear how greatly green turtle nesting in the whole of Florida has been reduced from historical levels (Dodd 1981), although one account indicates that nesting in Florida's Dry Tortugas may now be only a small fraction of what it once was (Audubon 1926). Total nest counts and trends at index beach sites during the past decade suggest that green turtles that nest within the southeast United States are recovering and have only recently reached a level of approximately 1,000 nesting females. There are no reliable estimates of the number of green turtles inhabiting foraging areas within the southeast United States, and it is likely that green turtles foraging in the region come from multiple genetic stocks. These trends are also uncertain because of a lack of data. However, there is one sampling area in the region with a large time series of constant turtle-capture effort that may represent trends for a limited area within the region. This sampling area is at an intake canal for a power plant on the Atlantic coast of Florida where 2,578 green turtles have been captured during the period 1977-1999 (FPL 2000). At the power plant, the annual number of immature green turtle captures (minimum straight-line carapace length < 85 cm) has increased significantly during the 23-year period.

Status of immature green turtles foraging in the southeast United States might also be assessed from trends at nesting beaches where many of the turtles originated, principally, Florida, Yucatán, and Tortuguero. Trends at Florida beaches are presented above. Trends in nesting at Yucatán beaches cannot be assessed because of irregularity in beach survey methods over time. Trends at Tortuguero (ca. 20,000-50,000 nests/year) show a significant increase in nesting during the period 1971-1996 (Bjorndal et al. 1999).

The principal cause of past declines and extirpations of green turtle assemblages has been the over-exploitation of green turtles for food and other products. Although intentional take of green turtles and their eggs is not extensive within the southeast United States, green turtles that nest and forage in the region may spend large portions of their life history outside the region and outside United States' jurisdiction, where exploitation is still a threat. Adult green turtles and immatures are exploited heavily on foraging grounds off Nicaragua and to a lesser extent off Colombia, Mexico, Panama, Venezuela, and the Tortuguero nesting beach (Carr et al. 1978, Nietschmann 1982, Bass et al. 1998, Lagueux 1998).

There are significant and ongoing threats to green turtles from human-related causes. Threats to nesting beaches in the region include beach armoring, erosion control, artificial lighting, and disturbance, which can be expected to increase with time. Pollution is known to have both direct (ingestion of foreign materials such as tar balls and plastics) and indirect (degradation of foraging grounds) impacts on green sea turtles. Foraging habitat loss also occurs as a result of direct destruction by dredging, siltation, boat damage, and other human activities. Green turtles are often captured and occasionally killed by interactions with fishing gear. Collisions with power boats and encounters with suction dredges have killed green turtles along the U.S. coast and may be common elsewhere where boating and dredging activities are frequent (Florida Marine Research Institute, Sea Turtle Stranding and Salvage Network Database). Threats from increasing incidences of disease, which may or may not have some relation to human influences, are also a concern. The occurrence of green turtle fibropapillomatosis disease was originally reported in the 1930s, when it was thought to be rare (Smith and Coates 1938). Presently, this disease is cosmopolitan and has been found to affect large numbers of animals in some areas, including Hawaii and Florida (Herbst 1994, Jacobson 1990, Jacobson et al. 1991).

Kemp's Ridley Sea Turtle

L. kempii has a very restricted distribution relative to the other sea turtle species. Data suggests that adult Kemp's ridley turtles are restricted somewhat to the Gulf of Mexico in shallow near shore waters, and benthic immature turtles of 20-60 cm straight line carapace length are found in nearshore coastal waters including estuaries of the Gulf of Mexico and the Atlantic, although adult-sized individuals sometimes are found on the Eastern Seaboard of the United States. The post-pelagic stages are commonly found dwelling over crab-rich sandy or muddy bottoms. Juveniles frequent bays, coastal lagoons, and river mouths.

Of the seven extant species of sea turtles in the world, the Kemp's ridley has declined to the lowest population level. Most of the population of adult females nest on the Rancho Nuevo beaches (Pritchard 1969). When nesting aggregations at Rancho Nuevo were discovered in 1947, adult female populations were estimated to be in excess of 40,000 individuals (Hildebrand 1963). By the early 1970s, the world population estimate of mature female Kemp's ridleys had been reduced to 2,500-5,000 individuals. The population declined further through the mid-1980s. Recent observations of increased nesting suggest that the decline in the ridley population has stopped and the population is now increasing.

The TEWG (1998) identified three population trends in benthic immature ridleys. Benthic immatures are not yet reproductively mature but have recruited to feed in the nearshore benthic environment, where they are exposed to nearshore mortality sources that often result in strandings. Increased production of hatchlings from the nesting beach beginning in 1966 resulted in an increase in benthic ridleys that leveled off in the late 1970s. A second period of increase followed by leveling occurred between 1978 and 1989 as hatchling production was further enhanced by the cooperative program between the U.S. Fish and Wildlife Service and Mexico's Instituto Nacional de Pesca to increase the nest protection and relocation program in 1978. A third period of steady increase, which has not leveled off to date, has occurred since 1990 and appears to be due to the greatly increased hatchling production and an apparent increase in survival rates of immature turtles beginning in 1990, due in part to the introduction of turtle excluder devices (TEDs) in the U.S. and Mexican shrimping fleets. Adult ridley numbers have now grown, as shown in nesting increases at the main nesting sites in Mexico. Nesting at Tamaulipas and Veracruz increased from a low of 702 nests in 1985, to 1,930 nests in 1995, to 6,277 nests in 2000 (USFWS 2000). The population model used by the TEWG (1998) projected that Kemp's ridleys could reach the intermediate recovery goal identified in the Recovery Plan, of 10,000 nesters by the year 2020 if the assumptions of age to sexual maturity and age specific survivorship rates used in their model are correct.

The largest contributor to the decline of the ridley in the past was commercial and local exploitation, especially poaching of nests at the Rancho Nuevo site, as well as the Gulf of Mexico trawl fisheries. The advent of TED regulations for trawlers and protections for the nesting beaches have allowed the species to begin to rebound. Many threats to the future of the species remain, including interactions with fishery gear, marine pollution, foraging habitat destruction, illegal poaching of nests and potential threats to the nesting beaches from such sources as global climate change, development, and tourism pressures.

Leatherback Sea Turtle

Leatherbacks are widely distributed throughout the oceans of the world, and are found in waters of the Atlantic, Pacific, Caribbean, and the Gulf of Mexico (Ernst and Barbour 1972). The leatherback is the largest living turtle and it ranges farther than any other sea turtle species, exhibiting broad thermal tolerances (NOAA Fisheries and USFWS 1995). Genetic analyses of leatherbacks to date indicate that within the Atlantic basin significant genetic differences occur among St. Croix (U.S.V.I.) and mainland Caribbean populations (Florida, Costa Rica, Suriname/French Guiana), and between Trinidad and the mainland Caribbean populations (Dutton et al. 1999), leading to the conclusion that there are at least three separate subpopulations of leatherbacks in the Atlantic.

Nest counts are the only reliable population information available for leatherback turtles. Recent declines have been seen in the number of leatherbacks nesting worldwide (NOAA Fisheries and USFWS 1995). A population estimate of 34,500 females (26,200-42,900) was made by Spotila

et al. (1996), who stated that the species as a whole was declining and local populations were in danger of extinction. Historically, decline was due primarily to intense exploitation of the eggs (Ross 1979), but adult mortality has increased significantly from interactions with fishery gear (Spotila et al. 1996). The Pacific population is in a critical state of decline, now estimated to number less than 3,000 total adult and subadult animals (Spotila et al. 2000). The status of the Atlantic population is less clear. In 1996, it was reported to be stable, at best (Spotila et al. 1996), but numbers in the western Atlantic at that time were reported to be on the order of 18,800 nesting females. According to Spotila (pers. comm.), the western Atlantic population currently numbers about 15,000 nesting females, whereas current estimates for the Caribbean (4,000) and the eastern Atlantic, off Africa, (numbering ca. 4,700) have remained consistent with numbers reported by Spotila et al. in 1996.¹

The nesting aggregation in French Guiana has been declining at about 15% per year since 1987. From 1979-1986, the number of nests was increasing at about 15% annually. The number of nests in Florida and the U.S. Caribbean has been increasing at about 10.3% and 7.5%, respectively, per year since the early 1980s but the magnitude of nesting is much smaller than that along the French Guiana coast (see NOAA Fisheries SEFSC 2001). In summary, the conflicting information regarding the status of Atlantic leatherbacks makes it difficult to conclude whether or not the population is currently in decline. Numbers at some nesting sites are up, while at others they are down.

Zug (1996) pointed out that the combination of the loss of long-lived adults in fishery-related mortality (especially entanglement in gear and drowning in trawls), and the lack of recruitment stemming from elimination of annual influxes of hatchlings because of intense egg harvesting, has caused the sharp decline in leatherback populations. Other important ongoing threats to the population include pollution, loss of nesting habitat, and boat strikes.

Hawksbill Sea Turtle

The hawksbill is a medium-sized sea turtle with adults in the Caribbean ranging in size from approximately 62.5 to 94.0 cm straight carapace length. The species occurs in all ocean basins although it is relatively rare in the Eastern Atlantic and Eastern Pacific, and absent from the Mediterranean Sea. Hawksbills are the most tropical of the marine turtles, ranging from approximately 30°N to 30° S. They are closely associated with coral reefs and other hard-bottom habitats, but they are also found in other habitats including inlets, bays, and coastal lagoons. The diet is highly specialized and consists primarily of sponges (Meylan 1988), although other food items, notably corallimorphs and zooanthids, have been documented to be important in some areas of the Caribbean (van Dam and Díez 1997, Mayor et al. 1998, Leon and Díez 2000).

In the Western Atlantic, the largest hawksbill nesting population occurs in the Yucatán Peninsula of Mexico, where several thousand nests are recorded annually in the states of Campeche, Yucatán, and Quintana Roo (Garduño-Andrade et al. 1999). Important but significantly smaller nesting aggregations are documented elsewhere in the region in Puerto Rico, the U.S.V.I.,

Antigua, Barbados, Costa Rica, Cuba, and Jamaica (Meylan 1999a). Estimates of the annual number of nests for each of these areas are of the order of hundreds to a few thousand. Nesting within the southeastern U.S. and U.S. Caribbean is restricted to Puerto Rico (>650 nests/yr), the U.S.V.I. (~400 nests/yr), and, rarely, Florida (0-4 nests/yr)(Eckert 1995, Meylan 1999a, Florida Statewide Nesting Beach Survey database). At the two principal nesting beaches in the U.S. Caribbean where long-term monitoring has been carried out, populations appear to be increasing (Mona Island, Puerto Rico) or stable (Buck Island Reef National Monument, St. Croix, U.S.V.I.) (Meylan 1999a).

D. Analysis of the species/critical habitat likely to be affected

Of the above listed species occurring in the action area, NOAA Fisheries believes that Kemp's ridley, loggerhead, green, hawksbill, and leatherback sea turtles are likely to be adversely affected by the proposed action, but no critical habitat for any species will be impacted. These five species are known to occur in the action area and the likelihood of them being impacted by the activities in the action area is not discountable.

III. Environmental Baseline

This section contains an analysis of the effects of past and ongoing human and natural factors leading to the current status of the species, its habitat, and ecosystem, within the action area. The environmental baseline is a snapshot of a species' health at a specified point in time and includes state, tribal, local, and private actions already affecting the species, or that will occur contemporaneously with the consultation in progress. Unrelated Federal actions affecting the same species or critical habitat that have completed formal or informal consultation are also part of the environmental baseline, as are Federal and other actions within the action area that may benefit listed species or critical habitat.

The environmental baseline for this Opinion includes the effects of several activities that affect the survival and recovery of threatened and endangered species in the action area. The activities that shape the environmental baseline in the action area of this consultation are primarily fisheries and recovery activities associated with reducing fisheries impacts. Other environmental impacts include effects of discharges, dredging, military activities, and industrial cooling water intake.

A. Status of the species within the action area

The five species of sea turtles that occur in the action area are all highly migratory. NOAA Fisheries believes that no individual members of any of the species are likely to be year-round residents of the action area. Individual animals will make migrations into nearshore waters as well as other areas of the North Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea. Therefore, the range-wide status of the five species of sea turtles, given in Section II above, most accurately reflects the species' status within the action area.

B. Factors affecting species environment within the action area.

As explained above, sea turtles found in the action area are not year-round residents of the area, and may travel widely throughout the Atlantic, Gulf of Mexico, and Caribbean Sea. Therefore, individuals found in the action area can potentially be affected by activities anywhere else within this wide range.

Federal Actions

In recent years, NOAA Fisheries has undertaken several ESA section 7 consultations to address the effects of federally-permitted fisheries and other Federal actions on threatened and endangered species. Each of those consultations sought to develop ways of reducing the probability of adverse effects of the action on sea turtles. Similarly, recovery actions NOAA Fisheries has undertaken under the ESA are addressing the problem of take of sea turtles in the fishing and shipping industries. The following summary of anticipated sources of incidental take of turtles includes only those Federal actions which have undergone formal section 7 consultation.

Potential adverse effects from Federal vessel operations in the action area and throughout the range of sea turtles include operations of the Navy (USN) and Coast Guard (USCG), the Environmental Protection Agency, the National Oceanic and Atmospheric Administration (NOAA), and the Army Corps of Engineers (COE). NOAA Fisheries has conducted formal consultations with the USCG, and the USN on their vessel operations. Through the section 7 process, where applicable, NOAA Fisheries has and will continue to establish conservation measures for all these agency vessel operations to avoid or minimize adverse effects to listed species. At the present time, however, they represent potential for some level of interaction.

In addition to vessel operations, other military activities including training exercises and ordnance detonation also adversely affect sea turtles. Consultations on individual activities have been completed, but no formal consultation on overall USCG or USN activities in any region has been completed at this time.

The construction and maintenance of Federal navigation channels has also been identified as a source of turtle mortality. Hopper dredges move relatively rapidly (compared to sea turtle swimming speeds) and can entrain and kill sea turtles, presumably as the drag arm of the moving dredge overtakes the slower moving turtle. Regional biological opinions (RBOs) with corresponding ITSs have been issued to the COE for the southeast Atlantic waters and the Gulf of Mexico. Consultation is currently underway, on a new RBO for the COE's Gulf of Mexico hopper dredging operations.

The COE and Minerals Management Service (MMS) (the latter is non-military) oil and gas exploration, well development, production, and abandonment/rig removal activities also

adversely affect sea turtles. Both of these agencies have consulted with NOAA Fisheries on these types of activities.

Adverse effects on threatened and endangered species from several types of fishing gear occur in the action area. Efforts to reduce the adverse effects of commercial fisheries are addressed through the ESA section 7 process. Gillnet, longline, trawl gear, and pot fisheries have all been documented as interacting with sea turtles. For all fisheries for which there is a Federal fishery management plan (FMP) or for which any Federal action is taken to manage that fishery, impacts have been evaluated under section 7. Several formal consultations have been conducted on the following fisheries that NOAA Fisheries has determined are likely to adversely affect threatened and endangered species: American lobster, monkfish, dogfish, southeastern shrimp trawl fishery, northeast multispecies, Atlantic pelagic swordfish/tuna/shark, and summer flounder/scup/black sea bass fisheries.

On June 14, 2001, NOAA Fisheries issued a jeopardy opinion for the Highly Migratory Species (HMS) fisheries off the eastern United States. The HMS Opinion found that the continued prosecution of the pelagic longline fishery in the manner described in the HMS FMP was likely to jeopardize the continued existence of loggerhead and leatherback sea turtles. This determination was made by analyzing the effects of the fishery on sea turtles in conjunction with the environmental baseline and cumulative effects. The environmental baseline section of the HMS Opinion is incorporated herein by reference and can be found at the following NOAA Fisheries website:
http://www.nmfs.noaa.gov/prot_res/readingrm/ESAsec7/HMS060801final.pdf

The environmental baseline for the June 14, 2001, HMS Opinion also considered the impacts from the North Carolina offshore spring monkfish gillnet fishery and the inshore fall southern flounder gillnet fishery, both of which were responsible for large numbers of sea turtle mortalities in 1999 and 2000, especially loggerhead sea turtles. However, during the 2001 season NOAA Fisheries implemented an observer program that observed 100% of the effort in the monkfish fishery, and then in 2002 a rule was enacted creating a seasonal monkfish gillnet closure along the Atlantic coast based upon sea surface temperature data and turtle migration patterns. In 2001, NOAA Fisheries also issued an ESA section 10 permit with mitigative measures for the southern flounder fishery. Subsequently, the sea turtle mortalities in these fisheries were drastically reduced. The reduction of turtle mortalities in these fisheries reduces the negative effects these fisheries have on the environmental baseline.

NOAA Fisheries has implemented a reasonable and prudent alternative (RPA) in the HMS fishery which would allow the continuation of the pelagic longline fishery without jeopardizing the continued existence of loggerhead and leatherback sea turtles. The provisions of this RPA include the closure of the Grand Banks region off the northeast United States and gear restrictions that are expected to reduce the by-catch of loggerheads by as much as 76% and leatherbacks by as much as 65%. Further, NOAA Fisheries is implementing a major research project to develop measures aimed at further reducing longline by-catch. The implementation of this RPA reduces the negative effects that the HMS fishery has on the environmental baseline.

The conclusions of the June 14, 2001, HMS Opinion and the subsequent implementation of the RPA are hereby incorporated into the environmental baseline section of this Opinion.

Another action with Federal oversight which has impacts on sea turtles is the operation of electrical generating plants. Sea turtles entering coastal or inshore areas have been affected by entrainment in the cooling-water systems of electrical generating plants. Biological opinions have already been written for a number of electrical generating plants, and others are currently undergoing section 7 consultation.

State or Private Actions

Commercial vessel traffic and recreational pursuits can have an adverse effect on sea turtles through propeller and boat strike damage. Private vessels participate in high speed marine events concentrated in the southeastern United States and are a particular threat to sea turtles, and occasionally to marine mammals as well. The magnitude of these marine events is not currently known. NOAA Fisheries and the USCG are in early consultation on these events, but a thorough analysis has not been completed.

Various fishing methods used in state fisheries, including trawling, pot fisheries, fly nets, and gillnets are known to cause interactions with sea turtles. Georgia and South Carolina prohibit gillnets for all but the shad fishery. Florida has banned all but very small nets in state waters, as has Texas. Louisiana, Mississippi, and Alabama have also placed restrictions on gillnet fisheries within state waters such that very little commercial gillnetting takes place in southeast waters, with the exception of North Carolina. Most pot fisheries in the Southeast are prosecuted in areas frequented by sea turtles.

Strandings in the North Carolina area represent, at best, 7%-13% of the actual nearshore mortality (Epperly et al. 1996). Studies by Bass et al. (1998), Norrgard (1995), and Rankin-Baransky (1997) indicate that the percentage of northern loggerheads in this area is highly over-represented in the strandings when compared to the approximately 9% representation from this subpopulation in the overall U.S. sea turtle nesting populations. Specifically, the genetic composition of sea turtles in this area is 25%-54% from the northern subpopulation, 46%-64% from the South Florida subpopulation, and 3%-16% from the Yucatán subpopulation. The cumulative removal of these turtles on an annual basis would severely impact the recovery of this species.

Other Potential Sources of Impacts in the Environmental Baseline

A number of activities that may indirectly affect listed species include discharges from wastewater systems, dredging, ocean dumping and disposal, and aquaculture. The impacts from these activities are difficult to measure. Where possible, however, conservation actions are being implemented to monitor or study impacts from these elusive sources.

NOAA Fisheries and the USN have been working cooperatively to establish a policy for monitoring and managing acoustic impacts from anthropogenic sound sources in the marine environment. Acoustic impacts can include temporary or permanent injury, habitat exclusion, habituation, and disruption of other normal behavior patterns.

Conservation and Recovery Actions Shaping the Environmental Baseline

NOAA Fisheries implemented a series of regulations aimed at reducing potential for incidental mortality of sea turtles in commercial fisheries. In particular, NOAA Fisheries has required the use of TEDs in southeast U.S. shrimp trawls since 1989 and in summer flounder trawls in the mid-Atlantic area (south of Cape Charles, Virginia) since 1992. It has been estimated that TEDs exclude 97% of the turtles caught in such trawls. These regulations have been refined over the years to ensure that TED effectiveness is maximized through proper placement and installation, configuration (e.g., width of bar spacing), floatation, and more widespread use. Recent analyses by Epperly and Teas (1999) indicate that the minimum requirements for the escape opening dimensions are too small, and that as many as 47% of the loggerheads stranding annually along the Atlantic seaboard and Gulf of Mexico were too large to fit through existing openings. On October 2, 2001, NOAA Fisheries published a proposed rule to require larger escape openings in TEDs and is planning to publish a final rule in 2002.

In 1993 (with a final rule implemented in 1995), NOAA Fisheries established a Leatherback Conservation Zone to restrict shrimp trawl activities from the coast of Cape Canaveral, Florida, to the North Carolina/Virginia border. This provides for short-term closures when high concentrations of normally pelagic-distributed leatherbacks are recorded in more coastal waters where the shrimp fleet operates. This measure is necessary because, due to their size, adult leatherbacks are larger than the escape openings of most NOAA Fisheries-approved TEDs.

NOAA Fisheries is also working to develop a TED which can be effectively used in a type of trawl known as a fly net, which is sometimes used in the mid-Atlantic and northeast fisheries to target sciaenids and bluefish. Limited observer data indicate that takes can be quite high in this fishery. A prototype design has been developed, but testing under commercial conditions is still necessary.

In addition, NOAA Fisheries has been active in public outreach efforts to educate fishermen regarding sea turtle handling and resuscitation techniques. As well as making this information widely available to all fishermen, NOAA Fisheries recently conducted a number of workshops with longline fishermen to discuss bycatch issues including protected species, and to educate them regarding handling and release guidelines. NOAA Fisheries intends to continue these outreach efforts and hopes to reach all fishermen participating in the pelagic longline fishery over the next one to two years. There is also an extensive network of Sea Turtle Stranding and Salvage Network participants along the Atlantic and Gulf of Mexico which not only collects data on dead sea turtles, but also rescues and rehabilitates any live stranded turtles.

IV. Effects of the Action

Since Units 1, 2, and 3 began commercial operation, marine turtles have occasionally been found in the intake canal. CREC records indicate that from 1994 to 1997, eight sea turtles were stranded on the Unit 3 intake bar racks. CREC records for these years were opportunistic, and do not indicate species, time of year, size or disposition of the stranded turtles (dead or alive). Sea turtle monitoring activities at CREC have increased substantially since 1997, with the monitoring program implemented in March 1998 and the implementation of the Sea Turtle Rescue Guidelines dated September 1998. The increased monitoring should provide a more realistic estimate of the number of sea turtles stranded or killed each year at the plants.

The records indicate that this activity has not taken many sea turtles for years up to 1998. For the four years from 1994 to 1997, the activities at CREC have taken an average of two sea turtles per year. Records for 1998 show a dramatic increase in the numbers of sea turtle strandings at CREC, especially for the months of February to May. In 1998, a total of 40 takes were stranded at the power plants, 5 being lethal. Of these, 37 of the turtles released alive were Kemp's ridley and all 5 lethal takes were also Kemp's ridley. All sea turtles stranded at CREC were sub-adults with carapace lengths ranging from 21 cm to 55 cm. There are no proven environmental factors that have caused this increase and population numbers are not monitored for this area so the increase could be from an increase in population or an increase in sub-adult turtles moving into this area from some other area (pers. comm. Allen Foley, FWC).

The number of marine sea turtles taken in 1999 was significantly lower than 1998. A total of 9 live sea turtles were recovered from the bar racks in 1999. Of these, 7 were Kemp's ridleys, 1 was a loggerhead, and 1 was a green turtle. In 2000, a total of 19 turtles were taken from the bar racks: 13 were alive, 5 were considered non-causal mortalities (killed by something other than plant activities, such as a boat strike, and verified by FWC), and 1 was considered killed as a result of plant activities. Of these, 11 were Kemp's ridleys, 6 were green turtles, 1 was a loggerhead, and 1 was a hawksbill.

More turtles were taken in 2001 than in 1998. There were 66 sea turtles taken incidentally in 2001, 62 were released alive, 3 were considered non causal mortalities, and 1 was considered killed as a result of plant activities. The vast majority of these turtles were Kemp's ridleys, followed by green and loggerhead turtles. These numbers exceeded the biennial ITS levels set in the June 1999 Opinion, which established an incidental take level of 50 live takes, 5 turtles killed as a result of plant activities and 8 dead turtles not causally related to plant operations. As of May 21, 2002, there have been 11 turtles incidentally taken at CREC, 8 of which were alive and 3 dead turtles not causally related to plant operations.

Based on this information and recorded take levels for 1998 and 2001, NOAA Fisheries believes that the level of live take of sea turtles in CREC's intake canal may reach 75 sea turtles rescued alive from the bar racks annually and 3 lethal takes annually that are causally related to plant operations. The majority of these turtles are expected to be Kemp's ridleys, followed by greens

and loggerheads. Hawksbills and leatherbacks, although occasionally found in the area, are expected to make up a very small portion of this take (less than 1%). NOAA Fisheries does not expect leatherbacks or hawksbills to be part of the lethal take because of their rarity in the action area.

V. Cumulative Effects

Cumulative effects are the effects of future state, local, or private activities that are reasonably certain to occur within the action area considered in this biological opinion. Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA. Within the action area, major future changes are not anticipated in ongoing human activities described in the environmental baseline. The present, major human uses of the action area such as commercial fishing, recreational boating and fishing, and the transport of petroleum and other chemical products, are expected to continue at the present levels of intensity in the near future as are their associated risks of injury or mortality to sea turtles posed by incidental capture by fishermen, accidental oil spills, vessel collisions, marine debris, chemical discharges, and man-made noises. As discussed in Section III, however, listed species of turtles migrate throughout the Gulf of Mexico and Atlantic and may be affected during their life cycles by non-Federal activities outside the action area.

Beachfront development, lighting, and beach erosion control are all ongoing activities along the southeastern coast of the United States. These activities potentially reduce or degrade sea turtle nesting habitats or interfere with hatchling movement to sea. Nocturnal human activities along nesting beaches may also discourage sea turtles from nesting sites. The extent to which these activities reduce sea turtle nesting and hatchling production is unknown. However, more and more coastal counties have or are adopting more stringent protective measures to protect hatchling sea turtles from the disorienting effects of beach lighting. Some of these measures were drafted in response to law suits brought against the counties by concerned citizens who charged the counties with failing to uphold the ESA by allowing unregulated beach lighting which results in takes of hatchlings.

State-regulated commercial and recreational boating and fishing activities in the Gulf of Mexico, off Citrus County waters currently result in the incidental take of threatened and endangered species. It is expected that states will continue to license/permit large vessel and thrill-craft operations which do not fall under the purview of a Federal agency and will issue regulations that will affect fishery activities. Any increase in recreational vessel activity in inshore and offshore waters of the Atlantic Ocean and the Gulf of Mexico will likely increase the risk of turtles taken by injury or mortality in vessel collisions. Recreational hook-and-line fisheries have been known to lethally take sea turtles, including Kemp's ridleys. Future cooperation between NOAA Fisheries and the states on these issues should help decrease take of sea turtles caused by recreational activities. NOAA Fisheries will continue to work with states to develop ESA section 6 agreements and section 10 permits to enhance programs to quantify and mitigate these takes.

VI. Conclusion

The annual live take, tagging, and release of 75 turtles (Kemp's ridleys, greens, hawksbills, leatherbacks, and loggerheads) will not have an impact on turtles populations. The annual lethal take of 3 Kemp's ridley, loggerhead, or green sea turtles, or some combination of all three, represents a very small percentage of the total sea turtle take in the Southeast United States from such things as commercial fishing. As explained in this Opinion (in the environmental baseline and species description), nesting for these species has been increasing or remaining stable in the Southeast United States (except for the northern nesting population of loggerheads which has been stable and may be decreasing) in spite of the current amount of take. Therefore, after reviewing the current status of endangered green, leatherback, hawksbill, and Kemp's ridley sea turtles, and threatened loggerhead sea turtles; the environmental baseline; the effects of the proposed action; and the cumulative effects, it is NOAA Fisheries biological opinion that the implementation of the proposed action, as described in the Proposed Action section of this Opinion, is not likely to jeopardize the continued existence of endangered green, leatherback, hawksbill, and Kemp's ridley sea turtles, or threatened loggerhead sea turtles. No critical habitat has been designated for these species in the action area; therefore, none will be affected.

VII. Incidental Take Statement

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of this incidental take statement.

The measures described below are non-discretionary and must be undertaken by the NRC so that they become binding conditions of any grant or permit issued to the applicant, as appropriate, for the exemption in section 7(o)(2) to apply. The NRC has a continuing duty to regulate the activity covered by this incidental take statement. If the NRC fails to assume and implement the terms and conditions, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, the NRC must report the progress of the action and its impact on the species to NOAA Fisheries as specified in the incidental take statement.

Amount or Extent of Anticipated Take

Based on stranding records, incidental captures aboard commercial shrimp vessels, and historical data, five species of sea turtles are known to occur in the action area. Current available information on the relationship between sea turtles and CREC's cooling water intake system indicates that injury and/or death of sea turtles is likely to occur from entrainment on the bar racks of the water intake system. Therefore, pursuant to section 7(b)(4) of the ESA, NOAA

Fisheries anticipates an annual incidental take of up to **seventy-five** live sea turtles and **three** sea turtles killed as a result of plant operations, in any combination of loggerheads, greens, Kemp's ridleys, hawksbills, or leatherbacks. This level of take is anticipated for the operation of CREC's cooling water intake system. If the actual incidental take meets or exceeds this level, the NRC must immediately request reinitiation of formal consultation. NOAA Fisheries' Southeast Region will cooperate with the NRC in the review of the incident. NOAA Fisheries also expects that the CREC may capture and collect an additional unquantifiable number of previously dead sea turtles (turtles not killed as a result of plant operations) such as turtles with obvious signs of injury, such as prop scars, or disease.

Effect of the Take

NOAA Fisheries believes that the aforementioned level of anticipated annual take, over the next five years, is not likely to appreciably reduce the survival and recovery of Kemp's ridley, green, loggerhead, hawksbill, or leatherback sea turtles in the wild by reducing their reproduction, numbers, or distribution, even if all incidental takes are from the same species. In particular, NOAA Fisheries determined that it does not expect activities associated with the proposed action, when added to ongoing activities affecting these species in the action area and cumulative effects, to affect sea turtles in a way that reduces the number of animals born in a particular year (i.e., a specific age-class), the reproductive success of adult sea turtles, or the number of young sea turtles that annually recruit into the adult breeding population.

Reasonable and Prudent Measures

NOAA Fisheries believes the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of Kemp's ridley, green, loggerhead, leatherback, and hawksbill sea turtles:

1. NRC will monitor sea turtle activities around the bar racks and rescue sea turtles stranded on the bar racks.
2. NRC will keep records of sea turtle strandings at the plants.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the NRC must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting and monitoring requirements. These terms and conditions are nondiscretionary.

1. Continue implementation of the procedures outlined in the Florida Power Corporation's Sea Turtle Rescue and Handling Guidelines (AI-571) which are incorporated by reference. All updates of the rescue plan will be reviewed by the FWC and NOAA Fisheries.

2. If any listed species are apparently injured or killed in the intake canal or the bar racks, a report summarizing the incident must be provided to the NOAA Fisheries' Southeast Regional Office (SERO) Assistant Regional Administrator, Protected Resources Division, within 30 days of the incident.
3. All sea turtle takings at the plant will be recorded by species, size, date and time collected, location, condition, and disposition. Details on the information to be collected and recorded shall be specified in the Sea Turtle Rescue and Handling Guidelines. Data collected will be tabulated and submitted to NOAA Fisheries' SERO Assistant Regional Administrator, Protected Resources Division and the FWC by March 1 of each year.
4. If non-lethal take reaches 70 individuals, causally related lethal take reaches 2 individuals, or if take of non-causally related dead turtles reaches 8 individuals (although there is no specified take limit on non-causally related dead turtles, NOAA Fisheries is requiring this information in case there are other issues it may need to look into) in any one year, NRC will notify the SERO Assistant Regional Administrator, Protected Resources Division within 5 days.

NOAA Fisheries anticipates that no more than 78 sea turtles will be incidentally taken annually as a result of the proposed action and that three of these takes will be lethal. The reasonable and prudent measures and their implementing terms and conditions are designed to minimize the impact of incidental take that might otherwise result from the proposed action. If, during the course of this action, this level of incidental take is met or exceeded, such incidental take represents new information requiring reinitiation of consultation and review of the reasonable and prudent measures provided. The NRC must immediately provide an explanation of the causes of the taking and review with NOAA Fisheries the need for possible modification of the reasonable and prudent measures.

VIII. Conservation Recommendations

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorizations to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

NRC should continue the evaluation and experimentation on methods to be employed that could be used to keep sea turtles away from the bar racks.

In order for NOAA Fisheries to be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats, NOAA Fisheries requests notification of the implementation of any conservation recommendations.

IX. Reinitiation of Consultation

This concludes formal consultation on the actions outlined in the NRC's BA dated October 11, 2001. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if (1) the amount or extent of taking specified in the incidental take statement is met or exceeded, (2) new information reveals effects of the action that may affect listed species or critical habitat (when designated) in a manner or to an extent not previously considered, (3) the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat that was not considered in the biological opinion, or (4) a new species is listed or critical habitat designated that may be affected by the identified action. In instances where the amount or extent of incidental take is exceeded, the NRC must immediately request reinitiation of formal consultation.

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APPENDIX 10.4.5

**TITLE V AIR OPERATION PERMIT REVISION
FINAL PERMIT NO.: 0170004-015-AV**

Florida Power Corporation dba Progress Energy Florida, Inc.
Crystal River Power Plant
Facility ID No.: 0170004
Citrus County

Title V Air Operation Permit Revision
FINAL Permit No.: 0170004-015-AV

Permitting Authority:
State of Florida
Department of Environmental Protection
Division of Air Resources Management
Bureau of Air Regulation
Title V Section

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

Telephone: 850/488-1344
Fax: 850/922-6979

Compliance Authority:
Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813/632-7600
Fax: 813/632-7668



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp

Deputy Governor

Bill H. H. H.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF FINAL PERMIT

In the Matter of an
Application for Permit by:

Mr. Bernie M. Cumbie, Manager
Florida Power Corporation dba Progress Energy Florida, Inc.
2929 Allen Parkway, Suite 2200
St. Petersburg, Florida 33701

Title V Permit Project No.: 0170004-015-AV
Crystal River Power Plant
Citrus County

Enclosed is Final Permit Number 0170004-015-AV. The purpose of this revision is to reflect changes made to the coal yard that are authorized by permit number 0170004-014-AC (which was issued concurrently with this Title V permit revision). In order to decrease the time required to unload a coal barge, Progress Energy has chosen to replace the existing clamshell bucket and traveling gantry with a new crane-operated clamshell bucket on a traveling gantry. This replacement will increase the unloading capabilities from 1,500 tons of coal per hour to 2,500 tons of coal per hour. To accommodate this increase, the speed of the conveyors and crusher feeding boilers 1 and 2 is being increased from 600 tons per hour to 900 tons per hour. This permitting action will also be used to replace Appendix TV-4, Title V Conditions (version dated 02/12/02) with Appendix TV-6, Title V Conditions (version dated 6/23/06), as well as other minor administrative corrections as described in the Statement of Basis.

Any party to this order has the right to seek judicial review of it under section 120.68 of the Florida Statutes, by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel, Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The notice must be filed within thirty days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

Trina L. Vielhauer, Chief
Bureau of Air Regulation

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Notice of Final Permit (including the Final permit) was sent by Internet e-mail before the close of business on 2/22/07 to the person(s) listed:

Mr. Bernie M. Cumbie, Manager, Progress Energy Florida, Inc. (bernie.cumbie@pgnmail.com)

Mr. Dave Meyer, Progress Energy Florida, Inc. (dave.meyer@pgnmail.com)

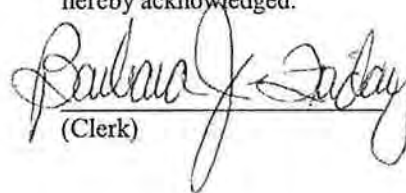
Mr. Scott Osbourn, P.E., Golder Associates (sosbourn@golder.com)

Ms. Cindy Zhang-Torres, P.E., DEP -- SWD (cindy.zhang-torres@dep.state.fl.us)

U.S. EPA, Region 4

Clerk Stamp

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


(Clerk) 2/22/07 (Date)

FINAL Determination

Title V Air Operation Permit Revision
FINAL Title V Air Operation Permit No.: 0170004-015-AV
Florida Power Corporation dba Progress Energy Florida, Inc.
Crystal River Power Plant
Page 1 of 1

I. Comment(s).

No comments were received from the USEPA during their 45 day review period of the PROPOSED Permit.

II. Conclusion.

In conclusion, the permitting authority hereby issues the FINAL Permit.

Title V Air Operation Permit Revision
FINAL Permit No.: 0170004-015-AV

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Permittee:

Florida Power Corporation
dba Progress Energy Florida, Inc.
One Power Plaza
263 13th Avenue South, BB1A
St. Petersburg, FL 33701-5511

FINAL Permit No.: 0170004-015-AV**Facility ID No.:** 0170004**SIC Nos.:** 49, 4911**Project:** Title V Air Operation Permit Revision

This facility is located on Power Line Road, West of U.S. Hwy. 19, Crystal River, Citrus County; UTM Coordinates: Zone 17, 334.3 km East and 3204.5 km North; Latitude: 28° 57' 34" North and Longitude: 82° 42' 1" West.

STATEMENT OF BASIS: This Title V air operation permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Florida Administrative Code (F.A.C.) Chapters 62-4, 62-210, 62-213, and 62-214. The above named permittee is hereby authorized to perform the work or operate the facility shown on the application and approved drawing(s), plans, and other documents, attached hereto or on file with the permitting authority, in accordance with the terms and conditions of this permit. The purpose of this revision is to incorporate the terms and conditions of permit number 0170004-014-AC relating to the replacement of the coal barge unloading equipment.

Referenced attachments made a part of this permit:

Appendix A, 40 CFR 60, Subpart A Standard Conditions

Appendix Y, 40 CFR 60, Subpart Y Standard Conditions

Appendix U-1, List of Unregulated Emissions Units and/or Activities

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

Appendix CAM

Appendix TV-6, Title V Conditions (version dated 06/23/06)

Appendix SS-1, Stack Sampling Facilities (version dated 10/07/96)

Appendix P, Sensitive Paper Sampling Locations and Apparatus

Table 297.310-1, Calibration Schedule (version dated 10/07/96)

Figure 1 - Summary Report-Gaseous And Opacity Excess Emission And Monitoring System Performance Report (version dated 7/96)

Phase II Acid Rain Application/Compliance Plans received 12/22/95 and 06/30/2004

Phase I Acid Rain permit dated 3/27/97

Alternate Sampling Procedure: ASP Number 97-B-01 and ASP Number 00-E-01

Order Granting Petition for Reduced Frequency of Particulate Testing, OGC Case No. 86-1576, Order dated December 12, 1986 (Emissions Unit 001)

Best Management Plan, KBN, November 1990

Figure A, Ambient Air Monitoring Locations, Crystal River, Florida

Effective Date: May 29, 2006**Revision Effective Date:** February 14, 2007**Renewal Application Due Date:** July 5, 2009**Expiration Date:** December 31, 2009

Joseph Kahn, Director
Division of Air Resource Management

Section I. Facility Information.

Subsection A. Facility Description.

This facility consists of four coal-fired fossil fuel steam generating (FFSG) units with electrostatic precipitators; two natural draft cooling towers for FFSG Units 4 and 5; helper mechanical cooling towers for FFSG Units 1, 2 and Nuclear Unit 3; coal, fly ash, and bottom ash handling facilities, and relocatable diesel fired generator(s). The nuclear unit (Unit 3) is not considered part of this permit, although certain emissions units associated with Unit 3 are included in this permit.

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

Based on the initial Title V permit application received June 14, 1996 and renewal application received June 30, 2004, this facility is a major source of hazardous air pollutants (HAPs).

Subsection B. Summary of Emissions Unit ID No(s). and Brief Description(s).

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator (FFSG), Unit 1
002	FFSG, Unit 2
004	FFSG, Unit 4
003	FFSG, Unit 5
006	Fly ash transfer (Source 1) from FFSG Unit 1
008	Fly ash storage silo (Source 3) for FFSG Units 1 and 2
009	Fly ash transfer (Source 4) from FFSG Unit 2
010	Fly ash transfer (Source 5) from FFSG Unit 2
014	Bottom ash storage silo for FFSG Units 1 and 2, with associated vacuum blower exhausts and bin vent filter (total of three emission points)
7775047, 001	Relocatable diesel generator(s) will have a maximum (combined) heat input of 25.74 MMBtu/hour while being fueled by 186.3 gallons of new No. 2 fuel oil per hour with a maximum (combined) rating of 2460 kilowatts.
013	Cooling towers for FFSG Units 1, 2, and 3, used to reduce plant discharge water temperature
015	Cooling towers for FFSG Units 4 and 5 used to reduce plant discharge water temperature
016	Material handling activities for coal-fired steam units

Unregulated Emissions Units and/or Activities	
017	Fuel and lube oil tanks and vents
018	Sewage treatment, water treatment, lime storage
019	Three 3500 kW diesel generators associated with Unit 3

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

Subsection C. Relevant Documents.

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

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

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

Appendix H-1, Permit History/ID Number Changes

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

Table 2-1, Summary of Compliance Requirements

Documents on file with USEPA:

Risk Management Plan submitted to the RMP Reporting Center on 06/21/99 (received date).

These documents are on file with the permitting authority:

Initial Title V Permit Application received June 14, 1996

BACT Determination dated 8/29/90 (Cooling Tower Drift Emission Rate)

BACT Determinations ordered 2/5/79 (proposed 1/26/79) and 8/16/79 (Fly Ash Transfer)

Revision to Permit Application received April 17, 1998

Letter received November 9, 1998, from Mr. Scott Osbourn.

Letter received August 2, 1999, from Mr. J. Michael Kennedy

Title V Permit Revision Application received September 5, 2000

Renewal Title V Permit Application received June 30, 2004

Letter received September 22, 2004, from Mr. Mike Olive

Title V Revision Application Received July 14, 2006

Request for Additional Information Sent August 11, 2006

Additional Information Letter Received September 5, 2006, from Mr. Scott Osbourn

Section II. Facility-wide Conditions.

The following conditions apply facility-wide:

1. APPENDIX TV-6, TITLE V CONDITIONS is a part of this permit.

{Permitting note: APPENDIX TV-6, TITLE V CONDITIONS, is distributed to the permittee only. Other persons requesting copies of these conditions shall be provided a copy when requested or otherwise appropriate.}

2. Not Federally Enforceable. General Pollutant Emission Limiting Standards. Objectionable Odor Prohibited.

The permittee shall not cause, suffer, allow, or permit the discharge of air pollutants which cause or contribute to an objectionable odor.

[Rule 62-296.320(2), F.A.C.]

3. General Particulate Emission Limiting Standards. General Visible Emissions Standard.

Except for emissions units that are subject to a particulate matter or opacity limit set forth or established by rule and reflected by conditions in this permit, no person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than that designated as Number 1 on the Ringelmann Chart (20 percent opacity). EPA Method 9 is the method of compliance pursuant to Chapter 62-297, F.A.C.

[Rule 62-296.320(4)(b)1. & 4, F.A.C.]

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

a. As required by Section 112(r)(7)(B)(iii) of the CAAA and 40 CFR 68, the owner or operator shall submit an updated Risk Management Plan (RMP) to the Chemical Emergency Preparedness and Prevention Office (CEPPO) RMP Reporting Center.

b. As required under Section 252.941(1)(c), F.S., the owner or operator shall report to the appropriate representative of the Department of Community Affairs (DCA), as established by department rule, within one working day of discovery of an accidental release of a regulated substance from the stationary source, if the owner or operator is required to report the release to the United States Environmental Protection Agency under Section 112(r)(6) of the CAAA.

c. The owner or operator shall submit the required annual registration fee to the DCA on or before April 1, in accordance with Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.

Any required written reports, notifications, certifications, and data required to be sent to the DCA, should be sent to:

Department of Community Affairs
Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Telephone: 850/413-9921, Fax: 850/488-1739

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

Any required reports to be sent to the National Response Center, should be sent to:

National Response Center
EPA Office of Solid Waste and Emergency Response
USEPA (5305 W)
401 M Street, SW
Washington, D.C. 20460
Telephone: 1/800/424-8802

Send the required annual registration fee using approved forms made payable to:

Cashier
Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149

[Part IV, Chapter 252, F.S. and Rule 9G-21, F.A.C.]

5. Unregulated Emissions Units and/or Activities. Appendix U-1, List of Unregulated Emissions Units and/or Activities, is a part of this permit.

[Rule 62-213.440(1), F.A.C.]

6. Insignificant Emissions Units and/or Activities. Appendix I-1, List of Insignificant Emissions Units and/or Activities, is a part of this permit.

[Rules 62-213.440(1), 62-213.430(6), and 62-4.040(1)(b), F.A.C.]

7. Not Federally Enforceable. General Pollutant Emission Limiting Standards. Volatile Organic Compounds (VOC) Emissions or Organic Solvents (OS) Emissions. The permittee shall allow no person to store, pump, handle, process, load, unload or use in any process or installation, volatile organic compounds (VOC) or organic solvents (OS) without applying known and existing vapor emission control devices or systems deemed necessary and ordered by the Department. The owner or operator shall:

- a. Tightly cover or close all VOC or OS containers when they are not in use.
- b. Tightly cover all open tanks which contain VOC or OS when they are not in use.
- c. Maintain all pipes, valves, fittings, etc., which handle VOC or OS in good operating condition.
- d. Immediately confine and clean up VOC or OS spills and make sure wastes are placed in closed containers for reuse, recycling or proper disposal.

[Rule 62-296.320(1)(a), F.A.C.; Proposed by applicant in the initial Title V permit application received June 14, 1996]

8. Not Federally Enforceable. No person shall cause, let, permit, suffer or allow the emissions of unconfined particulate matter from any activity without taking reasonable precautions to prevent such emissions. Reasonable precautions to prevent emissions of unconfined particulate matter at this facility may include, as needed:

- a. Maintenance of paved areas as needed.
- b. Regular mowing of grass and care of vegetation.
- c. Limiting access to plant property by unnecessary vehicles.

[Rule 62-296.320(4)(c)2., F.A.C.; Proposed by applicant in the initial Title V permit application received June 14, 1996]

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

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

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

Department of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813/632-7600
Fax: 813/632-7668

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

United States Environmental Protection Agency
Region 4
Air, Pesticides & Toxics Management Division
Air and EPRCA Enforcement Branch
Air Enforcement Section
61 Forsyth Street
Atlanta, GA 30303-8960
Phone: 404/562-9155
Fax: 404/562-9163 or 404/562-9164

11. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3)(a)2., F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year using DEP Form number 62-213.900(7), F.A.C. [Rule 62-213.440(3), F.A.C.]

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

12. Certification by Responsible Official (RO). In addition to the professional engineering certification required for applications by Rule 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to Chapter 62-213, F.A.C., shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
[Rule 62-213.420(4), F.A.C.]

Section III. Emissions Unit(s) and Conditions.

Subsection A. This section addresses the following emissions units.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1: a tangentially fired unit, rated at 440.5 MW, 3750 MMBtu/hr, burning bituminous coal; or a bituminous coal and bituminous coal briquette mixture. Distillate fuel oil may be burned as a startup fuel. Emissions are exhausted through a 499 ft. stack. This unit may also burn oily flyash.
002	Fossil Fuel Steam Generator, Unit 2: a tangentially fired unit, rated at 523.8 MW, 4795 MMBtu/hr, burning bituminous coal; or a bituminous coal and bituminous coal briquette mixture. Distillate fuel oil may be burned as a startup fuel. Emissions are exhausted through a 502 ft. stack. This unit may also burn oily flyash.

Fossil Fuel Steam Generators, Units 1 and 2, are pulverized coal dry bottom boilers, tangentially-fired. Emissions are controlled from each unit with a high efficiency electrostatic precipitator, manufactured by Buell Manufacturing Company, Inc.

Compliance Assurance Monitoring (CAM) Requirements

These emissions units are subject to the Compliance Assurance Monitoring (CAM) requirements contained in the attached Appendix CAM. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7)(b), F.A.C.

[40 CFR 64; and, Rules 62-204.800 and 62-213.440(1)(b)1.a., F.A.C.]

{Permitting Notes: These emissions units are regulated under Acid Rain, Phase I and II and Rule 62-296.405, F.A.C., Fossil Fuel Steam Generators with More than 250 million Btu per Hour Heat Input, and Power Plant Siting Certification PA 77-09 conditions. Fossil fuel fired steam generator Unit 1 began commercial operation in 1966. Fossil fuel fired steam generator Unit 2 began commercial operation in 1969.}

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

{Permitting note: In addition to the requirements listed below, these emissions units are also subject to the standards and requirements contained in the Acid Rain Part of this permit (see Section IV).}

Essential Potential to Emit (PTE) Parameters

A.1. Permitted Capacity. The maximum operation heat input rates are as follows:

Unit No.	MMBtu/hr Heat Input	Fuel Type
001	3750	Bituminous Coal; or Bituminous Coal and Bituminous Coal Briquette Mixture
002	4795	Bituminous Coal; or Bituminous Coal and Bituminous Coal Briquette Mixture

[Rules 62-4.160(2), 62-210.200(PTE) and 62-296.405, F.A.C.]

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in

determining future rule applicability. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.)

A.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition **I.11**.
[Rule 62-297.310(2), F.A.C.]

A.3. Methods of Operation. Fuels. The only fuels allowed to be burned by this permit are: bituminous coal; a bituminous coal and bituminous coal briquette mixture, and distillate fuel oil for startup. These emissions units may also burn used oil in accordance with other conditions of this permit (see **Subsection K**). Emissions units 001 and 002 may also burn oily flyash in accordance with specific condition **A.16** of this permit.
[Rule 62-213.410, F.A.C.; 0170004-002-AO; 0170004-005-AO; and, 0170004-006-AC]

Emission Limitations and Standards

A.4.a. Visible Emissions - Emissions Unit 001. Visible emissions shall not exceed 40 percent opacity, six minute average. Emissions units governed by this visible emissions standard shall compliance test for particulate matter emissions annually.
[Rule 62-296.405(1)(a), F.A.C.; and OGC Case No. 86-1576, Order dated December 12, 1986.]

A.4.b. Visible Emissions - Emissions Unit 002. Visible emissions shall not exceed 20 percent opacity, six minute average, except for one two-minute period per hour during which opacity shall not exceed 40 percent. Emissions units governed by this visible emissions limit shall compliance test for particulate matter emissions annually and as otherwise required by Chapter 62-297, F.A.C.
[Rule 62-296.405(1)(a), F.A.C.]

A.5. Visible Emissions - Soot Blowing and Load Change. Excess emissions from existing fossil fuel steam generators resulting from boiler cleaning (soot blowing) and load change shall be permitted provided the duration of such excess emissions shall not exceed 3-hours in any 24 hour period and visible emissions shall not exceed Number 3 of the Ringelmann Chart (60 percent opacity), six minute average, and providing (1) best operational practices to minimize emissions are adhered to and (2) the duration of the excess emissions shall be minimized.

A load change occurs when the operational capacity of a unit is in the 10 percent to 100 percent capacity range, other than startup or shutdown, which exceeds 10 percent of the unit's rated capacity and which occurs at a rate of 0.5 percent per minute or more.

Visible emissions above 60 percent opacity shall be allowed for not more than 4, six (6)-minute periods, during the 3-hour period of excess emissions allowed by this condition, for boiler cleaning and load changes, at units which have installed and are operating continuous opacity monitors.

[Rule 62-210.700(3), F.A.C. Note: these units have operational continuous opacity monitors.]

A.6. Particulate Matter. Particulate matter emissions shall not exceed 0.1 pound per million Btu heat input, as measured by applicable compliance methods.
[Rule 62-296.405(1)(b), F.A.C.]

A.7. Particulate Matter - Soot Blowing and Load Change. Particulate matter emissions shall not exceed an average of 0.3 pound per million Btu heat input during the 3-hours in any 24-hour period of excess emissions allowed for boiler cleaning (soot blowing) and load change.
[Rule 62-210.700(3), F.A.C.]

{Permitting note: The averaging time for the particulate matter standard corresponds to the cumulative sampling time of the specified test method.}

A.8. Sulfur Dioxide.

- (a) When burning coal, sulfur dioxide emissions shall not exceed 2.1 pounds per million Btu heat input, 24-hour average.
- (b) The maximum percent sulfur content of the coal/briquette mixture shall not exceed 1.05%, by weight, averaged on an annual basis.

[Rule 62-213.440, F.A.C.; PPSC PA 77-09; 0170004-003-AC; and, 0170004-006-AC]

Test Methods and Procedures

A.9. Particulate Matter. The test methods for particulate emissions shall be EPA Methods 17 or 5 incorporated by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. The owner or operator may use EPA Method 5 to demonstrate compliance. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen based F-factor, computed according to EPA Method 19, is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17. [Rules 62-213.440, 62-296.405(1)(e)2., and 62-297.401, F.A.C.]

A.10. Visible Emissions. The test method for visible emissions shall be EPA Method 9, incorporated in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated according to Rule 62-297.520, F.A.C. [Rules 62-296.405(1)(e)1. and 62-297.401, F.A.C.]

A.11. Sulfur Dioxide. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B, or 6C, incorporated by reference in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure is incorporated into the operation permit for the emissions unit. If the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C., the procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedences of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards. **The permittee may use the EPA test methods, referenced above, to demonstrate compliance; however, as an alternate sampling procedure authorized by permit, the permittee may demonstrate compliance using fuel sampling and analysis.** If the permittee elects to discontinue fuel sampling and analysis, it shall perform a stack test for sulfur dioxide at the time of the next particulate matter test, and annually thereafter until fuel sampling and analysis is resumed. [Rules 62-213.440, 62-296.405(1)(e)3. and 62-297.401, F.A.C.]

A.12. Sulfur Dioxide. The owner or operator may demonstrate compliance with the sulfur dioxide limitation using fuel sampling and analysis. This protocol is allowed because the emissions unit does not have an operating flue gas desulfurization device. See specific conditions **A.11** and **A.13**. [Rule 62-296.405(1)(f)1.b., F.A.C.]

A.13. Sulfur Dioxide - Fuel Sampling. The following fuel sampling and analysis program shall be used as an alternate sampling procedure authorized by permit to demonstrate compliance with the sulfur dioxide standard:

- a. Determine and record the as-fired fuel sulfur content, percent by weight, for coal using appropriate ASTM methods such as, ASTM D2013-72, ASTM D3177-75, and ASTM D4239-85, or latest ASTM edition methods, to analyze a representative sample of coal following each fuel delivery.
- b. Record daily the amount of coal fired, the density of each fuel, the Btu value, and the percent sulfur content by weight of each fuel.
- c. Utilize the information in a. and b., above, to calculate the SO₂ emission rate to ensure compliance at all times.

[Rules 62-213.440, 62-296.405(1)(e)3., 62-296.405(1)(f)1.b. and 62-297.440, F.A.C.]

Monitoring of Operations

A.14. Annual Tests Required - PM and VE. Except as provided in specific conditions **I.6** and **I.7** of this permit, emission testing for particulate matter emissions and visible emissions shall be performed annually.
[Rules 62-4.070(3), 62-213.440, and 62-297.310(7), F.A.C.]

A.15. Excess Emissions - Report. Submit to the Southwest District Air Section a written report of emissions in excess of emission limiting standards as set forth in this permit, for each calendar quarter. The nature and cause of the excess emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. [Rules 62-213.440 and 62-296.405(1)(g), F.A.C.]

Oily Flyash

A.16. Oily Flyash. These emissions units may burn oily flyash ("flyash") from Bartow Unit 1 in accordance with the following:

- a. Only flyash from Bartow Unit 1 may be burned in these emissions units. Once the accumulated backlog of Bartow Unit 1 flyash (estimated at approximately 13,000 tons) is burned, only the additional flyash generated at Bartow Unit 1 shall be burned in these emissions units.
- b. The maximum flyash blend rate shall not exceed 2% of the total boiler feed on a weight basis.
- c. The owner or operator shall make and maintain the following records for each day that flyash is burned in the boiler:
 1. Date and Unit number;
 2. Time period of flyash burning and start and end times;
 3. Total quantity of flyash burned in tons per day;
 4. Maximum flyash blend rate during period of flyash burn (percent flyash in total emissions unit fuel feed on a weight basis).

[Rules 62-4.070(3) and 62-213.440, F.A.C.; and, 0170004-005-AO]

Common Conditions

A.17. These emissions units are also subject to conditions **I.1** through **I.15** contained in **Subsection I. Common Conditions**.

A.18. These emissions units are also subject to condition **K.1** contained in **Subsection K. Used Oil Common Condition**.

Record Keeping and Reporting Requirements:

A.19. COMS for Periodic Monitoring:

Periodic monitoring for opacity shall be COMS, which are maintained and operated in conformance with 40 CFR Part 75.

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

Subsection B. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
004	Fossil Fuel Steam Generator, Unit 4, a dry bottom wall-fired unit, rated at 760 MW, 6665 MMBtu/hr, capable of burning bituminous coal, a bituminous coal and bituminous coal briquette mixture, and used oil, with number 2 fuel oil as a startup fuel, and natural gas as a startup and low-load flame stabilization fuel, with emissions exhausted through a 600 ft. stack.
003	Fossil Fuel Steam Generator, Unit 5, a dry bottom wall-fired unit, rated at 760 MW, 6665 MMBtu/hr, capable of burning bituminous coal, a bituminous coal and bituminous coal briquette mixture, and used oil, with number 2 fuel oil as a startup fuel, and natural gas as a startup and low-load flame stabilization fuel, with emissions exhausted through a 600 ft. stack.

Fossil Fuel Steam Generators, Units 4 and 5, are pulverized coal dry bottom boilers, wall-fired. Emissions are controlled from each unit with a high efficiency electrostatic precipitator, manufactured by Combustion Engineering.

Compliance Assurance Monitoring (CAM) Requirements

These emissions units are subject to the Compliance Assurance Monitoring (CAM) requirements contained in the attached Appendix CAM. Failure to adhere to the monitoring requirements specified does not necessarily indicate an exceedance of a specific emissions limitation; however, it may constitute good reason to require compliance testing pursuant to Rule 62-297.310(7)(b), F.A.C.

[40 CFR 64; and, Rules 62-204.800 and 62-213.440(1)(b)1.a., F.A.C.]

{Permitting Notes: These emissions units are regulated under Acid Rain, Phase I and II and Rule 62-210.300, F.A.C., Permits Required; 40 CFR 60 Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971; and, Power Plant Siting Certification PA 77-09 conditions. Fossil fuel fired steam generator Unit 4 began commercial operation in 1982. Fossil fuel fired steam generator Unit 5 began commercial operation in 1984.}

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

{Permitting note: In addition to the requirements listed below, these emissions units are also subject to the standards and requirements contained in the Acid Rain Part of this permit (see Section IV).}

Essential Potential to Emit (PTE) Parameters

B.1. Permitted Capacity. The maximum operation heat input rates are as follows:

Unit No.	MMBtu/hr Heat Input	Fuel Type
004	6665	Bituminous Coal and Bituminous Coal /Bituminous Coal Briquette Mixture
003	6665	Bituminous Coal and Bituminous Coal /Bituminous Coal Briquette Mixture

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

{Permitting note: The heat input limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load), to establish appropriate emission limits and to aid in determining future rule applicability. Regular record keeping is not required for heat input. Instead the owner or operator is expected to determine heat input whenever emission testing is required, to demonstrate at what

percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such heat input determination may be based on measurements of fuel consumption by various methods including but not limited to fuel flow metering or tank drop measurements, using the heat value of the fuel determined by the fuel vendor or the owner or operator, to calculate average hourly heat input during the test.)

B.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition **I.11.**
[Rule 62-297.310(2), F.A.C.]

B.3. Methods of Operation. Fuels. The only fuel allowed to be burned is bituminous coal or bituminous coal and bituminous coal briquette mixture with the exception that number 2 fuel oil may be used as an ignitor fuel, and natural gas may be used as a startup and low-load flame stabilization fuel. Fuel oil shall not contain more than 0.73% sulfur by weight. These emissions units may also burn used oil in accordance with other conditions of this permit (see **Subsection K**).
[Rule 62-213.410, F.A.C.; and, PPSC PA 77-09 and modified conditions]

Emission Limitations and Standards

B.4. Pursuant to 40 CFR 60.42 Standard For Particulate Matter.

(a) No owner or operator shall cause to be discharged into the atmosphere from any affected facility any gases which:

- (1) Contain particulate matter in excess of 43 nanograms per joule heat input (0.10 lb per million Btu) derived from fossil fuel.
- (2) Exhibit greater than 20 percent opacity, six minute average, except for one six-minute period per hour of not more than 27 percent opacity.

[40 CFR 60.42(a)(1) & (2)]

B.5.a. Standard For Sulfur Dioxide.

(a) No owner or operator shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

- (1) 340 nanograms per joule heat input (0.80 lb per million Btu), 24-hour average, derived from liquid fossil fuel.
 - (2) 520 nanograms per joule heat input (1.2 lb per million Btu), 24-hour average, derived from solid fossil fuel.
- (b) When different fossil fuels are burned simultaneously in any combination, the applicable standard (in ng/J) shall be determined by proration using the following formula:

$$PS_{SO_2} = [y(340) + z(520)]/(y+z)$$

where:

PS_{SO_2} is the prorated standard for sulfur dioxide when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels and wood residue fired,

y is the percentage of total heat input derived from liquid fossil fuel, and

z is the percentage of total heat input derived from solid fossil fuel.

(c) Compliance shall be based on the total heat input from all fossil fuels burned, including gaseous fuels.

[40 CFR 60.43(a), (b) and (c); and, PPSC PA 77-09]

B.5.b. Standard For Sulfur Dioxide. The maximum percent sulfur content of the coal/briquette mixture shall not exceed 0.68%, by weight, averaged on an annual basis. {See specific conditions **B.10.** and **B.11.**}
[Rule 62-213.440, F.A.C.; and, 0170004-006-AC]

B.6. Pursuant to 40 CFR 60.44 Standard For Nitrogen Oxides.

(a) On and after the date on which the performance test required to be conducted by 40 CFR 60.8 is completed, no owner or operator subject to the provisions of 40 CFR 60, Subpart D, shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO₂ in excess of:

(1) 86 nanograms per joule heat input (0.20 lb per million Btu), 30-day rolling average, derived from gaseous fossil fuel.

(2) 129 nanograms per joule heat input (0.30 lb per million Btu), 30-day rolling average, derived from liquid fossil fuel.

(3) 300 nanograms per joule heat input (0.70 lb per million Btu), 30-day rolling average, derived from solid fossil fuel.

(b) When different fossil fuels are burned simultaneously in any combination, the applicable standard (in ng/J) is determined by proration using the following formula:

$$PS_{NOx} = \frac{x(86)+y(130)+z(300)}{x+y+z}$$

where:

PS_{NOx} = is the prorated standard for nitrogen oxides when burning different fuels simultaneously, in nanograms per joule heat input derived from all fossil fuels fired or from all fossil fuels fired;

x = is the percentage of total heat input derived from gaseous fossil fuel;

y = is the percentage of total heat input derived from liquid fossil fuel; and,

z = is the percentage of total heat input derived from solid fossil fuel.

[40 CFR 60.44(a)(2) and (3), and (b); and, PPSC PA 77-09]

B.7. Unit Specific State Only Limit For Nitrogen Oxides. A unit specific, state-only average annual NO_x emission limit of 0.50 lb/mmBtu applies. Compliance shall be demonstrated within the Annual Operating Report (AOR).
[Applicant Request]

Test Methods and Procedures

B.8. Pursuant to 40 CFR 60.46 Test methods and Procedures.

(a) When conducting emissions tests, the owner or operator shall use as reference methods and procedures the test methods in Appendix A of 40 CFR 60 or other methods and procedures as specified in 40 CFR 60.46, except as provided in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in 40 CFR 60.46(d).

(b) The owner or operator shall determine compliance with the particulate matter, SO₂, and NO_x standards in 40 CFR 60.42, 60.43, and 60.44 as follows:

(1) The emission rate (E) of particulate matter, SO₂, or NO_x shall be computed for each run using the following equation:

$$E = C F_d (20.9)/(20.9 - \%O_2)$$

E = emission rate of pollutant, ng/J (1b/million Btu).

C = concentration of pollutant, ng/dscm (1b/dscf).

% O₂ = oxygen concentration, percent dry basis.

F_d = factor as determined from Method 19.

(2) Method 5 shall be used to determine the particulate matter concentration (C) at affected facilities without wet flue-gas-desulfurization (FGD) systems.

(i) The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). The probe and filter holder heating systems in the sampling train may be set to provide a gas temperature no greater than 160 ± 14 °C (320 ± 25 °F).

(ii) The emission rate correction factor, integrated or grab sampling and analysis procedure of Method 3B shall be used to determine the O₂ concentration (%O₂). The O₂ sample shall be obtained simultaneously with, and at the same traverse points as, the particulate sample. If the grab sampling procedure is used, the O₂ concentration for the run shall be the arithmetic mean of all the individual O₂ sample concentrations at each traverse point.

(iii) If the particulate run has more than 12 traverse points, the O₂ traverse points may be reduced to 12 provided that Method 1 is used to locate the 12 O₂ traverse points.

(3) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.

(4) Method 6 shall be used to determine the SO₂ concentration.

(i) The sampling site shall be the same as that selected for the particulate sample. The sampling location in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). The sampling time and sample volume for each sample run shall be at least 20 minutes and 0.020 dscm (0.71 dscf). Two samples shall be taken during a 1-hour period, with each sample taken within a 30-minute interval.

(ii) The emission rate correction factor, integrated sampling and analysis procedure of Method 3B shall be used to determine the O₂ concentration (%O₂). The O₂ sample shall be taken simultaneously with, and at the same point as, the SO₂ sample. The SO₂ emission rate shall be computed for each pair of SO₂ and O₂ samples. The SO₂ emission rate (E) for each run shall be the arithmetic mean of the results of the two pairs of samples.

(5) Method 7 shall be used to determine the NO_x concentration.

(i) The sampling site and location shall be the same as for the SO₂ sample. Each run shall consist of four grab samples, with each sample taken at about 15-minute intervals.

(ii) For each NO_x sample, the emission rate correction factor, grab sampling and analysis procedure of Method 3B shall be used to determine the O₂ concentration (%O₂). The sample shall be taken simultaneously with, and at the same point as, the NO_x sample.

(iii) The NO_x emission rate shall be computed for each pair of NO_x and O₂ samples. The NO_x emission rate (E) for each run shall be the arithmetic mean of the results of the four pairs of samples.

(c) When combinations of fossil fuels are fired, the owner or operator (in order to compute the prorated standard as shown in 40 CFR 60.43(b) and 60.44(b)) shall determine the percentage (x, y, or z) of the total heat input derived from each type of fuel as follows:

(1) The heat input rate of each fuel shall be determined by multiplying the gross calorific value of each fuel fired by the rate of each fuel burned.

(2) ASTM Methods D 2015-77 (solid fuels), D 240-76 (liquid fuels), or D 1826-77 (gaseous fuels) (incorporated by reference-see 40 CFR 60.17) shall be used to determine the gross calorific values of the fuels.

(3) Suitable methods shall be used to determine the rate of each fuel burned during each test period, and a material balance over the steam generating system shall be used to confirm the rate.

(d) The owner or operator may use the following as alternatives to the reference methods and procedures in 40 CFR 60.46 or in other sections as specified:

(1) The emission rate (E) of particulate matter, SO₂ and NO_x may be determined by using the F_c factor, provided that the following procedure is used:

(i) The emission rate (E) shall be computed using the following equation:

$$E = C F_c (100 / \%CO_2)$$

where:

E = emission rate of pollutant, ng/J (lb/million Btu).

C = concentration of pollutant, ng/dscm (lb/dscf).

%CO₂ = carbon dioxide concentration, percent dry basis.

F_c = factor as determined in appropriate sections of Method 19.

(ii) If and only if the average F_c factor in Method 19 is used to calculate E and either E is from 0.97 to 1.00 of the emission standard or the relative accuracy of a continuous emission monitoring system is from 17 to 20 percent, then three runs of Method 3B shall be used to determine the O₂ and CO₂ concentration according to the procedures in 40 CFR 60.46(b) (2)(ii), (4)(ii), or (5)(ii). Then if F_o (average of three runs), as calculated from the equation in Method 3B, is more than ± 3 percent than the average F_o value, as determined from the average values of F_d and F_c in Method 19, i.e., $F_{oa} = 0.209 (F_{da} / F_{ca})$, then the following procedure shall be followed:

(A) When F_o is less than $0.97 F_{oa}$, then E shall be increased by that proportion under $0.97 F_{oa}$, e.g., if F_o is $0.95 F_{oa}$, E shall be increased by 2 percent. This recalculated value shall be used to determine compliance with the emission standard.

(B) When F_o is less than $0.97 F_{oa}$ and when the average difference ($\bar{d}$) between the continuous monitor minus the reference methods is negative, then E shall be increased by that proportion under $0.97 F_{oa}$, e.g., if F_o is $0.95 F_{oa}$, E shall be increased by 2 percent. This recalculated value shall be used to determine compliance with the relative accuracy specification.

(C) When F_o is greater than $1.03 F_{oa}$ and when $\bar{d}$ is positive, then E shall be decreased by that proportion over $1.03 F_{oa}$, e.g., if F_o is $1.05 F_{oa}$, E shall be decreased by 2 percent. This recalculated value shall be used to determine compliance with the relative accuracy specification.

(2) For Method 5 or 5B, Method 17 may be used at facilities with or without wet FGD systems if the stack gas temperature at the sampling location does not exceed an average temperature of 160°C (320°F). The procedures of sections 2.1 and 2.3 of Method 5B may be used with Method 17 only if it is used after wet FGD systems. Method 17 shall not be used after wet FGD systems if the effluent gas is saturated or laden with water droplets.

(3) Particulate matter and SO_2 may be determined simultaneously with the Method 5 train provided that the following changes are made:

(i) The filter and impinger apparatus in sections 2.1.5 and 2.1.6 of Method 8 is used in place of the condenser (section 2.1.7) of Method 5.

(ii) All applicable procedures in Method 8 for the determination of SO_2 (including moisture) are used:

(4) For Method 6, Method 6C may be used. Method 6A may also be used whenever Methods 6 and 3B data are specified to determine the SO_2 emission rate, under the conditions in 40 CFR 60.46(d)(1).

(5) For Method 7, Method 7A, 7C, 7D, or 7E may be used. If Method 7C, 7D, or 7E is used, the sampling time for each run shall be at least 1 hour and the integrated sampling approach shall be used to determine the O_2 concentration ($\%\text{O}_2$) for the emission rate correction factor.

(6) For Method 3, Method 3A or 3B may be used.

(7) For Method 3B, Method 3A may be used.

[40 CFR 60.46(a), (b), (c) & (d)]

B.9. Annual RATA Tests May Substitute for Annual NO_x and SO_2 Tests. Annual RATA tests performed for nitrogen oxides and sulfur dioxide may be substituted for the annual compliance tests for these pollutants. To substitute for the annual compliance tests, the owner or operator must notify the Department of the RATA tests and the results must be submitted as the compliance tests, in accordance with the requirements of specific conditions I.6.(a)9. and I.15 of this permit. The requirements of specific conditions I.9 and I.12.(a)1. shall not apply to these tests. The test runs shall be consecutively completed in a manner that fulfills the test length requirements of the EPA test methods.

[Request of applicant, February 11, 1998]

B.10. The permittee shall demonstrate compliance with the sulfur dioxide limit in specific condition **B.5.b.** by means of a fuel analysis provided by the vendor or the permittee upon each fuel delivery. See specific condition **B.5.b.** and **B.11.**

[Rule 62-213.440, F.A.C.; and, 0170004-006-AC]

B.11. Sulfur Dioxide - Fuel Sampling. The following fuel sampling and analysis program shall be used as an alternate sampling procedure authorized by permit to demonstrate compliance with the fuel sulfur standard:

a. Determine and record the as-fired fuel sulfur content, percent by weight, for coal using appropriate ASTM methods such as, ASTM D2013-72, ASTM D3177-75, and ASTM D4239-85, or latest ASTM edition methods, to analyze a representative sample of coal following each fuel delivery.

b. Record daily the amount of coal fired, the density of each fuel, the Btu value, and the percent sulfur content by weight of each fuel.

c. Utilize the information in a. and b., above, to calculate the SO_2 emission rate to ensure compliance at all times.

[Rule 62-213.440, F.A.C.; and, 0170004-006-AC]

Monitoring of Operations

B.12. Maintain Daily Log. The owner or operator shall maintain a daily log of the amounts and types of fuels used and copies of fuel analyses containing information on sulfur content, ash content and heating values to facilitate calculations of emissions.
[PPSC PA 77-09]

B.13. Annual Tests Required - PM, VE, SO₂ and NO_x. Except as provided in specific conditions I.6 and I.7 of this permit, emission testing for particulate matter emissions, visible emissions, sulfur dioxide and nitrogen oxides shall be performed annually.
[Rules 62-4.070(3), 62-213.440, and 62-297.310(7), F.A.C.]

B.14. Pursuant to 40 CFR 60.45 Emission Monitoring.

CMS for Opacity, SO₂, NO_x, and CO₂ are Required.

(a) Each owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems for measuring the opacity of emissions, sulfur dioxide emissions, nitrogen oxides emissions, and carbon dioxide except as provided in 40 CFR 60.45(b).

(c) For performance evaluations under 40 CFR 60.13(c) and calibration checks under 40 CFR 60.13(d), the following procedures shall be used:

(1) Methods 6, 7, and 3B, as applicable, shall be used for the performance evaluations of sulfur dioxide and nitrogen oxides continuous monitoring systems. Acceptable alternative methods for Methods 6, 7, and 3B are given in 40 CFR 60.46(d).

(2) Sulfur dioxide or nitric oxide, as applicable, shall be used for preparing calibration gas mixtures under Performance Specification 2 of Appendix B to 40 CFR 60.

(3) For affected facilities burning fossil fuel(s), the span value for a continuous monitoring system measuring the opacity of emissions shall be 80, 90, or 100 percent and for a continuous monitoring system measuring sulfur oxides or nitrogen oxides the span value shall be determined per the applicable requirements in 40 CFR Part 75.

(4) All span values computed under 40 CFR 60.45(c)(3) for burning combinations of fossil fuels shall be rounded to the nearest 500 ppm.

(e) For any continuous monitoring system installed under 40 CFR 60.45(a), the following conversion procedures shall be used to convert the continuous monitoring data into units of the applicable standards (ng/J, lb/million Btu):

(1) When a continuous monitoring system for measuring oxygen is selected, the measurement of the pollutant concentration and oxygen concentration shall each be on a consistent basis (wet or dry). Alternative procedures approved by the Administrator shall be used when measurements are on a wet basis. When measurements are on a dry basis, the following conversion procedure shall be used:

$$E = CF[20.9/(20.9 - \text{percent O}_2)]$$

where:

E, C, F, and % O₂ are determined under 40 CFR 60.45(f).

(2) When a continuous monitoring system for measuring carbon dioxide is selected, the measurement of the pollutant concentration and carbon dioxide concentration shall each be on a consistent basis (wet or dry) and the following conversion procedure shall be used:

$$E = CF_c [100/\text{percent CO}_2]$$

where:

E, C, F_c and %CO₂ are determined under 40 CFR 60.45(f).

(f) The values used in the equations under 40 CFR 60.45(e) (1) and (2) are derived as follows:

(1) E = pollutant emissions, ng/J (lb/million Btu).

(2) C = pollutant concentration, ng/dscm (lb/dscf), determined by multiplying the average concentration (ppm) for each one-hour period by 4.15×10^{-4} M ng/dscm per ppm (2.59×10^{-9} M lb/dscf per ppm) where M = pollutant molecular weight, g/g-mole (lb/lb-mole). M = 64.07 for sulfur dioxide and 46.01 for nitrogen oxides.

(3) % O₂, %CO₂ = oxygen or carbon dioxide volume (expressed as percent), determined with equipment specified under 40 CFR 60.45(a).

(4) F, F_c = a factor representing a ratio of the volume of dry flue gases generated to the calorific value of the fuel combusted (F), and a factor representing a ratio of the volume of carbon dioxide generated to the calorific value of the fuel combusted (F_c), respectively. Values of F and F_c are given as follows:

(ii) For subbituminous and bituminous coal as classified according to ASTM D388-77 (incorporated by reference-see 40 CFR 60.17), F = 2.637×10^{-7} dscm/J (9,820 dscf/million Btu) and F_c = 0.486×10^{-7} scm CO₂ /J (1,810 scf CO₂ /million Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F = 2.476×10^{-7} dscm/J (9,220 dscf/million Btu) and F_c = 0.384×10^{-7} scm CO₂ /J (1,430 scf CO₂ /million Btu).

(iv) For gaseous fossil fuels, F = 2.347×10^{-7} dscm/J (8,740 dscf/million Btu). For natural gas, propane, and butane fuels, F_c = 0.279×10^{-7} scm CO₂ /J (1,040 scf CO₂ /million Btu) for natural gas, 0.322×10^{-7} scm CO₂ /J (1,200 scf CO₂ /million Btu) for propane, and 0.338×10^{-7} scm CO₂ /J (1,260 scf CO₂ /million Btu) for butane.

(5) The owner or operator may use the following equation to determine an F factor (dscm/J or dscf/million Btu) on a dry basis (if it is desired to calculate F on a wet basis, consult the Administrator) or F_c factor (scm CO₂ /J, or scf CO₂ /million Btu) on either basis in lieu of the F or F_c factors specified in 40 CFR 60.45(f)(4):

$$F = 10^{-6} \frac{[227.2 (\text{pct. II}) + 95.5 (\text{pct. C}) + 35.6 (\text{pct. S}) + 8.7 (\text{pct. N}) - 28.7 (\text{pct. O})]}{\text{GCV}}$$

$$F_c = \frac{2.0 \times 10^{-5} (\text{pct. C})}{\text{GCV}} \\ (\text{SI units})$$

$$F = 10^6 \frac{3.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)}{\text{GCV}} \\ (\text{English units})$$

$$F_c = \frac{20.0(\%C)}{\text{GCV}} \\ (\text{SI units})$$

$$F_c = \frac{321 \times 10^3 (\%C)}{\text{GCV}} \\ (\text{English units})$$

(i) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using ASTM method D3178-74 or D3176 (solid fuels) or computed from results using ASTM method D1137-53(75), D1945-64(76), or D1946-77 (gaseous fuels) as applicable. (These five methods are incorporated by reference-see 40 CFR 60.17.)

(ii) GCV is the gross calorific value (kJ/kg, Btu/lb) of the fuel combusted determined by the ASTM test methods D2015-77 for solid fuels and D1826-77 for gaseous fuels as applicable. (These two methods are incorporated by reference-see 40 CFR 60.17.)

(6) For affected facilities firing combinations of fossil fuels, the F or F_c factors determined by paragraphs 40 CFR 60.45(f)(4) or (f)(5) shall be prorated in accordance with the applicable formula as follows:

$$F = \sum_{i=1}^n X_i F_i \quad \text{or} \quad F_c = \sum_{i=1}^n X_i (F_c)_i$$

where:

X_i = the fraction of total heat input derived from each type of fuel (e.g. natural gas, bituminous coal, etc.)

F_i or (F_c)_i = the applicable F or F_c factor for each fuel type determined in accordance with paragraphs (f)(4) and (f)(5) of this section.

n = the number of fuels being burned in combination.

[40 CFR 60.45(a), (b), (c), (e) and (f); PPSC PA 77-09]

COMS for Periodic Monitoring:

Periodic monitoring for opacity shall be COMS, which are maintained and operated in conformance with 40 CFR Part 75.

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

B.15. Excess Emission Reports.

(g) Excess emission reports shall be submitted to the Department for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. Each excess emission report shall include the information required in 40 CFR 60.7(c). Periods of excess emissions that shall be reported are defined as follows:

(1) Opacity. Excess emissions are defined as any six-minute period during which the average opacity of emissions exceeds 20 percent opacity, except that one six-minute average per hour of up to 27 percent opacity need not be reported.

(2) Sulfur dioxide. Excess emissions for affected facilities are defined as:

(i) Any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) of sulfur dioxide as measured by a continuous monitoring system exceed the applicable standard under 40 CFR 60.43.

(3) Nitrogen oxides. Excess emissions for affected facilities using a continuous monitoring system for measuring nitrogen oxides are defined as any three-hour period during which the average emissions (arithmetic average of three contiguous one-hour periods) exceed the applicable standards under 40 CFR 60.44.

[40 CFR 60.45(g)]

Other NSPS Subpart D Conditions

B.16. Pursuant to 40 CFR 60.41 Definitions. As used in 40 CFR 60 Subpart D, all terms not defined in 40 CFR 60.41 shall have the meaning given them in the Act, and in Subpart A of 40 CFR 60.

Ambient Air Monitoring

B.17. Ambient Air Monitoring. The owner or operator shall continue to operate the existing ambient monitoring devices for sulfur dioxide and suspended particulate at the two existing locations (sites) designated on Figure A, Ambient Air Monitoring Locations, Crystal River, Florida, attached to this permit. The frequency of operation of each monitoring device for suspended particulate shall be every six days, and continuously for sulfur dioxide, unless otherwise specified by the Department. New or existing monitoring devices shall be located as designated by the Department. The monitoring devices for sulfur dioxide shall meet the requirements of 40 CFR 53.

[PPSC PA 77-09, and order modifying conditions of certification, OGC Case No. 83-0818, dated February 2, 1984, and Rules 62-213.440 and 62-296.405(1)(c)3., F.A.C.]

B.18. Flue Gas Desulfurization (FGD) equipment. Prior to the installation of any FGD equipment, plans and specifications for such equipment shall be submitted to the Department for review and approval.
[PPSC PA 77-09]

Common Conditions

B.19. These emissions units are also subject to conditions **I.1** through **I.15**, except for **I.2** and **I.3**, contained in **Subsection I. Common Conditions.**

B.20. These emissions units are also subject to conditions **J.1** through **J.5** contained in **Subsection J. NSPS Common Conditions.**

B.21. These emissions units are also subject to condition **K.1** contained in **Subsection K. Used Oil Common Condition.**

Subsection C. This section addresses the following emissions units.

E.U. ID No.	Brief Description
006	Fly ash transfer (Source 1) from Fossil Fuel Steam Generator (FFSG) Unit 1.
008	Fly ash storage silo (Source 3) for FFSG Units 1 and 2.
009	Fly ash transfer (Source 4) from FFSG Unit 2.
010	Fly ash transfer (Source 5) from FFSG Unit 2.

Emissions unit 006 is a fly ash transfer (Source 1) from Fossil Fuel Steam Generator (FFSG) Unit 1. This emissions unit consists of the fly ash conveying line, dense phase transfer vessel and separator used to transfer fly ash from the FFSG Unit 1 electrostatic precipitator to the fly ash storage silo (Source 3) at a design transfer rate of 44 tons per hour. Particulate matter emissions are controlled by a Monex Resources, Inc. Model MD80 baghouse at a design air flow of 1820 acfm.

Emissions unit 008 is a fly ash storage silo (Source 3) for FFSG Units 1 and 2. This emissions unit consists of the fly ash storage silo used to store fly ash from the electrostatic precipitators of FFSG Units 1 and 2. Fly ash is pneumatically conveyed from the FFSG Units 1 and 2 ESPs at a combined transfer rate of 174 tons per hour. Particulate matter emissions are controlled by a PulseKing Model M 100 S baghouse at a design air flow of 2546 acfm. Fly ash from the storage silo is disposed of either in a dry form by loading into enclosed tanker trucks or in a wet form by loading wet ash into open trucks.

Emissions unit 009 is a fly ash transfer (Source 4) from FFSG Unit 2. This emissions unit consists of the fly ash conveying line, dense phase transfer vessel and separator used to transfer fly ash from the FFSG Unit 2 ESP number 2C to the fly ash storage silo (Source 3) at a design transfer rate of 60 tons per hour. Particulate matter emissions are controlled by a Monex Resources, Inc. Model MD80 baghouse at a design air flow of 2200 acfm.

Emissions unit 010 is a fly ash transfer (Source 5) from FFSG Unit 2. This emissions unit consists of the fly ash conveying line, dense phase transfer vessel and separator used to transfer fly ash from the FFSG Unit 2 ESP number 2A and 2B to the fly ash storage silo (Source 3) at a maximum design transfer rate of 70 tons per hour. Particulate matter emissions are controlled by a Monex Resources, Inc. Model MD80 baghouse at a design air flow of 2800 acfm.

{Permitting note(s): These emissions units are regulated under Best Available Control Technology (BACT) Determinations ordered 2/5/79 (proposed 1/26/79) and 8/16/79.}

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

Essential Potential to Emit (PTE) Parameters

C.1. Permitted Capacity. The transfer rates shall not exceed:

Emissions Unit	Transfer Rate (tons per hour)
006	44
008	174
009	60
010	70

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

C.2. Emission Limitations. Emissions of particulate matter from the following emissions units shall not exceed:

Emissions Unit	Emission Limit (pounds per hour)	Emission Limit (tons per year)
006	3.5 ^a	15.4 ^a
008	0.6 ^a	2.6 ^a
009	2.2 ^b	9.6 ^{b, c}
010	2.2 ^b	9.6 ^{b, c}

Notes:

- a Emission limits based on a BACT Determination proposed 1/26/79, ordered 2/5/79. BACT for emissions units 006 and 007 included a VE limit of 5% opacity, six minute average.
- b Emission limits based on a BACT Determination ordered 8/16/79.
- c The tons per year limits for emissions units 009 and 010 have been corrected to one decimal place.
[AC 09-25791]

C.3. VE in Lieu of Stack Test. Because the ash handling system emissions units are controlled with baghouses, the Department has waived particulate matter testing requirements and specified an alternate standard of 5% opacity. If the Department has reason to believe that the particulate emission standard applicable to each emissions unit (006, 008, 009 and 010) is not being met, it may require that compliance be demonstrated by stack testing in accordance with Chapter 62-297, F.A.C.
[Rule 62-297.620(4), F.A.C.; and, AC 09-256791]

C.4. Additional Reasonable Precautions for Control of Particulate Matter Emissions. The owner or operator shall take the following reasonable precautions to control emissions of particulate matter from transport of ash from emissions unit 008 for disposal or use. Ash for transport shall be wetted before loading into open trucks, or dry ash shall be transferred to enclosed tanker trucks.
[Rule 62-4.070(3), F.A.C.; and, AC 09-256791]

Monitoring of Operations

C.5. Annual VE Tests Required. Each emissions unit (006, 008, 009 and 010) shall be tested for visible emissions annually using EPA Method 9. Each test shall be a minimum of thirty minutes in duration from each exhaust point, while transferring fly ash from both FFSG Units 1 and 2 to the silo (emissions unit 008) at the same time. The tests shall be conducted during a period when both FFSG Units 1 and 2 are operating at 90 to 100% of full load while sootblowing. A statement of the FFSG unit loads, verifying the tests were conducted during sootblowing, shall be submitted with the test reports.
[Rule 62-4.070(3), F.A.C.; and, AC 09-256791]

{Permitting note: For those emissions points containing a baghouse, the permittee shall perform and record the results of weekly qualitative observations of visible emissions checks (e.g., Method 22) with follow-up Method 9 tests within 24 hours of any abnormal visible emissions.}

Common Conditions

C.6. These emissions units are also subject to conditions **I.1** through **I.15**, except for **I.3**, contained in **Subsection I. Common Conditions**.

Subsection D. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
014	Bottom ash storage silo for FFSG Units 1 and 2, with associated vacuum blower exhausts and bin vent filter (total of three emission points).

Emissions unit 014 is a bottom ash storage silo for FFSG Units 1 and 2, with associated vacuum blower exhausts and bin vent filter (total of three emission points). This emissions unit consists of the system to collect and store bottom ash and economizer ash from both FFSG Units 1 and 2 at a total rate of 16 tons per hour (8 tons per hour from each FFSG unit) at an airflow rate of 2200 scfm from each unit. Ash is conveyed by vacuum from each FFSG unit by a separate vacuum blower, with air and ash passing through a baghouse (filter/separator) where ash is deposited in the silo and air is exhausted through the vacuum blower. Air displaced in the silo is vented through an additional bag filter (the bin vent filter) at an airflow rate of 2400 scfm. Ash stored in the silo is unloaded into trucks for sale, use or disposal at the on-site ash disposal facility. Ash will be wet via a pugmill before loading into open trucks, or dry ash will be transferred to enclosed tanker trucks.

{Permitting note(s): This emissions unit is regulated under Rule 62-296.320, F.A.C., and by applicable requirements of AC 09-235915.}

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

Essential Potential to Emit (PTE) Parameters

D.1. Permitted Capacity. The transfer rates shall not exceed 16 tons per hour (8 tons per hour from each FFSG unit).

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

D.2. Visible Emissions (VE) Limitation. Visible emissions shall be less than 20% opacity, six minute average, established by Rule 62-296.320(4)(b)1, F.A.C. See Section II, condition 3 of this permit.

[Rule 62-296.320(4)(b)1, F.A.C.]

D.3. Additional Reasonable Precautions for Control of Particulate Matter Emissions. The owner or operator shall take the following reasonable precautions to control emissions of particulate matter from transport of ash from emissions unit 014 for disposal or use. Ash for transport shall be wet via a pugmill before loading into open trucks, or dry ash shall be transferred to enclosed tanker trucks.

[Rule 62-4.070(3), F.A.C.; and, AC 09-235915]

Monitoring of Operations

D.4. Annual VE Tests Required. Each emission point of emissions unit 014 shall be tested for visible emissions annually using EPA Method 9. Each test shall be a minimum of thirty minutes in duration from each exhaust point, while transferring bottom ash and economizer ash from both FFSG Units 1 and 2 to the silo at the same time at 90-100% of design throughput rate of 8 TPH.

[Rules 62-4.070(3) and 62-296.320(4)(b)4, F.A.C.; AC 09-235915; and, AO 09-248541]

{Permitting note: For those emissions points containing a baghouse, the permittee shall perform and record the results of weekly qualitative observations of visible emissions checks (e.g., Method 22) with follow-up Method 9 tests within 24 hours of any abnormal visible emissions.}

Common Conditions

D.5. This emissions unit is also subject to conditions **I.1** through **I.15**, except for **I.3**, contained in **Subsection I. Common Conditions**.

Subsection E. This section addresses the following emissions unit.

Facility ID No.	E. U. ID No.	Brief Description
7775047	-001	Relocatable diesel generator(s) will have a maximum (combined) heat input of 25.74 MMBtu/hour while being fueled by 186.3 gallons of new No. 2 fuel oil per hour with a maximum (combined) rating of 2460 kilowatts. Emissions from the generator(s) are uncontrolled.

The generators may be relocated to any of the following facilities:

1. Crystal River Plant, Powerline Road, Red Level, Citrus County.
2. Bartow Plant, Weedon Island, St. Petersburg, Pinellas County.
3. Higgins Plant, Shore Drive, Oldsmar, Pinellas County.
4. Bayboro Plant, 13th Ave. & 2nd St. South, St. Petersburg, Pinellas County.
5. Wildwood Reclamation Facility, State Road 462, 1 mi. east of U.S. 301, Wildwood, Sumter County.
6. Hines Energy Complex, County Road 555, 1 mi. southwest of Homeland, Polk County.
7. Anclote Power Plant, 1729 Baileys Road, Holiday, Pasco County

{Permitting notes: These emissions units are regulated under Rule 62-210.300, F.A.C., Permits Required. Each generator has its own stack. This section of the permit is only applicable when the generator(s) is(are) located at the Crystal River Plant. }

The following specific conditions apply to the emissions units listed above regardless of location:

Essential Potential to Emit (PTE) Parameters

E.1. Permitted Capacity. The maximum (combined) heat input rate shall not exceed 25.74 million Btu per hour. [Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

E.2. Emissions Unit Operating Rate Limitation After Testing. See specific condition **E.9.** [Rule 62-297.310(2), F.A.C.]

E.3. Methods of Operation - Fuels. Only new No. 2 fuel oil with a maximum sulfur content of 0.5%, by weight, shall be fired in the diesel generator(s). [Rule 62-213.410, F.A.C.; and, AC 09-202080.]

E.4. Hours of Operation. The hours of operation expressed as "engine-hours" shall not exceed 2970 hours in any consecutive 12 month period. The total hours of operation expressed as "engine-hours" shall be the summation of the individual hours of operation of each generator. [Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.; and, AC 09-202080.]

Emission Limitations and Standards

E.5. Visible Emissions. Visible emissions from each generator shall not be equal to or greater than 20 percent opacity, six minute average. [Rule 62-296.320(4)(b)1., F.A.C.; and, AC 09-202080.]

Monitoring of Operations

E.6. Fuel Sulfur Analysis. The permittee shall demonstrate compliance with the liquid fuel sulfur limit by means of a fuel analysis provided by the vendor or permittee upon each fuel delivery. See specific condition **E.3.** and **E.8.** [Rule 62-213.440, F.A.C.]

Test Methods and Procedures

E.7. The test method for visible emissions shall be EPA Method 9, incorporated and adopted by reference in Chapter 62-297, F.A.C.
[Rules 62-296.320(4)(b)4.a. and 62-297.401, F.A.C.]

E.8. The fuel sulfur content, percent by weight, for liquid fuels shall be evaluated using either ASTM D2622-94, ASTM D4294-90, both ASTM D4057-88 and ASTM D129-95, or the latest edition(s).
[Rules 62-213.440 and 62-297.440, F.A.C.]

E.9. Operating Rate During Testing. Testing of emissions shall be conducted with the generator(s) operating at 90 to 100 percent of the maximum fuel firing rate for each generator. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity (i.e., at less than 90 percent of the maximum operation rate allowed by the permit); in this case, subsequent emissions unit operations may be limited to 110 percent of the test load until a new test is conducted, provided however, operations do not exceed 100 percent of the maximum operation rate allowed by the permit. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15 consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity. Failure to submit the actual operating rate may invalidate the test.
[Rule 62-297.310(2), F.A.C.; and, AC 09-202080]

E.10. Visible Emissions Testing - Annual. By this permit, annual emissions compliance testing for visible emissions is not required for these emissions units while burning liquid fuels for less than 400 hours per year.
[Rules 62-297.310(7)(a)4. & 8., F.A.C.]

E.11. After each relocation, each generator shall be tested within 30 days of startup for opacity and the fuel shall be analyzed for the sulfur content. See specific conditions **E.3.**, **E.5.**, and **E.6.**
[Rules 62-4.070(3) and 62-297.310(7)(b), F.A.C.; and, AO 09-205952.]

Record Keeping and Reporting Requirements

E.12. To demonstrate compliance with specific condition **E.4.**, records shall indicate the daily hours of operation for each of the generators, the daily hours of operation expressed as "engine- hours" and the cumulative total hours of operation expressed as "engine-hours" for each month. The records shall be maintained for a minimum of 5 years and made available to the Southwest District Office upon request.
[Rules 62-213.440 and 62-297.310(8), F.A.C.; and, AO 09-205952.]

E.13. To demonstrate compliance with specific condition **E.3.**, records of the sulfur content, in percent by weight, of all the fuel burned shall be kept based on either vendor provided as-delivered or as-received fuel sample analysis. The records shall be maintained for a minimum of 5 years and made available to the Southwest District Office upon request.
[Rule 62-297.310(8), F.A.C.; and, AC 09-202080.]

Source Obligation

E.14. Specific conditions in construction permit AC 09-202080, limiting the “engine hours”, were accepted by the applicant to escape Prevention of Significant Deterioration review. If Progress Energy Florida requests a relaxation of any of the federally enforceable emission limits in this permit, the relaxation of limits may be subject to the preconstruction review requirements of Rule 62-212.400(5), F.A.C., as though construction had not yet begun. [Rule 62-212.400(2)(g), F.A.C.; and, AC 09-202080.]

E.15. Progress Energy Florida shall notify the Department’s Southwest District Office, in writing, at least 15 days prior to the date on which any diesel generator is to be relocated. The notification shall specify the following;

- a. which generator, by serial number, is being relocated,
- b. which location the generator is being relocated from and which location it is being relocated to, and
- c. the approximate startup date at the new location.

If a diesel generator is to be relocated within Pinellas County, then Progress Energy Florida shall provide the same notification to the Air Quality Division of the Pinellas County Department of Environmental Management. [Rule 62-4.070(3), F.A.C.; and, AC 09-202080]

Common Conditions

E.16. This emissions unit is also subject to conditions **I.1** through **I.15**, except for **I.3** and **I.8**, contained in **Subsection I. Common Conditions**.

Subsection F. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
013	Cooling towers for FFSG Units 1, 2 and nuclear Unit 3, used to reduce plant discharge water temperature.

Emissions unit 013 is cooling towers for FFSG Units 1, 2 and nuclear Unit 3, used to reduce plant discharge water temperature. (This emission unit may be referred to as "helper cooling towers.") This emissions unit consists of four towers with nine cells per tower, with high efficiency drift eliminators, operating at a maximum seawater flow rate of 735,000 gallons per minute for all cells combined, with a design airflow rate of 1.46×10^6 acfm from each cell. Seawater is sprayed through the towers where fan induced air flow causes evaporative cooling. Water vapor, saltwater droplets (drift) and salt particles are emitted. Drift emissions are controlled by high efficiency drift eliminators.

{Permitting note(s): This emissions unit is regulated under Prevention of Significant Deterioration (PSD) (PSD permit AC 09-162037/PSD-FL-139 issued 8/29/90) and Best Available Control Technology (BACT), Determination dated 8/29/90, which set a drift emission rate of 0.004%.}

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

Essential Potential to Emit (PTE) Parameters

F.1. Hours of Operation. The operating hours for each cooling tower pump shall not exceed 4320 hours per year (12-month rolling total).
[Rule 62-210.200(PTE), F.A.C.; and, AC 09-162037 (PSD-FL-139)]

Emission Limitations and Standards

F.2. Cooling Tower Emission Limit. Emissions of particulate matter from each cooling tower cell shall not exceed 11.9 pounds per hour.
{Note: The emission limit is based on a BACT Determination setting the maximum drift emissions at 0.004%. Equivalent maximum emissions are 428 lb/hr and 925 tons per year total for all cells. PM₁₀ emissions are estimated to be approximately 50% of the particulate matter emission rate.}
[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139)]

F.3. Drift Eliminators. Drift eliminators shall be installed and maintained so that minimum bypass occurs. Regular maintenance shall be scheduled to ensure proper operation of the drift eliminators.
[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139)]

{Note: This emissions unit is not subject to a visible emissions limitation. Emissions from this emissions unit include water droplets so visible emissions testing is not possible.}

Test Methods and Procedures

F.4. Emission Test Method. The drift elimination system on the helper cooling towers shall be maintained so as to minimize pluggage and to insure timely repair of broken sections of the drift eliminators. During the warm months when the helper cooling towers are used, the following work practice shall be implemented, in lieu of EPA Method 5, to demonstrate compliance with the originally designed removal efficiency (no more than 0.004% drift rate):

- (a) Daily "walkdown" inspection of each operational cell visually checking for problems with the drift eliminators such as pluggage, algae build-up, and mechanical components (fans and pumps).
- (b) Daily visual inspection of the cells which are in operation to ascertain the presence of higher than expected visible emissions when atmospheric conditions allow, and follow-up inspections and correction of problems when the daily visual inspection of the cells indicates a problem.
- (c) Weekly visual inspection of the inlet water screens and prompt correction when broken sections or pluggage is discovered.

[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139); and, ASP No. 00-E-01 dated June 7, 2000]

Monitoring of Operations

F.5. Any problems detected during the work practice inspections identified in Specific Condition **F.4.** shall be documented in a log identifying the cell (or water screen), the inspector, the time (when discovered and the hours operated before the problem was corrected), and a description of the problem and the corrective actions taken. This log shall be maintained onsite and shall be made available to DEP upon request. The log shall be maintained so as to provide an indication as to whether routine inspections have been conducted as required even when there are no problems to record.

[Rules 62-213.440 and 62-297.310(7), F.A.C.; AC 09-162037 (PSD-FL-139); and, ASP No. 00-E-01 dated June 7, 2000]

Record Keeping and Reporting Requirements

F.6. Pump Run Time Meters Required. Equip each cooling tower seawater pump with a run-hour meter and maintain records of run time for each pump based on run-hour meters for each calendar month.

[Rule 62-213.440, F.A.C.; and, AC 09-162037 (PSD-FL-139)]

Common Conditions

F.7. This emissions unit is also subject to conditions **I.1** through **I.15**, except for **I.3**, **I.7** and **I.8**, contained in Subsection **I. Common Conditions**.

Subsection G. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
015	Cooling towers for FFSG Units 4 and 5 used to reduce plant discharge water temperature.

Emissions unit 015 is cooling towers for FFSG Units 4 and 5 used to reduce plant discharge water temperature. (These towers are hyperbolic cooling towers.) Seawater is sprayed through the towers where induced air flow causes evaporative cooling. Water vapor, saltwater droplets (drift) and salt particles are emitted. Drift emissions controlled by high efficiency drift eliminators. Seawater flow rate is 331,000 gallons per minute.

{Permitting note(s): This emissions unit is regulated under Prevention of Significant Deterioration (PSD) (PSD permit PSD-FL-007 issued by EPA as modified by EPA on 11/30/88.)}

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

Essential Potential to Emit (PTE) Parameters

G.1. Permitted Capacity. The maximum seawater flow rate shall not exceed 331,000 gallons per minute per cooling tower.

[Rules 62-4.160(2) and 62-210.200(PTE), F.A.C.]

{Permitting note: The seawater flow rate limitations have been placed in each permit to identify the capacity of each unit for the purposes of confirming that emissions testing is conducted within 90 to 100 percent of the unit's rated capacity (or to limit future operation to 110 percent of the test load) and to aid in determining future rule applicability. Regular record keeping is not required for seawater flow rates. Instead the owner or operator is expected to determine the seawater flow rate whenever emission testing is required, to demonstrate at what percentage of the rated capacity that the unit was tested. Rule 62-297.310(5), F.A.C., included in the permit, requires measurement of the process variables for emission tests. Such seawater flow rate determination may be based on measurements of flow by various methods including but not limited to flow metering or the use of pump curves supplied by the manufacturer to calculate an average hourly seawater flow rate during the test.}

Emission Limitations and Standards

G.2. Cooling Tower Emission Limit. Emissions of particulate matter shall not exceed 175 lb/hr from each cooling tower.

{Note: The emission limit is based on a BACT Determination requiring control of drift emissions with drift eliminators. The modified PSD permit removed a limitation on drift rate, substituting an emissions limit in pounds per hour. PM emissions are assumed to be all PM₁₀.}

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

{Note: This emissions unit is not subject to a visible emissions limitation. Emissions from this emissions unit include water droplets so visible emissions testing is not possible.}

Test Methods and Procedures

G.3. Emission Test Method. Testing shall be in accordance with following requirements:

- a. Particulate matter emissions shall be measured by the sensitive paper method.
- b. Testing shall be conducted either at the drift eliminator level within the tower or at the tower exit plane. (The sampling locations at the drift eliminator level and apparatus are shown in diagrams attached as Appendix P.)
- c. No less than three test runs shall be conducted for each test and all valid data from each of these test runs shall be averaged to demonstrate compliance. No individual test run result shall determine compliance or noncompliance. The emission rate reported as a percent of the circulating water, as well as lb/hr., and total dissolved solids in the cooling tower basin and intake water, shall be reported for each test run.

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

Monitoring of Operations

G.4. Test Every Five Years. The FFSG Unit 4 cooling tower shall be tested every five years from 1988 (the next required year from the effective date of this permit is 2003). The FFSG Unit 5 cooling tower shall be tested every five years from 1992 (the next required year from the effective date of this permit is 2002).

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88, request of applicant]

G.5. Inspection. The drift eliminators of both towers shall be inspected from the concrete walkways not less than every three months by Progress Energy Florida staff or representatives to assure that the drift eliminators are clean and in good working order. Not less than annually, a complete inspection of the towers shall be conducted by a qualified inspector with recognized expertise in the field.

Certification that the drift eliminators are properly installed and in good working order shall be provided in the record keeping and reporting requirements noted below.

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

Record Keeping and Reporting Requirements

G.6. Reporting. Reports on tower testing and inspection shall be handled as follows:

- a. Maintained within onsite files within 30 days after all visual inspections of the drift eliminators.
- b. Agency Submittal within 45 days after the compliance testing of either tower.

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

G.7. Excess Emissions. Should either tower emission rate exceed 175 lb/hr, the permittee shall:

- a. Notify EPA and the Department within 10 days of becoming aware of the exceedence.
- b. Provide an assessment of necessary corrective actions and a proposed schedule of implementation within an additional 20 days.
- c. Expeditiously complete corrective actions.
- d. Retest the tower within three months after the correction is completed.
- e. Submit the testing report within 45 days after completion of said tests.

[Rule 62-213.440, F.A.C.; and, Modified PSD permit, PSD-FL-007, issued by EPA 11/30/88]

Common Conditions

G.8. This emissions unit is also subject to conditions **I.1** through **I.15**, except for **I.3**, **I.7** and **I.8**, contained in Subsection **I. Common Conditions**.

Subsection H. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
016	Material handling activities for coal-fired steam units.

Emissions Unit 016 is material handling activities for coal-fired steam units. This emissions unit consists of a crane-operated clam-shell bucket mounted on a traveling gantry, enclosed conveyor belts, coal crushers and storage bunkers used for the storage and transport of coal, for FFSG Units 1, 2, 4 and 5. This unit also encompasses fly ash and bottom ash handling equipment associated with Units 4 and 5 which are ~~and~~ not addressed by other emissions units. Emissions are particulate matter and PM₁₀ from these activities.

{Permitting note(s): This emissions unit is regulated partially under Power Plant Siting Certification PA 77-09 (Units 4 and 5 only). The material handling activities are also regulated by PSD permit AC 09-162037 / PSD-FL-139; and, are subject to NSPS 40 CFR 60 Subpart Y. This emissions unit is also regulated under permit number 0170004-014-AC (issued concurrently with this revised permit number 0170004-015-AV), which authorized the replacement of the barge unloading equipment to decrease the time required to unload coal barges, and the increase in conveying and crushing speeds of the equipment feeding coal to units 1 and 2.}

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

Emission Limitations and Standards

H.1. Pursuant to 40 CFR 60.252 Standards for Particulate Matter.

(c) The owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

[40 CFR 60.252 (coal facilities associated with Units 1, 2, 4 and 5)]

H.2. Visible Emissions. The owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater, six minute average. To the extent possible, the equipment that comprises the coal processing equipment at this facility (crushers, conveyors, drop points, and storage bunkers) shall be covered or enclosed at all times the equipment is in operation. Except for the barge load-out and the stacker reclaimer sections of the conveying system that are required by design to be open, and which are not specifically subject to regulation under 40 CFR 60, Subpart Y, any other open section of the coal processing equipment shall be required to have an annual visible emission test conducted upon it, as outlined in Condition H.4.

[PPSC PA 77-09 (coal facilities associated with Units 1, 2, 4 and 5); and, 0170004-014-AC]

H.3. PM Control -- BMPs. The owner or operator shall control particulate emissions (PM and PM₁₀) through the practices described in the Best Management Plan authored by KBN, November 1990, and distributed to FPC staff November 21, 1990, by Mr. W. Jeffrey Pardue.

[AC 09-162037, PSD-FL-139 (for construction of helper cooling towers) specific condition 3]

Test Methods and Procedures

H.4. Visible Emissions. (This condition applies to coal facilities associated with emissions units 001, 002, 004 and 003 -- FFSG Units 1, 2, 4 and 5.) When required by the Department, or annually as specified in Condition 3, EPA Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity (see Appendix A - 40 CFR 60, Subpart A Standard Conditions, attached).

[40 CFR 60.254(2); and, 0170004-014-AC]

{Permitting Note: Except as specified in Specific Condition H.2., annual testing is not being required because the regulated emissions points are either enclosed or confined within a building.}

{Permitting note: For those emissions points containing a baghouse (ash silos), the permittee shall perform and record the results of weekly qualitative observations of visible emissions checks (e.g., Method 22) with follow-up Method 9 tests within 24 hours of any abnormal visible emissions.}

Common Conditions

H.5. This emissions unit is also subject to conditions **I.1**, **I.4**, **I.5**, and **I.14** contained in **Subsection I. Common Conditions**. This emissions unit is also subject to conditions **I.6.(a)9 & (b)**, **I.12(a)2** and **I.15.(a) & (b)**; the other provisions of conditions **I.6**, **I.12** and **I.15** are not applicable to this emissions unit.

H.6. These emissions units are also subject to conditions **J.1**, **J.2**, **J.3(b)**, **(c) and (d)** and **J.4** contained in **Subsection J. NSPS Common Conditions**.

H.7. This emissions unit is also subject to the applicable terms and conditions contained in the attached Appendix A, 40 CFR 60, Subpart A Standard Conditions, and the attached Appendix Y, 40 CFR 60, Subpart Y Standard Conditions.

[0170004-014-AC]

Subsection I. Common Conditions.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator (FFSG), Unit 1
002	FFSG, Unit 2
004	FFSG, Unit 4
003	FFSG, Unit 5
006	Fly ash transfer (Source 1) from FFSG Unit 1
008	Fly ash storage silo (Source 3) for FFSG Units 1 and 2
009	Fly ash transfer (Source 4) from FFSG Unit 2
010	Fly ash transfer (Source 5) from FFSG Unit 2
014	Bottom ash storage silo for FFSG Units 1 and 2, with associated vacuum blower exhausts and bin vent filter (total of three emission points)
7775047, 001	Three relocatable diesel fired generators, rated at 0.82 MW, 8.58 MMBtu/hr
013	Cooling towers for FFSG Units 1, 2, and 3, used to reduce plant discharge water temperature
015	Cooling towers for FFSG Units 4 and 5 used to reduce plant discharge water temperature
016	Material handling activities for coal-fired steam units

Except as otherwise specified under Subsections A. through H., the following conditions apply to the emissions units listed above:

Essential Potential to Emit (PTE) Parameters

I.1. Hours of Operation. The emissions units may operate continuously, i.e., 8,760 hours/year.
[Rule 62-210.200(PTE), F.A.C.]

Emission Limitations and Standards

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

Excess Emissions

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

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

I.3. Excess emissions resulting from startup or shutdown shall be permitted provided that best operational practices to minimize emissions are adhered to and the duration of excess emissions shall be minimized.
[Rule 62-210.700(2), F.A.C.]

I.4. Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction shall be prohibited.

[Rule 62-210.700(4), F.A.C.]

Monitoring of Operations

I.5. Determination of Process Variables.

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

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

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

I.6. Frequency of Compliance Tests. The following provisions apply only to those emissions units that are subject to an emissions limiting standard for which compliance testing is required.

(a) General Compliance Testing.

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

3. The owner or operator of an emissions unit that is subject to any emission limiting standard shall conduct a compliance test that demonstrates compliance with the applicable emission limiting standard prior to obtaining a renewed operation permit. Emissions units that are required to conduct an annual compliance test may submit the most recent annual compliance test to satisfy the requirements of this provision. In renewing an air operation permit pursuant to Rule 62-210.300(2)(a)3.b., c., or d., F.A.C., the Department shall not require submission of emission compliance test results for any emissions unit that, during the year prior to renewal:

- a. Did not operate; or
- b. In the case of a fuel burning emissions unit, burned liquid fuel for a total of no more than 400 hours.

4. During each federal fiscal year (October 1 -- September 30), unless otherwise specified by rule, order, or permit, the owner or operator of each emissions unit shall have a formal compliance test conducted for:

- a. Visible emissions, if there is an applicable standard;
- b. Each of the following pollutants, if there is an applicable standard, and if the emissions unit emits or has the potential to emit: 5 tons per year or more of lead or lead compounds measured as elemental lead; or 100 tons per year or more of any other regulated air pollutant; and
- c. Any NESHAP pollutant.

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

9. The owner or operator shall notify the Department, at least 15 days prior to the date on which each formal compliance test is to begin, of the date, time, and place of each such test, and the test contact person who will be responsible for coordinating and having such test conducted for the owner or operator.

(b) **Special Compliance Tests.** When the Department, after investigation, has good reason (such as complaints, increased visible emissions or questionable maintenance of control equipment) to believe that any applicable emission standard contained in a Department rule or in a permit issued pursuant to those rules is being violated, it may require the owner or operator of the emissions unit to conduct compliance tests which identify the nature and

quantity of pollutant emissions from the emissions unit and to provide a report on the results of said tests to the Department.

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

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

I.7. When PM Tests Not Required. Annual and permit renewal compliance testing for particulate matter emissions is not required for these emissions units while burning:

- a. only gaseous fuel(s); or
- b. gaseous fuel(s) in combination with any amount of liquid fuel(s) for less than 400 hours per year; or
- c. only liquid fuel(s) for less than 400 hours per year.

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

Test Methods and Procedures

{Permitting Notes: The attached 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.}

I.8. (This conditions applies to emissions units 001, 002, 003, 004, 006, 008, 009, 010, & 014.) Visible Emissions. The test method for visible emissions shall be EPA Method 9, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and referenced in Chapter 62-297, F.A.C.

[Rules 62-204.800 and 62-297.401, F.A.C.]

I.9. Required Number of Test Runs. For mass emission limitations, a compliance test shall consist of three complete and separate determinations of the total air pollutant emission rate through the test section of the stack or duct and three complete and separate determinations of any applicable process variables corresponding to the three distinct time periods during which the stack emission rate was measured provided, however, that three complete and separate determinations shall not be required if the process variables are not subject to variation during a compliance test, or if three determinations are not necessary in order to calculate the unit's emission rate. The three required test runs shall be completed within one consecutive five day period. In the event that a sample is lost or one of the three runs must be discontinued because of circumstances beyond the control of the owner or operator, and a valid third run cannot be obtained within the five day period allowed for the test, the Secretary or his or her designee may accept the results of the two complete runs as proof of compliance, provided that the arithmetic mean of the results of the two complete runs is at least 20 percent below the allowable emission limiting standards.

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

I.10. Calculation of Emission Rate. The indicated emission rate or concentration shall be the arithmetic average of the emission rate or concentration determined by each of the separate test runs unless otherwise specified in a particular test method or applicable rule.

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

I.11. Operating Rate During Testing. Testing of emissions shall be conducted with each emissions unit operation at permitted capacity, which is defined as 90 to 100 percent of the maximum operation rate allowed by the permit. If it is impracticable to test at permitted capacity, an emissions unit may be tested at less than the minimum permitted capacity; in this case, subsequent emissions unit operation is limited to 110 percent of the test load until a new test is conducted. Once the emissions unit is so limited, operation at higher capacities is allowed for no more than 15

consecutive days for the purpose of additional compliance testing to regain the authority to operate at the permitted capacity.

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

I.12. Applicable Test Procedures.

(a) Required Sampling Time.

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

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

Exceptions to these requirements are as follows:

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

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

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

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

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

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

I.13. Required Stack Sampling Facilities. When a mass emissions stack test is required, the permittee shall comply with the requirements contained in Appendix SS-1, Stack Sampling Facilities, attached to this permit.

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

Record Keeping and Reporting Requirements

I.14. Malfunctions - Notification. In the case of excess emissions resulting from malfunctions, each owner or operator shall notify the Southwest District Air Section in accordance with Rule 62-4.130, F.A.C. A full written report on the malfunctions shall be submitted in a quarterly report, if requested by the Southwest District Air Section.

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

I.15. Test Reports.

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

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

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

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

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

[Rules 62-213.440 and 62-297.310(8), F.A.C.]

Subsection J. NSPS Common Conditions.

E.U. ID No.	Brief Description
004	Fossil Fuel Steam Generator, Unit 4, rated at 760 MW, 6665 MMBtu/hr, capable of burning bituminous coal, with number 2 fuel oil as a startup fuel, with emissions exhausted through a 600 ft. stack.
003	Fossil Fuel Steam Generator, Unit 5, rated at 760 MW, 6665 MMBtu/hr, capable of burning bituminous coal, with number 2 fuel oil as a startup fuel, with emissions exhausted through a 600 ft. stack.
016	Material handling activities for coal-fired steam units subject to NSPS (i.e., activities at Fossil Fuel Fired Steam Generators Units 4 and 5.

{Permitting Notes: The emissions units above are subject to the following conditions from 40 CFR 60 Subpart A, General Provisions. The affected facilities to which this subpart applies are fossil fuel steam generators Unit 4 and Unit 5. To the extent allowed by law, the "Administrator" shall mean the "Department."}

The following conditions apply to the NSPS emissions units listed above:

J.1. Pursuant to 40 CFR 60.7, Notification And Record Keeping.

(a) Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification as follows:

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(b) The owner or operator subject to the provisions of 40 CFR 60 shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

(c) The owner or operator required to install a continuous monitoring system (CMS) or monitoring device shall submit an excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or a summary report form (see 40 CFR 60.7(d)) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the CMS data are to be used directly for compliance determination, in which case quarterly reports shall be submitted; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each calendar half (or quarter, as appropriate). Written reports of excess emissions shall include the following information:

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

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

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

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

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

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

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

[See Attached Figure 1-Summary Report-Gaseous and Opacity Excess Emission and Monitoring System Performance]

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

(i) For one full year (e.g., four quarterly or twelve monthly reporting periods) the affected facility's excess emissions and monitoring systems reports submitted to comply with a standard under 40 CFR 60 continually demonstrate that the facility is in compliance with the applicable standard;

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

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

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

(3) As soon as monitoring data indicate that the affected facility is not in compliance with any emission limitation or operating parameter specified in the applicable standard, the frequency of reporting shall revert to the frequency specified in the applicable standard, and the owner or operator shall submit an excess emissions and monitoring systems performance report (and summary report, if required) at the next appropriate reporting period following the noncomplying event. After demonstrating compliance with the applicable standard for another full year, the owner or operator may again request approval from the Administrator to reduce the frequency of reporting for that standard as provided for in paragraphs (e)(1) and (e)(2) of this section.

(f) The owner or operator subject to the provisions of 40 CFR 60 shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports, and records.

[40 CFR 60.7 and Rule 62-213.440(1)(b)2.b., F.A.C.]

J.2. Pursuant to 40 CFR 60.8 Performance Tests.

(b) Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart.

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

(f) Unless otherwise specified in the applicable subpart, each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the owner or operator's control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs. [40 CFR 60.8]

J.3. Pursuant to 40 CFR 60.11, Compliance With Standards And Maintenance Requirements.

(a) Compliance with standards in 40 CFR 60, other than opacity standards, shall be determined only by performance tests established by 40 CFR 60.8, unless otherwise specified in the applicable standard.

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

(c) The opacity standards set forth in 40 CFR 60.11 shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

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

(e)(5) The owner or operator of an affected facility subject to an opacity standard may submit, for compliance purposes, continuous opacity monitoring system (COMS) data results produced during any performance test required under 40 CFR 60.8 in lieu of Method 9 observation data. If an owner or operator elects to submit COMS data for compliance with the opacity standard, he shall notify the Administrator of that decision, in writing, at least 30 days before any performance test required under 40 CFR 60.8 is conducted. Once the owner or operator of an affected facility has notified the Administrator to that effect, the COMS data results will be used to determine opacity compliance during subsequent tests required under 40 CFR 60.8 until the owner or operator notifies the Administrator, in writing, to the contrary. For the purpose of determining compliance with the opacity standard during a performance test required under 40 CFR 60.8 using COMS data, the minimum total time of COMS data collection shall be averages of all 6-minute continuous periods within the duration of the mass emission performance test. Results of the COMS opacity determinations shall be submitted along with the results of the performance test required under 60.8. The owner or operator of an affected facility using a COMS for compliance purposes is responsible for demonstrating that the COMS meets the requirements specified in 40 CFR 60.13(c), that the COMS has been properly maintained and operated, and that the resulting data have not been altered in any way. If COMS data results are submitted for compliance with the opacity standard for a period of time during which Method 9 data indicates noncompliance, the Method 9 data will be used to determine opacity compliance.

[40 CFR 60.11]

J.4. Pursuant to 40 CFR 60.12, Circumvention.

No owner or operator subject to the provisions of 40 CFR 60.12 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.
[40 CFR 60.12]

J.5. Pursuant to 40 CFR 60.13 Monitoring Requirements.

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

(c) If the owner or operator of an affected facility elects to submit continuous opacity monitoring system (COMS) data for compliance with the opacity standard as provided under 40 CFR 60.11(e)(5), he/she shall conduct a performance evaluation of the COMS as specified in Performance Specification 1, appendix B, of 40 CFR 60 before the performance test required under 40 CFR 60.8 is conducted. Otherwise, the owner or operator of an affected facility shall conduct a performance evaluation of the COMS or continuous emission monitoring system (CEMS) during any performance test required under 40 CFR 60.8 or within 30 days thereafter in accordance with the applicable performance specification in appendix B of 40 CFR 60. The owner or operator of an affected facility shall conduct COMS or CEMS performance evaluations at such other times as may be required by the Administrator under section 114 of the Act.

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

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

(d)(1) Owners and operators of all continuous emission monitoring systems installed in accordance with the provisions of 40 CFR 60.13 shall check the zero (or low-level value between 0 and 20 percent of span value) and span (50 to 100 percent of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour span drift exceeds two times the limits of the applicable performance specifications in appendix B. The system must allow the amount of excess zero and span drift measured at the 24-hour interval checks to be recorded and quantified, whenever specified. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except that for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity.

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

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

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

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

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

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

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

[40 CFR 60.13]

Subsection K. Used Oil Common Condition.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2
004	Fossil Fuel Steam Generator, Unit 4
003	Fossil Fuel Steam Generator, Unit 5

{Permitting Notes: The emissions units above are subject to the following condition which allows the burning of on-specification used oil pursuant to the requirements of this permit and this subsection.}

The following condition applies to the emissions units listed above:

K.1. Used Oil. Burning of on-specification used oil is allowed in emissions units 001, 002, 004 and 003 in accordance with all other conditions of this permit and the following conditions:

- a. On-specification Used Oil Allowed as Fuel: This permit allows the burning of used oil fuel meeting EPA “on-specification” used oil specifications, with a PCB concentration of less than 50 ppm. Used oil that does not meet the specifications for on-specification used oil shall not be burned at this facility.

On-specification used oil shall meet the following specifications: [40 CFR 279, Subpart B.]

Arsenic shall not exceed 5.0 ppm;
Cadmium shall not exceed 2.0 ppm;
Chromium shall not exceed 10.0 ppm;
Lead shall not exceed 100.0 ppm;
Total halogens shall not exceed 1000 ppm;
Flash point shall not be less than 100 degrees F.

- b. Quantity Limited: The maximum quantity of on-specification used oil that may be burned in all four emissions units combined is 10 million gallons in any consecutive 12-month period.
- c. Used Oil Containing PCBs Not Allowed: Used oil containing a PCB concentration of 50 or more ppm shall not be burned at this facility. Used oil shall not be blended to meet this requirement.
- d. PCB Concentration of 2 to less than 50 ppm: On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall be burned only at normal source operating temperatures. On-specification used oil with a PCB concentration of 2 to less than 50 ppm shall not be burned during periods of startup or shutdown.

Before accepting from each marketer the first shipment of on-specification used oil with a PCB concentration of 2 to 49 ppm, the owner or operator shall provide each marketer with a one-time written and signed notice certifying that the owner or operator will burn the used oil in a qualified combustion device and must identify the class of combustion device. The notice must state that EPA or a RCRA-delegated state agency has been given a description of the used oil management activities at the facility and that an industrial boiler or furnace will be used to burn the used oil with a PCB concentration of 2 to 49 ppm. The description of the used oil management activities shall be submitted to the EPA or may be submitted to the Administrator, Hazardous Waste Regulation Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. A copy of the notice provided to each marketer shall be maintained at the facility. [40 CFR 279.61 and 761.20(e)]

- e. **Certification Required:** The owner or operator shall receive from the marketer, for each load of used oil received, a certification that the used oil meets the specifications for on-specification used oil and contains a PCB concentration of less than 50 ppm. This certification shall also describe the basis for the certification, such as analytical results.

Used oil to be burned for energy recovery is presumed to contain quantifiable levels (2 ppm) of PCB unless the marketer obtains analyses (testing) or other information that the used oil fuel does not contain quantifiable levels of PCBs. Note that a claim that used oil does not contain quantifiable levels of PCBs (that is, that the used oil contains less than 2 ppm of PCBs) must be documented by analysis or other information. The first person making the claim that the used oil does not contain PCBs is responsible for furnishing the documentation. The documentation can be tests, personal or special knowledge of the source and composition of the used oil, or a certification from the person generating the used oil claiming that the used oil contains no detectable PCBs.

- f. **Testing Required:** The owner or operator shall sample and analyze each batch of used oil to be burned for the following parameters:

Arsenic, cadmium, chromium, lead, total halogens, flash point, PCBs*,
and specific gravity.

Testing (sampling, extraction and analysis) shall be performed using approved methods specified in EPA Publication SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods), latest edition.

* Analysis for PCBs is not required if a claim is made that the used oil does not contain quantifiable levels of PCBs.

- g. **Record Keeping Required:** The owner or operator shall obtain, make, and keep the following records related to the use of used oil in a form suitable for inspection at the facility by the Department: [40 CFR 279.61 and 761.20(e)]
- (1) The gallons of on-specification used oil accepted and burned each month in each unit. (This record shall be completed no later than the fifteenth day of the succeeding month.)
 - (2) The total gallons of on-specification used oil burned in the preceding consecutive 12-month period in each unit. (This record shall be completed no later than the fifteenth day of the succeeding month.)
 - (3) Results of the analyses required above, including documentation if a claim is made that the used oil does not contain quantifiable levels of PCBs.
 - (4) The source and quantity of each batch of used oil received each month, including the name, address and EPA identification number (if applicable) of all marketers that delivered used oil to the facility, and the quantity delivered.
 - (5) Records of the operating rate of each unit while burning used oil and the dates and time periods each unit burns used oil.
- h. **Reporting Required:** The owner or operator shall submit to the Department's Southwest District office, with the Annual Operation Report form, an attachment showing the total amount of on-specification used oil burned during the previous calendar year. The quantity of used oil shall be individually reported and shall not be combined with other fuels.

[Rules 62-4.070(3) and 62-213.440, F.A.C., 40 CFR 279 and 40 CFR 761, and 0170004-002-AO, unless otherwise noted]

Subsection L. This section addresses the following emissions unit.

E.U. ID No.	Brief Description
020	Cooling towers for FFSG Units 1 and 2 used to reduce plant discharge water temperature.

Emissions unit 020 is cooling towers for FFSG Units 1 and 2, used to reduce plant discharge water temperature. (This emission unit may be referred to as "portable cooling towers.") This emissions unit consists of 71 or 72 cells (dependent upon manufacturer), is 12' wide and 11' high, includes drift eliminators, operates at a maximum seawater flow rate of 180,000 gallons per minute for all cells combined, and a design airflow rate of 25,000 acfm from each cell. Seawater is sprayed through the towers where fan induced air flow causes evaporative cooling. Water vapor, saltwater droplets (drift) and salt particles are emitted. Drift emissions are controlled by drift eliminators.

{Permitting note(s): This emissions unit is regulated under Prevention of Significant Deterioration (PSD) (permit 0170004-010-AC) and includes a Best Available Control Technology (BACT) Determination, which allows for a drift emission rate of 0.0015% with limited usage.}

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

Essential Potential to Emit (PTE) Parameters

L.1. Hours of Operation. The operating hours for the portable cooling towers shall not exceed an equivalent of 2920 hours per year of operation (12-month rolling total). This condition shall be complied with by limiting the circulating water flow usage through the portable cooling towers to 31.5E9 gallons per calendar year. [Rule 62-210.200(PTE), F.A.C.; and 0170004-010-AC)]

Emission Limitations and Standards

L.2. Cooling Tower Design: The portable cooling towers shall be designed, operated and maintained to achieve a drift rate of no more than 0.0015% of the circulating water flow. This equates to an estimated emission rate of particulate matter (PM) from the cooling tower at 35.1 pounds per hour. Within 60 days of commencing operation, the permittee shall certify that the cooling tower was constructed and installed so as to achieve the specified drift rate of no more than 0.0015 percent of the circulating water flow rate.

{Note: The emission limit is based on a BACT Determination setting the maximum drift emissions at 0.0015%. PM₁₀ emissions are estimated to be approximately 6% of the particulate matter emission rate.}
[Rule 62-213.440, F.A.C., 0170004-010-AC) and Rule 62-212.400 (BACT)]

L.3. Drift Eliminators. Drift eliminators shall be installed and maintained as per the manufacturer's specifications. Regular maintenance shall be scheduled to ensure proper operation of the drift eliminators. [Rule 62-213.440, F.A.C.; and 0170004-010-AC)]

{Note: This emissions unit is not subject to a visible emissions limitation. Emissions from this emissions unit include water droplets, so visible emission testing is not possible.}

Test Methods and Procedures

L.4. Emission Test Method. The drift elimination system on the helper cooling towers shall be maintained so as to minimize pluggage and to insure timely repair of broken sections of the drift eliminators. During those calendar days when the portable cooling towers are used, the following work practice shall be implemented, in lieu of EPA Method 5, to demonstrate compliance with the originally designed removal efficiency (no more than 0.0015% drift rate):

- (a) Daily "walkdown" inspection of each operational cell visually checking for problems with the drift eliminators such as pluggage, algae build-up, and mechanical components (fans and pumps).
- (b) Daily visual inspection of the cells which are in operation to ascertain the presence of higher than expected visible emissions when atmospheric conditions allow, and follow-up inspections and correction of problems when the daily visual inspection of the cells indicates a problem.
- (c) Weekly visual inspections of the inlet water screens and prompt correction when broken sections or pluggage is discovered.

[Rule 62-213.440, F.A.C., 0170004-010-AC; and ASP No. 00-E-01 dated June 7, 2000]

Monitoring of Operations

L.5. Inspection Log: Any problems detected during the work practice inspections identified in Specific Condition L.4. shall be documented in a log identifying the cell (or water screen), the inspector, the time (when discovered and the hours operated before the problem was corrected), and a description of the problem and the corrective actions taken. This log shall be maintained onsite and shall be made available to DEP upon request. The log shall be maintained so as to provide an indication as to whether routine inspections have been conducted as required even when there are no problems to record.

[Rules 62-213.440 and 62-297.310(7), F.A.C., 0170004-010-AC and ASP No. 00-E-01 dated June 7, 2000]

Record Keeping and Reporting Requirements

L.6. Circulating Water Flow-meters Required. Circulating water flow will be measured by monitoring the hours of each circulating water pump. For each hour of operation, each north pump will flow 15 kgpm (900 kgph) and each south pump will flow 4 kgpm (240 khph). The fans in bank C1 through C15 will be monitored for operation. If any of the fans are operating in those cells, the circulating water flow will be 39 kgpm (2,340 kgph). Partial hours of operation shall be prorated. Records of circulating water flow shall be maintained for each calendar month..

[Rule 62-213.440, F.A.C.; and 0170004-10-AC]

Common Conditions

L.7. This emissions unit is also subject to conditions **L.2, L.4, L.5, L.6, L.14 and L.15** contained in **Subsection I. Common Conditions.**

Section IV. This section is the Acid Rain Part.

Operated by: Progress Energy Florida/Crystal River Plant
ORIS code: 628

This subsection addresses Acid Rain, Phase II.

The emissions units listed below are regulated under Acid Rain, Phase II.

E.U. ID No.	Brief Description
001	Fossil Fuel Steam Generator, Unit 1
002	Fossil Fuel Steam Generator, Unit 2
004	Fossil Fuel Steam Generator, Unit 4
003	Fossil Fuel Steam Generator, Unit 5

A.1. The Phase II permit applications, the Phase II NO_x compliance plans and the Phase II NO_x averaging plans submitted for this facility, as approved by the Department, are a part of this permit (included as Attachments). The owners and operators of these Phase II acid rain units must comply with the standard requirements and special provisions set forth in the applications listed below:

- a. DEP Form No. 62-210.900(1)(a), F.A.C., Signed 6/29/04.
- b. DEP Form No. 62-210.900(1)(a)4., F.A.C., Signed 6/29/04.
- c. DEP Form No. 62-210.900(1)(a)5., F.A.C., Signed 06/29/04.

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

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

E.U. ID No.	EPA ID	Year	2005	2006	2007	2008	2009
001	1	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	12425*	12425*	12425*	12425*	12425*
002	2	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	14291*	14291*	14291*	14291*	14291*
004	4	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	23651*	23651*	23651*	23651*	23651*
003	5	SO ₂ allowances, under Table 2 or 3 of 40 CFR Part 73	25248*	25248*	25248*	25248*	25248*

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

E.U. ID No.	EPA ID	NO_x limit	Pursuant to 40 CFR 76.11, the Florida Department of Environmental Protection approves five (5) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the 2005, 2006, 2007, 2008 and 2009. Under each plan, the unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation of: 0.45 lb/MMBtu with an annual heat input of 36,312,329 MMBtu. 0.45 lb/MMBtu with an annual heat input of 41,934,711 MMBtu. 0.52 lb/MMBtu with an annual heat input of 70,658,210 MMBtu. 0.52 lb/MMBtu with an annual heat input of 70,208,037 MMBtu. Also, see Additional Requirements 1, 2 and 3, below.
001	1		
002	2		
004	4		
003	5		

{Permitting note: See Specific Condition B.7. for unit specific state-only annual NO_x emission limits related to E.U. 003 and 004}

Additional Requirements

- Under the plan (NO_x Phase II averaging plan), the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.
- In accordance with 40 CFR 72.40(b)(2), approval of the averaging plan shall be final only after the North Carolina Department of Environment and Natural Resources Division of Air Quality and the South Carolina Department of Health and Environmental Control Bureau of Air Quality have also approved this averaging plan.
- In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

A.3. Emission Allowances. Emissions from sources subject to the Federal Acid Rain Program (Title IV) shall not exceed any allowances that the source lawfully holds under the Federal Acid Rain Program. Allowances shall not be used to demonstrate compliance with a non-Title IV applicable requirement of the Act.

- No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400(3), F.A.C.
- No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program.
- Allowances shall be accounted for under the Federal Acid Rain Program.

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

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

A.5. Where an applicable requirement of the Act is more stringent than applicable regulations promulgated under Title IV of the Act, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

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

Reporting Requirements

A.6. Statement of Compliance. The annual statement of compliance pursuant to Rule 62-213.440(3), F.A.C., shall be submitted within 60 (sixty) days after the end of the calendar year. {See condition 51., APPENDIX TV-6 TITLE V CONDITIONS}
[Rule 62-214.420(11), F.A.C.]

A.7. Demonstration of Compliance with the Phase II NO_x Averaging Plan. The Designated Representative shall provide a copy of the demonstration of compliance, prepared in accordance with 40 CFR 76.11(d), to the Department within 60 (sixty) days after the end of the calendar year.
[Rule 62-213.440, F.A.C.]

Appendix Y - 40 CFR 60, Subpart Y Standard Conditions

Subpart Y- Standards of Performance for Coal Preparation Plants

§ 60.250 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 181 Mg (200 tons) per day: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.

(b) Any facility under paragraph (a) of this section that commences construction or modification after October 24, 1974, is subject to the requirements of this subpart.

§ 60.251 Definitions.

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

(a) *Coal preparation plant* means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(b) *Bituminous coal* means solid fossil fuel classified as bituminous coal by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference -- see § 60.17).

(c) *Coal* means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference -- see § 60.17).

(d) *Cyclonic flow* means a spiraling movement of exhaust gases within a duct or stack.

(e) *Thermal dryer* means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

(f) *Pneumatic coal-cleaning equipment* means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

(g) *Coal processing and conveying equipment* means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.

(h) *Coal storage system* means any facility used to store coal except for open storage piles.

(i) *Transfer and loading system* means any facility used to transfer and load coal for shipment.

§ 60.252 Standards for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any thermal dryer gases which:

- (1) Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf).
- (2) Exhibit 20 percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:

- (1) Contain particulate matter in excess of 0.040 g/dscm (0.017 gr/dscf).
- (2) Exhibit 10 percent opacity or greater.

(c) On and after the date on which the performance test required to be conducted by § 60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

§ 60.253 Monitoring of operations.

(a) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 1.7^{\circ}\text{C}$ ($\pm 3^{\circ}\text{F}$).

(2) For affected facilities that use venturi scrubber emission control equipment:

(i) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.

(ii) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator may be consulted for approval of alternative locations.

(b) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under § 60.13(b).

§ 60.254 Test methods and procedures.

(a) In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in § 60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in § 60.252 as follows:

(1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin.

(2) Method 9 and the procedures in § 60.11 shall be used to determine opacity.

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

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

{Permitting note: APPENDIX TV-6, 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.); and, Section 403.087, Florida Statute (F.S.)]

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

(1) Any person desiring to obtain a permit from the Department shall apply on forms prescribed by the Department and shall submit such additional information as the Department by law may require.

(2) All applications and supporting documents shall be filed in quadruplicate with the Department.

(3) To ensure protection of public health, safety, and welfare, any construction, modification, or operation of an installation which may be a source of pollution, shall be in accordance with sound professional engineering practices pursuant to Chapter 471, F.S. All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except, when the application is for renewal of an air pollution operation permit at a non-Title V source as defined in Rule 62-210.200, F.A.C., or where professional engineering is not required by Chapter 471, F.S. Where required by Chapter 471 or 492, F.S., applicable portions of permit applications and supporting documents which are submitted to the Department for public record shall be signed and sealed by the professional(s) who prepared or approved them.

(4) Processing fees for air construction permits shall be in accordance with Rule 62-4.050(4), F.A.C.

(5)(a) To be considered by the Department, each application must be accompanied by the proper processing fee. The fee shall be paid by check, payable to the Department of Environmental Protection. The fee is non-refundable except as provided in Section 120.60, F.S., and in this section.

(b) When an application is received without the required fee, the Department shall acknowledge receipt of the application and shall immediately notify the applicant by certified mail that the required fee was not received and advise the applicant of the correct fee. The Department shall take no further action until the correct fee is received. If a fee was received by the Department which is less than the amount required, the Department shall return the fee along with the written notification.

(c) Upon receipt of the proper application fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin.

(d) If the applicant does not submit the required fee within ten days of receipt of written notification, the Department shall either return the unprocessed application or arrange with the applicant for the pick up of the application.

(e) If an applicant submits an application fee in excess of the required fee, the permit processing time requirements of Sections 120.60(2) and 403.0876, F.S., shall begin upon receipt, and the Department shall refund to the applicant the amount received in excess of the required fee.

(6) Any substantial modification to a complete application shall require an additional processing fee determined pursuant to the schedule set forth in Rule 62-4.050, F.A.C., and shall restart the time requirements of Sections 120.60 and 403.0876, F.S. For purposes of this subsection, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different environmental impacts which require a detailed review.

(7) Modifications to existing permits proposed by the permittee which require substantial changes in the existing permit or require substantial evaluation by the Department of potential impacts of the proposed modifications shall require the same fee as a new application for the same time duration except for modification under Chapter 62-45, F.A.C.

[Rule 62-4.050, F.A.C.]

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

[Rule 62-4.070(7), F.A.C.]

4. Modification of Permit Conditions.

(1) For good cause and after notice and an administrative hearing, if requested, the Department may require the permittee to conform to new or additional conditions. The Department shall allow the permittee a reasonable time to conform to the new or additional conditions and on application of the permittee the Department may grant additional time. For the purpose of this section, good cause shall include, but not be limited to, any of the following: (also, see **Condition No. 38.**)

(a) A showing that an improvement in effluent or emission quality or quantity can be accomplished because of technological advances without unreasonable hardship.

(b) A showing that a higher degree of treatment is necessary to effect the intent and purpose of Chapter 403, F.S.

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

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

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

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

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

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

[Rule 62-4.090, F.A.C.]

6. Suspension and Revocation.

(1) Permits shall be effective until suspended, revoked, surrendered, or expired and shall be subject to the provisions of Chapter 403, F.S., and rules of the Department.

(2) Failure to comply with pollution control laws and rules shall be grounds for suspension or revocation.

(3) A permit issued pursuant to Chapter 62-4, F.A.C., shall not become a vested property right in the permittee. The Department may revoke any permit issued by it if it finds that the permit holder or his agent:

(a) Submitted false or inaccurate information in his application or operational reports.

(b) Has violated law, Department orders, rules or permit conditions.

(c) Has failed to submit operational reports or other information required by Department rules.

(d) Has refused lawful inspection under Section 403.091, F.S.

(4) No revocation shall become effective except after notice is served by personal services, certified mail, or newspaper notice pursuant to Section 120.60(7), F.S., upon the person or persons named therein and a hearing held if requested within the time specified in the notice. The notice shall specify the provision of the law, or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

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

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

8. **Transfer of Permits.**

(1) Within 30 days after the sale or legal transfer of a permitted facility, an "Application for Transfer of Permit" (DEP Form 62-1.201(1)) must be submitted to the Department. This form must be completed with the notarized signatures of both the permittee and the proposed new permittee. For air permits, an "Application for Transfer of Air Permit" (DEP Form 62-210.900(7)) shall be submitted.

(2) The Department shall approve the transfer of a permit unless it determines that the proposed new permittee cannot provide reasonable assurances that conditions of the permit will be met. The determination shall be limited solely to the ability of the new permittee to comply with the conditions of the existing permit, and it shall not concern the adequacy of these permit conditions. If the Department proposes to deny the transfer, it shall provide both the permittee and the proposed new permittee a written objection to such transfer together with notice of a right to request a Chapter 120, F.S., proceeding on such determination.

(3) Within 30 days of receiving a properly completed Application for Transfer of Permit form, the Department shall issue a final determination. The Department may toll the time for making a determination on the transfer by notifying both the permittee and the proposed new permittee that additional information is required to adequately review the transfer request. Such notification shall be served within 30 days of receipt of an Application for Transfer of Permit form, completed pursuant to Rule 62-4.120(1), F.A.C. If the Department fails to take action to approve or deny the transfer within 30 days of receipt of the completed Application for Transfer of Permit form, or within 30 days of receipt of the last item of timely requested additional information, the transfer shall be deemed approved.

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

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

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

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

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

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

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

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

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

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

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

- (2) This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
- (3) As provided in Subsections 403.987(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
- (4) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
- (5) This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of F.S. and Department rules, unless specifically authorized by an order from the Department.
- (6) The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
- (7) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
- (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and
 - (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.
- (8) If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information: **(also, see Condition No. 10.)**
- (a) A description of and cause of noncompliance; and
 - (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- (9) In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Sections 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
- (10) The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.
- (11) This permit is transferable only upon Department approval in accordance with Rule 62-4.120, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.
- (12) This permit or a copy thereof shall be kept at the work site of the permitted activity.
- (14) The permittee shall comply with the following:
- (a) Upon request, the permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
 - (b) The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least five (5) years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
 - (c) Records of monitoring information shall include:
 - 1. The date, exact place, and time of sampling or measurements;
 - 2. The person responsible for performing the sampling or measurements;
 - 3. The dates analyses were performed;
 - 4. The person responsible for performing the analyses;

5. The analytical techniques or methods used;

6. The results of such analyses.

(15) When requested by the Department, the permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

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

13. Construction Permits.

(1) No person shall construct any installation or facility which will reasonably be expected to be a source of air or water pollution without first applying for and receiving a construction permit from the Department unless exempted by statute or Department rule. In addition to the requirements of Chapter 62-4, F.A.C., applicants for a Department Construction Permit shall submit the following as applicable:

(a) A completed application on forms furnished by the Department.

(b) An engineering report covering:

1. Plant description and operations,
2. Types and quantities of all waste material to be generated whether liquid, gaseous or solid,
3. Proposed waste control facilities,
4. The treatment objectives,
5. The design criteria on which the control facilities are based, and
6. Other information deemed relevant.

Design criteria submitted pursuant to Rule 62-4.210(1)(b)5., F.A.C., shall be based on the results of laboratory and pilot-plant scale studies whenever such studies are warranted. The design efficiencies of the proposed waste treatment facilities and the quantities and types of pollutants in the treated effluents or emissions shall be indicated. Work of this nature shall be subject to the requirements of Chapter 471, F.S. Where confidential records are involved, certain information may be kept confidential pursuant to Section 403.111, F.S.

(c) The owners' written guarantee to meet the design criteria as accepted by the Department and to abide by Chapter 403, F.S., and the rules of the Department as to the quantities and types of materials to be discharged from the installation. The owner may be required to post an appropriate bond or other equivalent evidence of financial responsibility to guarantee compliance with such conditions in instances where the owner's financial resources are inadequate or proposed control facilities are experimental in nature.

(2) The construction permit may contain conditions and an expiration date as determined by the Secretary or the Secretary's designee.

(3) When the Department issues a permit to construct, the permittee shall be allowed a period of time, specified in the permit, to construct, and to operate and test to determine compliance with Chapter 403, F.S., and the rules of the Department and, where applicable, to apply for and receive an operation permit. The Department may require tests and evaluations of the treatment facilities by the permittee at his/her expense.

[Rule 62-4.210, F.A.C.]

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

[Rule 62-4.220, F.A.C.]

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

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

[Rules 62-110.106, 62-210.350 and 62-213.430(1)(b), F.A.C.]

16. Administrative Hearing. The permittee shall comply with all of the requirements for a petition for administrative hearing or waiver of right to administrative proceeding pursuant to Rules 28-106.201, 28-106.301 and 62-110.106, F.A.C.

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

Chapter 62-204, F.A.C.

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

[40 CFR 61; Rule 62-204.800, F.A.C.; and, Chapter 62-257, F.A.C.]

Chapter 62-210, F.A.C.

18. Permits Required. Unless exempted from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., or unless specifically authorized by provision of Rule 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate permit from the Department prior to beginning construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit; or to establish a PAL or Air Emissions Bubble. All emissions limitations, controls, and other requirements imposed by such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., issuance of a permit does not relieve the owner or operator of a facility or an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) Unless exempt from permitting pursuant to Rule 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., an air construction permit shall be obtained by the owner or operator of any proposed new, reconstructed, or modified facility or emissions unit, or any new pollution control equipment prior to the beginning of construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, or modification of the facility or emissions unit or addition of the pollution control equipment; or to establish a PAL; in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-212, F.A.C., and Chapter 62-4, F.A.C. Except as provided under Rule 62-213.415, F.A.C., the owner or operator of any facility seeking to create or change an air emissions bubble shall obtain an air construction permit in accordance with all the applicable provisions of Chapter 62-210, F.A.C., Chapters 62-212 and 62-4, F.A.C. The construction permit shall be issued for a period of time sufficient to allow construction, reconstruction or modification of the facility or emissions unit or addition of the air pollution control equipment; and operation while the owner or operator of the new, reconstructed or modified facility or emissions unit or the new pollution control equipment is conducting tests or otherwise demonstrating initial compliance with the conditions of the construction permit.

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

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

- a. Any change that would constitute an administrative correction may be made pursuant to Rule 62-210.360, F.A.C.;
- b. Any change that would constitute a modification, as defined at Rule 62-210.200, F.A.C., shall be accomplished only through the issuance of an air construction permit; and
- c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, Rule 62-204.800(11)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or Rule 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under Rule 62-204.800(11)(d)2., Rule 62-212.400 or Rule 62-212.500, F.A.C., as appropriate.

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

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

(2) **Air Operation Permits.** Upon expiration of the air operation permit for any existing facility or emissions unit, subsequent to construction or modification, or subsequent to the creation of or change to a bubble, and demonstration of compliance with the conditions of the construction permit for any new or modified facility or emissions unit, any air emissions bubble, or as otherwise provided in Chapter 62-210, F.A.C., or Chapter 62-213, F.A.C., the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit or air general permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of Chapter 62-210, F.A.C., Chapter 62-213, F.A.C., and Chapter 62-4, F.A.C.

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

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

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

19. **Not federally enforceable. Notification of Startup.** The owners or operator of any emissions unit or facility which has a valid air operation permit which has been shut down more than one year, shall notify the Department in writing of the intent to start up such emissions unit or facility, a minimum of 60 days prior to the intended startup date.

(a) The notification shall include information as to the startup date, anticipated emission rates or pollutants released, changes to processes or control devices which will result in changes to emission rates, and any other conditions which may differ from the valid outstanding operation permit.

(b) If, due to an emergency, a startup date is not known 60 days prior thereto, the owner shall notify the Department as soon as possible after the date of such startup is ascertained.

[Rule 62-210.300(5), F.A.C.]

20. Emissions Unit Reclassification.

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

(b) If the owner or operator of an emissions unit which is so permanently shut down, applies to the Department for a permit to reactivate or operate such emissions unit, the emissions unit will be reviewed and permitted as a new emissions unit.

[Rule 62-210.300(6), F.A.C.]

21. Transfer of Air Permits.

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

(b) For an air general permit, the provision of Rules 62-210.300(7)(a) and 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new owner must submit an air general permit notification to the Department in accordance with Rule 62-210.300(4), F.A.C., or Rule 62-213.300(2)(b), F.A.C.

[Rule 62-210.300(7), F.A.C.]

22. Public Notice and Comment.

(1) Public Notice of Proposed Agency Action.

(a) A notice of proposed agency action on permit application, where the proposed agency action is to issue the permit, shall be published by any applicant for:

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

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

(c) Except as otherwise provided at Rules 62-210.350(2), (5), and (6), F.A.C., each notice of intent to issue an air construction permit shall provide a 14-day period for submittal of public comments.

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

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

1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S., and the Department's analysis of the effect of the proposed construction or modification on ambient air quality, including the Department's preliminary determination of whether the permit should be approved or disapproved;
2. A 30-day period for submittal of public comments; and

3. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the proposed facility or emissions unit, whether BACT or LAER has been determined, the degree of PSD increment consumption expected, if applicable, and the location of the information specified in paragraph 1. above; and notifying the public of the opportunity for submitting comments and requesting a public hearing.
- (b) The notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.
- (c) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall also be sent by the Department to the Regional Office of the U. S. Environmental Protection Agency and to all other state and local officials or agencies having cognizance over the location of such new or modified facility or emissions unit, including local air pollution control agencies, chief executives of city or county government, regional land use planning agencies, and any other state, Federal Land Manager, or Indian Governing Body whose lands may be affected by emissions from the new or modified facility or emissions unit.
- (d) A copy of the notice provided for in Rule 62-210.350(2)(a)3., F.A.C., shall be displayed in the appropriate district, branch and local program offices.
- (e) An opportunity for public hearing shall be provided in accordance with Chapter 120, F.S., and Rule 62-110.106, F.A.C.
- (f) Any public comments received shall be made available for public inspection in the location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., is available and shall be considered by the Department in making a final determination to approve or deny the permit.
- (g) The final determination shall be made available for public inspection at the same location where the information specified in Rule 62-210.350(2)(a)1., F.A.C., was made available.
- (h) For a proposed new or modified emissions unit which would be located within 100 kilometers of any Federal Class I area or whose emissions may affect any Federal Class I area, and which would be subject to the preconstruction review requirements of Rule 62-212.400 or 62-212.500, F.A.C.:
1. The Department shall mail or transmit to the Administrator a copy of the initial application for an air construction permit and notice of every action related to the consideration of the permit application.
 2. The Department shall mail or transmit to the Federal Land Manager of each affected Class I area a copy of any written notice of intent to apply for an air construction permit; the initial application for an air construction permit, including all required analyses and demonstrations; any subsequently submitted information related to the application; the preliminary determination and notice of proposed agency action on the permit application; and any petition for an administrative hearing regarding the application or the Department's proposed action. Each such document shall be mailed or transmitted to the Federal Land Manager within fourteen (14) days after its receipt by the Department.
- (3) Additional Public Notice Requirements for Facilities Subject to Operation Permits for Title V Sources.
- (a) Before taking final agency action to issue a new, renewed, or revised air operation permit subject to Chapter 62-213, F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include as a minimum the following:
1. A complete file available for public inspection in at least one location in the district affected which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, F.S.; and
 2. A 30-day period for submittal of public comments.
- (b) The notice provided for in Rule 62-210.350(3)(a), F.A.C., shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action. If written comments received during the 30-day comment period on a draft permit result in the Department's issuance of a revised draft permit in accordance with Rule 62-213.430(1), F.A.C., the Department shall require the applicant to publish another public notice in accordance with Rule 62-210.350(1)(a), F.A.C.
- (c) The notice shall identify:
1. The facility;
 2. The name and address of the office at which processing of the permit occurs;
 3. The activity or activities involved in the permit action;
 4. The emissions change involved in any permit revision;
 5. The name, address, and telephone number of a Department representative from whom interested persons may obtain additional information, including copies of the permit draft, the application, and all relevant supporting materials, including any permit application, compliance plan, permit, monitoring report, and compliance statement required pursuant to Chapter 62-213, F.A.C. (except for information entitled to confidential treatment pursuant to Section 403.111, F.S.), and all other materials available to the Department that are relevant to the permit decision;

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

[Rules 62-210.350(1) thru (3), F.A.C.]

23. Administrative Permit Corrections.

(1) A facility owner shall notify the Department by letter of minor corrections to information contained in a permit. Such notifications shall include:

- (a) Typographical errors noted in the permit;
- (b) Name, address or phone number change from that in the permit;
- (c) A change requiring more frequent monitoring or reporting by the permittee;
- (d) A change in ownership or operational control of a facility, subject to the following provisions:
 1. The Department determines that no other change in the permit is necessary;
 2. The permittee and proposed new permittee have submitted an Application for Transfer of Air Permit, and the Department has approved the transfer pursuant to Rule 62-210.300(7), F.A.C.; and
 3. The new permittee has notified the Department of the effective date of sale or legal transfer.
- (e) Changes listed at 40 CFR 72.83(a)(1), (2), (6), (9) and (10), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and changes made pursuant to Rules 62-214.340(1) and (2), F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o;
- (f) Changes listed at 40 CFR 72.83(a)(11) and (12), adopted and incorporated by reference at Rule 62-204.800, F.A.C., to Title V sources subject to emissions limitations or reductions pursuant to 42 USC ss. 7651-7651o, provided the notification is accompanied by a copy of any EPA determination concerning the similarity of the change to those listed at Rule 62-210.360(1)(e), F.A.C.; and
- (g) Any other similar minor administrative change at the source.

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

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

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

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

24. Emissions Computation and Reporting.

(1) Applicability. This rule sets forth required methodologies to be used by the owner or operator of a facility for computing actual emissions, baseline actual emissions, and net emissions increase, as defined at Rule 62-210.200, F.A.C., and for computing emissions for purposes of the reporting requirements of subsection 62-210.370(3) and paragraph 62-212.300(1)(e), F.A.C., or of any permit condition that requires emissions be computed in accordance with this rule. This rule is not intended to establish methodologies for determining compliance with the emission limitations of any air permit.

(2) Computation of Emissions. For any of the purposes set forth in subsection 62-210.370(1), F.A.C., the owner or operator of a facility shall compute emissions in accordance with the requirements set forth in this subsection.

(a) Basic Approach. The owner or operator shall employ, on a pollutant-specific basis, the most accurate of the approaches set forth below to compute the emissions of a pollutant from an emissions unit; provided, however, that nothing in this rule shall be construed to require installation and operation of any continuous emissions monitoring system (CEMS), continuous parameter monitoring system (CPMS), or predictive emissions monitoring system (PEMS) not otherwise required by rule or permit, nor shall anything in this rule be construed to require performance of any stack testing not otherwise required by rule or permit.

1. If the emissions unit is equipped with a CEMS meeting the requirements of paragraph 62-210.370(2)(b), F.A.C., the owner or operator shall use such CEMS to compute the emissions of the pollutant, unless the owner or operator demonstrates to the department that an alternative approach is more accurate because the CEMS represents still-emerging technology.

2. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., but emissions of the pollutant can be computed pursuant to the mass balance methodology of paragraph 62-210.370(2)(c), F.A.C., the owner or operator shall use such methodology, unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

3. If a CEMS is not available or does not meet the requirements of paragraph 62-210.370(2)(b), F.A.C., and emissions cannot be computed pursuant to the mass balance methodology, the owner or operator shall use an emission factor meeting the requirements of paragraph 62-210.370(2)(d), F.A.C., unless the owner or operator demonstrates to the department that an alternative approach is more accurate.

(b) Continuous Emissions Monitoring System (CEMS).

1. An owner or operator may use a CEMS to compute emissions of a pollutant for purposes of this rule provided:

- a. The CEMS complies with the applicable certification and quality assurance requirements of 40 CFR Part 60, Appendices B and F, or, for an acid rain unit, the certification and quality assurance requirements of 40 CFR Part 75, all adopted by reference at Rule 62-204.800, F.A.C.; or

- b. The owner or operator demonstrates that the CEMS otherwise represents the most accurate means of computing emissions for purposes of this rule.
 - 2. Stack gas volumetric flow rates used with the CEMS to compute emissions shall be obtained by the most accurate of the following methods as demonstrated by the owner or operator:
 - a. A calibrated flowmeter that records data on a continuous basis, if available; or
 - b. The average flow rate of all valid stack tests conducted during a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
 - 3. The owner or operator may use CEMS data in combination with an appropriate f-factor, heat input data, and any other necessary parameters to compute emissions if such method is demonstrated by the owner or operator to be more accurate than using a stack gas volumetric flow rate as set forth at subparagraph 62-210.370(2)(b)2., F.A.C., above.
 - (c) Mass Balance Calculations.
 - 1. An owner or operator may use mass balance calculations to compute emissions of a pollutant for purposes of this rule provided the owner or operator:
 - a. Demonstrates a means of validating the content of the pollutant that is contained in or created by all materials or fuels used in or at the emissions unit; and
 - b. Assumes that the emissions unit emits all of the pollutant that is contained in or created by any material or fuel used in or at the emissions unit if it cannot otherwise be accounted for in the process or in the capture and destruction of the pollutant by the unit's air pollution control equipment.
 - 2. Where the vendor of a raw material or fuel which is used in or at the emissions unit publishes a range of pollutant content from such material or fuel, the owner or operator shall use the highest value of the range to compute the emissions, unless the owner or operator demonstrates using site-specific data that another content within the range is more accurate.
 - 3. In the case of an emissions unit using coatings or solvents, the owner or operator shall document, through purchase receipts, records and sales receipts, the beginning and ending VOC inventories, the amount of VOC purchased during the computational period, and the amount of VOC disposed of in the liquid phase during such period.
 - (d) Emission Factors.
 - 1. An owner or operator may use an emission factor to compute emissions of a pollutant for purposes of this rule provided the emission factor is based on site-specific data such as stack test data, where available, unless the owner or operator demonstrates to the department that an alternative emission factor is more accurate. An owner or operator using site-specific data to derive an emission factor, or set of factors, shall meet the following requirements.
 - a. If stack test data are used, the emission factor shall be based on the average emissions per unit of input, output, or gas volume, whichever is appropriate, of all valid stack tests conducted during at least a five-year period encompassing the period over which the emissions are being computed, provided all stack tests used shall represent the same operational and physical configuration of the unit.
 - b. Multiple emission factors shall be used as necessary to account for variations in emission rate associated with variations in the emissions unit's operating rate or operating conditions during the period over which emissions are computed.
 - c. The owner or operator shall compute emissions by multiplying the appropriate emission factor by the appropriate input, output or gas volume value for the period over which the emissions are computed. The owner or operator shall not compute emissions by converting an emission factor to pounds per hour and then multiplying by hours of operation, unless the owner or operator demonstrates that such computation is the most accurate method available.
 - 2. If site-specific data are not available to derive an emission factor, the owner or operator may use a published emission factor directly applicable to the process for which emissions are computed. If no directly-applicable emission factor is available, the owner or operator may use a factor based on a similar, but different, process.
 - (e) Accounting for Emissions During Periods of Missing Data from CEMS, PEMS, or CPMS. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of missing data from CEMS, PEMS, or CPMS using other site-specific data to generate a reasonable estimate of such emissions.
 - (f) Accounting for Emissions During Periods of Startup and Shutdown. In computing the emissions of a pollutant, the owner or operator shall account for the emissions during periods of startup and shutdown of the emissions unit.
 - (g) Fugitive Emissions. In computing the emissions of a pollutant from a facility or emissions unit, the owner or operator shall account for the fugitive emissions of the pollutant, to the extent quantifiable, associated with such facility or emissions unit.
 - (h) Recordkeeping. The owner or operator shall retain a copy of all records used to compute emissions pursuant to this rule for a period of five years from the date on which such emissions information is submitted to the department for any regulatory purpose.
- (3) Annual Operating Report for Air Pollutant Emitting Facility.
- (a) The Annual Operating Report for Air Pollutant Emitting Facility (DEP Form No. 62-210.900(5)) shall be completed each year.
 - (c) The annual operating report shall be submitted to the appropriate Department of Environmental Protection (DEP) division, district or DEP-approved local air pollution control program office by March 1 of the following year.
 - (d) Beginning with 2007 annual emissions, emissions shall be computed in accordance with the provisions of Rule 62-210.370(2), F.A.C., for purposes of the annual operating report.
- [Rules 62-210.370(1), (2) and (3)(a), (c) & (d), F.A.C.]

25. Circumvention. No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

[Rule 62-210.650, F.A.C.]

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

(1) Application for Air Permit - Long Form, Form and Instructions (Effective 02-02-2006).

(a) Acid Rain Part, Form and Instructions (Effective 06-16-2003).

1. Repowering Extension Plan, Form and Instructions (Effective 07/01/1995).

2. New Unit Exemption, Form and Instructions (Effective 04/16/2001).

3. Retired Unit Exemption, Form and Instructions (Effective 04/16/2001).

4. Phase II NOx Compliance Plan, Form and Instructions (Effective 01/06/1998).

5. Phase II NOx Averaging Plan, Form (Effective 01/06/1998).

(b) Reserved.

(5) Annual Operating Report for Air Pollutant Emitting Facility, Form and Instructions (Effective 02/11/1999).

(7) Application for Transfer of Air Permit - Title V Source, (Effective 04/16/2001).

[Rule 62-210.900, F.A.C.]

Chapter 62-213, F.A.C.

27. Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For sources with only one responsible official, this is how the Title V source designates the responsible official.

(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit a Responsible Official Notification Form (DEP Form No. 62-213.900(8)) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(8) for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible official of any Title V source which has a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(8) or the next application for Title V permit, permit revision or permit renewal, whichever comes first.

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

28. Annual Emissions Fee. Each Title V source permitted to operate in Florida must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in Rule 62-213.205(1), F.A.C.

(1)(g) If the Department has not received the fee by February 15 of the year following the calendar year for which the fee is calculated, the Department will send the primary responsible official of the Title V source a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the year due, the Department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee unpaid plus interest on such amount computed in accordance with Section 220.807, F.S. If the Department determines that a submitted fee was inaccurately calculated, the Department shall either refund to the permittee any amount overpaid or notify the permittee of any amount underpaid. The Department shall not impose a penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The Department shall waive the collection of underpayment and shall not refund overpayment of the fee, if the amount is less than 1 percent of the fee due, up to \$50.00. The Department shall make every effort to provide a timely assessment of the adequacy of the submitted fee. Failure to

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

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 Chapter 62-212 or 62-296, F.A.C.;
- (f) Violates a permit term or condition which the source has assumed for which there is no corresponding underlying applicable requirement to which the source would otherwise be subject;
- (g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;
- (h) Results in the change of location of any relocatable facility identified as a Title V source pursuant to paragraph (a)-(e), (g) or (h) of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.;
- (i) Constitutes a change at an Acid Rain Source under the provisions of 40 CFR 72.81(a)(1), (2), or (3), (b)(1) or (b)(3), hereby incorporated by reference;
- (j) Constitutes a change in a repowering plan, nitrogen oxides averaging plan, or nitrogen oxides compliance deadline extension at an Acid Rain Source;

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

33. Changes Without Permit Revision. Title V sources having a valid permit issued pursuant to Chapter 62-213, F.A.C., may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:

(1) Permitted sources may change among those alternative methods of operation;

(2) A permitted source may implement operating changes, as defined in Rule 62-210.200, F.A.C., after the source submits any forms required by any applicable requirement and provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit;

(a) The written notice shall include the date on which the change will occur, and a description of the change within the permitted source, the pollutants emitted and any change in emissions, and any term or condition becoming applicable or no longer applicable as a result of the change;

(b) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes;

(3) Permitted sources may implement changes involving modes of operation only in accordance with Rule 62-213.415, F.A.C.

[Rule 62-213.410, F.A.C.]

34. Immediate Implementation Pending Revision Process.

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

- (a) Does not violate any applicable requirement;
- (b) Does not contravene any permit term or condition for monitoring, testing, recordkeeping or reporting, or any compliance certification requirement;
- (c) Does not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination of ambient impacts, or a visibility or increment analysis under the provisions of Chapter 62-212 or 62-296, F.A.C.;
- (d) Does not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and which the source has assumed to avoid an applicable requirement to which the source would otherwise be subject including any federally enforceable emissions cap or federally enforceable alternative emissions limit.

(2) A Title V source may immediately implement such changes after they have been incorporated into the terms and conditions of a new or revised construction permit issued pursuant to Chapter 62-212, F.A.C., and after the source provides to EPA, the Department, each affected state and any approved local air program having geographic jurisdiction over the source, a copy of the source's application for operation permit revision. The Title V source may conform its application for construction permit to include all information required by Rule 62-213.420, F.A.C., in lieu of submitting separate application forms.

(3) The Department shall process the application for operation permit revision in accordance with the provisions of Chapter 62-213, F.A.C., except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action on the operation permit revision application until all the requirements of Rules 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.

(4) Pending final action on the operation permit revision application, the source shall implement the changes in accordance with the terms and conditions of the source's new or revised construction permit. If any terms and conditions of the new or revised construction permit have not been complied with prior to the issuance of the draft operation permit revision, the operation permit shall include a compliance plan in accordance with the provisions of Rule 62-213.440(2), F.A.C.

(5) The permit shield described in Rule 62-213.460, F.A.C., shall not apply to such changes until after the Department takes final action to issue the operation permit revision.

(6) If the Department denies the source's application for operation permit revision, the source shall cease implementation of the proposed changes.

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

35. Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of Rules 62-213.420, F.A.C., and Rules 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

3. For purposes of permit renewal, a timely application is one that is submitted in accordance with Rule 62-4.090, F.A.C.

(b) Complete Application.

1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP Form No. 62-210.900(1), which must include all the information specified by Rule 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change(s) from the currently effective Title V permit and any other requirements that become applicable at the time of application. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with Rule 62-213.420(4), F.A.C.

2. For those applicants submitting initial permit applications pursuant to Rule 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a signed application for permit, permit revision or permit renewal, requests additional documentation or information needed

to process the application. An applicant making timely and complete application for permit, or timely application for permit renewal as described by Rule 62-4.090(1), F.A.C., shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of Rules 62-213.420(1)(b)3. and 4., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to Rules 62-213.420(1)(b)3. and 4., F.A.C.

3. For those permit applications submitted pursuant to the provisions of Rule 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.

4. For all applications other than those addressed at Rule 62-213.420(1)(b)3., F.A.C., should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

[Rules 62-213.420(1)(a)3. and 62-213.420(1)(b)1., 2., 3. & 4., F.A.C.]

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

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

38. a. Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in Rules 62-210.900(1) and 62-213.420(3), F.A.C. Unless a Title V source submits a timely application for permit renewal in accordance with the requirements of Rule 62-4.090(1), F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

b. Permit Revision Procedures. Permit revisions shall meet all requirements of Chapter 62-213, F.A.C., including those for content of applications, public participation, review by approved local programs and affected states, and review by EPA, as they apply to permit issuance and permit renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of Rule 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 CFR 70.7(f), whenever any source becomes subject to any condition listed at 40

CFR 70.7(f)(1), hereby adopted and incorporated by reference. The below requirements from 40 CFR 70.7(f) are adopted and incorporated by reference in Rule 62-213.430(4), F.A.C.:

o 40 CFR 70.7(f): Reopening for Cause. (also, see Condition No. 4.)

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

- (i) Additional applicable requirements under the Act become applicable to a major Part 70 source with a remaining permit term of 3 or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 40 CFR 70.4(b)(10)(i) or (ii).
- (ii) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approved by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.
- (iii) The permitting authority or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- (iv) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

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

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

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

39. Insignificant Emissions Units or Pollutant-Emitting Activities.

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

(b) An emissions unit or activity shall be considered insignificant if all of the following criteria are met:

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

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

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

[Rule 62-213.440(1)(a), F.A.C.]

41. Monitoring Information. All records of monitoring information shall specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses.

[Rule 62-213.440(1)(b)2.a., F.A.C.]

42. Retention of Records. Retention of records of all monitoring data and support information shall be for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

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

43. Monitoring Reports. The permittee shall submit reports of any required monitoring at least every six (6) months. All instances of deviations from permit requirements must be clearly identified in such reports.

[Rule 62-213.440(1)(b)3.a., F.A.C.]

44. Deviation from Permit Requirements Reports. The permittee shall report in accordance with the requirements of Rules 62-210.700(6) and 62-4.130, F.A.C., deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

[Rule 62-213.440(1)(b)3.b., F.A.C.]

45. Reports. All reports shall be accompanied by a certification by a responsible official, pursuant to Rule 62-213.420(4), F.A.C.

[Rule 62-213.440(1)(b)3.c., F.A.C.]

46. If any portion of the final permit is invalidated, the remainder of the permit shall remain in effect.

[Rule 62-213.440(1)(d)1., F.A.C.]

47. It shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity.

[Rule 62-213.440(1)(d)3., F.A.C.]

48. Any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at Rule 62-213.412(2), F.A.C.

[Rule 62-213.440(1)(d)4., F.A.C.]

49. A situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference.

[Rule 62-213.440(1)(d)5., F.A.C.]

50. Confidentiality Claims. Any permittee may claim confidentiality of any data or other information by complying with Rule 62-213.420(2), F.A.C. (also, see Condition No. 36.)

[Rule 62-213.440(1)(d)6., F.A.C.]

51. Statement of Compliance. (a)2. The permittee shall submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C., using DEP Form No. 62-213.900(7). Such statement shall be accompanied by a certification in accordance with Rule 62-213.420(4), F.A.C., for Title V requirements and with Rule 62-214.350, F.A.C., for Acid Rain requirements. Such statements shall be submitted (postmarked) to the Department and EPA:

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by Rule 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under Chapter 62-213, F.A.C.; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable.

3. In lieu of individually identifying all applicable requirements and specifying times of compliance with, non-compliance with, and deviation from each, the responsible official may use DEP Form No. 62-213.900(7) as such statement of compliance so long as the responsible official identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

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

(b) The responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with Rule 62-296.320(2), Objectionable Odor Prohibited.

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

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

[Rule 62-213.460, F.A.C.]

53. Forms and Instructions. The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in Rule 62-213.900, F.A.C. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by contacting the appropriate permitting authority.

(1) Major Air Pollution Source Annual Emissions Fee Form. (Effective 01/03/2001)

(7) Statement of Compliance Form. (Effective 06/02/2002)

(8) Responsible Official Notification Form. (Effective 06/02/2002)

[Rule 62-213.900, F.A.C.: Forms (1), (7) and (8)]

Chapter 62-256, F.A.C.

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

Chapter 62-281, F.A.C.

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

(1) Any facility having any refrigeration equipment normally containing 50 (fifty) pounds of refrigerant, or more, must keep servicing records documenting the date and type of all service and the quantity of any refrigerant added pursuant to 40 CFR 82.166;

(2) No person repairing or servicing a motor vehicle may perform any service on a motor vehicle air conditioner (MVAC) involving the refrigerant for such air conditioner unless the person has been properly trained and certified as provided at 40 CFR 82.34 and 40 CFR 82.40, and properly uses equipment approved pursuant to 40 CFR 82.36 and 40 CFR 82.38, and complies with 40 CFR 82.42;

(3) No person may sell or distribute, or offer for sale or distribution, any substance listed as a Class I or Class II substance at 40 CFR 82, Subpart A, Appendices A and B, except in compliance with Rule 62-281.100, F.A.C., and 40 CFR 82.34(b), 40 CFR 82.42, and/or 40 CFR 82.166;

(4) No person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the atmosphere any Class I or Class II substance used as a refrigerant in such equipment and no other person may open appliances (except MVACs as defined at 40 CFR 82.152) for service, maintenance or repair unless the person has been properly trained and certified pursuant to 40 CFR 82.161 and unless the person uses equipment certified for that type of appliance pursuant to 40 CFR 82.158 and unless the person observes the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;

(5) No person may dispose of appliances (except small appliances, as defined at 40 CFR 82.152) without using equipment certified for that type of appliance pursuant to 40 CFR 82.158 and without observing the practices set forth at 40 CFR 82.156 and 40 CFR 82.166;

(6) No person may recover refrigerant from small appliances, MVACs and MVAC-like appliances (as defined at 40 CFR 82.152), except in compliance with the requirements of 40 CFR 82, Subpart F.

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

Chapter 62-296, F.A.C.

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

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

[Rule 62-296.320(3), F.A.C.]

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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