

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PROPOSED REVISION TO STATE IMPLEMENTATION PLAN**



**SUBMITTAL NUMBER 2022-01**

**PROPOSED REVISION TO FLORIDA'S PENDING EXCESS  
EMISSIONS RULE STATE IMPLEMENTATION PLAN**

**September 30, 2022**

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# Submittal Letter



## FLORIDA DEPARTMENT OF Environmental Protection

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**Ron DeSantis**  
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### Via Electronic Mail and State Planning Electronic Collaboration System

September 30, 2022

Mr. Daniel Blackman  
Regional Administrator  
U. S. Environmental Protection Agency (EPA) – Region 4  
61 Forsyth Street, SW – Mail Code: 9T25  
Atlanta, GA 30303-8909

Re: Final Submittal: Proposed Revision to Florida’s Pending Excess Emissions Rule  
State Implementation Plan – Response to EPA’s Startup, Shutdown, and  
Malfunction SIP Call

Dear Mr. Blackman,

In accordance with 40 C.F.R. 51.103, the Florida Department of Environmental Protection (Department) requests approval of a proposed revision to Florida’s Pending State Implementation Plan (SIP) – Response to EPA’s Startup, Shutdown, and Malfunction SIP Call (SSM SIP Call).

On August 17, 2022, the Department published in the Florida Administrative Register a notice of opportunity to submit comments regarding this proposed SIP revision, request a public hearing, or participate in a public hearing on September 21, 2022, if requested. No hearing was requested, and no hearing was held. This process met the public participation requirements of 40 C.F.R. 51.102.

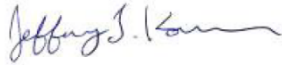
This SIP submittal consists of revisions to Florida’s Pending Excess Emissions Rule SIP, which the Department submitted to EPA on November 22, 2016, in response to EPA’s SSM SIP Call. Specifically, Florida is proposing to submit this amended Supplemental SSM SIP, which includes SSM-related amendments to rule provisions in Chapter 62-296, F.A.C. (“Stationary Sources – Emission Standards”), and facility-specific permits to clarify requirements for operations during startup, shutdown, and malfunction, and interaction with applicable federal standards

The Department has sent the complete proposed SIP submittal package directly to EPA’s Region 4 Air Planning & Implementation Branch via EPA’s State Planning Electronic Collaboration System (SPeCS).

Mr. Daniel Blackman  
Page 2 of 2  
September 30, 2022

If you have any questions, please contact Preston McLane at (850) 717-9041 or by email at [Preston.McLane@FloridaDEP.gov](mailto:Preston.McLane@FloridaDEP.gov).

Sincerely,



Jeffery F. Koerner, Director  
Division of Air Resource Management

JFK/tl

cc:  
Caroline Freeman, Division Director, Air & Radiation Division, EPA Region 4;  
Lynorae Benjamin, Chief, Air Planning & Implementation Branch, EPA Region 4

Enclosure:  
Final Submittal SIP 2022-01 – Proposed Revision to Florida’s Pending Excess Emissions  
Rule SIP

## SUBMITTAL NUMBER 2022-01

### PROPOSED REVISIONS TO FLORIDA'S PENDING EXCESS EMISSIONS RULE STATE IMPLEMENTATION PLAN

#### Introduction

The Florida Department of Environmental Protection (DEP) is proposing an amendment to Florida's pending Excess Emissions Rule State Implementation Plan (SIP) (Florida SIP 2016-01, submitted November 22, 2016) under the federal Clean Air Act (CAA). This proposal consists of amendments to two Florida Administrative Code (F.A.C.) rule sections in one F.A.C. rule chapter and a partial removal of two F.A.C. rule sections from Florida's SIP.<sup>1</sup> DEP has amended two rule sections in Chapter 62-296, F.A.C. ("Stationary Sources – Emission Standards") – Rule 62-296.405, F.A.C. ("Fossil Fuel Steam Generators with More than 250 Million Btu Per Hour Heat Input") and Rule 62-296.570, F.A.C. ("Reasonably Available Control Technology [RACT] – Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities") – to clarify how emission limits are calculated, including during periods of startup, shutdown, and malfunction, and DEP proposes to update Florida's SIP to reflect those rule amendments. DEP is also proposing to add facility-specific sulfur dioxide emission limits for the remaining sulfuric acid plants that are not already subject to facility-specific SIP limits and facility-specific nitrogen oxides emissions limits for all of the nitric acid plants in Florida. At the same time, DEP is proposing to remove the sulfur dioxide emission limits in Rule 62-296.402, F.A.C. ("Sulfuric Acid Plants") and remove the nitrogen oxides emission limit in Rule 62-296.408, F.A.C. ("Nitric Acid Plants"), from Florida's SIP.

#### Proposed Revisions to Florida's SIP

On June 12, 2015, EPA published a final rule concerning its interpretation of CAA requirements for emission limits incorporated into multiple states' SIPs.<sup>2</sup> 80 Fed. Reg. 33,840. This final rule was promulgated pursuant to CAA Section 110(k)(5), which allows EPA to issue a "SIP Call" to states if EPA determines that the states' existing SIPs are "substantially inadequate." EPA's SIP Call found that 36 states, including Florida, had rules in their SIPs that were inconsistent with EPA's interpretation of the CAA, as these rules rendered certain SIP emission limits non-continuous (i.e., the SIP did not contain "practically and legally enforceable" emission limits applicable during periods of startup, shutdown, and malfunction). Florida's existing, federally approved regulation in Rule 62-210.700, F.A.C. ("Excess Emissions") had required that facilities meet specified conditions during startup and shutdown rather than steady-state emission limits. EPA provided a deadline of November 22, 2016, for states to submit SIP revisions that removed or amended the regulations that EPA had identified as inadequate.

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<sup>1</sup>In the F.A.C., "62-210," for example, is a rule chapter, and "62-210.200" is a rule section, commonly written as "Chapter 62-210, F.A.C.," and "Rule 62-210.200, F.A.C.," respectively. The effective dates of rules and rule amendments in the F.A.C. are tied to rule sections; therefore, EPA incorporates F.A.C. rules into Florida's SIP on a section-by-section basis.

<sup>2</sup>The general components of Florida's SIP are identified at 40 C.F.R. Part 52, Subpart K. Florida's SIP is subject to periodic revisions to reflect both substantive and procedural changes in the state's air program. In addition to incorporating rules associated with the implementation of the Clean Air Act in Florida, Florida's SIP incorporates a range of generally applicable emission limits, codified in Chapter 62-296, F.A.C., together with permit-based unit-specific emissions limits that address particular units in areas of the state that are subject to Nonattainment Area Plans and units that are identified in the state's approved Regional Haze Plan.

In response to EPA’s Startup, Shutdown and Malfunction (SSM) SIP Call, on November 22, 2016, Florida submitted to EPA its initial Excess Emissions Rule SIP (Florida SIP 2016-01).<sup>3</sup> This SIP submittal included substantial revisions to Rule 62-210.700, F.A.C. Under Subsections 62-210.700(1) and (2), F.A.C., these revisions clarified the specific circumstances under which excess emissions may be allowed, and in a new provision under Subsection 62-210.700(6), F.A.C., the revised Subsections 62-210.700(1) and (2), F.A.C., were sunset for emission limits that “have been or that become” incorporated into Florida’s SIP, effective May 22, 2018. Although Subsections 62-210.700(1) and (2), F.A.C., did remain in the Florida Administrative Code, they would not apply to SIP emission limits after the specified date. DEP also removed from Subsection 62-210.700(3), F.A.C., a clause pertaining to alternative opacity limits during soot blowing, which EPA had also identified as inadequate.

Florida’s changes to Rule 62-210.700, F.A.C., responded to EPA’s SIP Call by sunseting or amending the four provisions that EPA had found to be inconsistent with its interpretation of the CAA. The legal effect of the sunset provision was that after the date specified in the rule, steady-state emission limits incorporated into Florida’s SIP would apply at all times. The purpose of the sunset provision was to provide Florida time to develop and submit to EPA alternative SIP emission limits for those limits that would be problematic if they applied at all times.

Following the submittal of Florida’s Excess Emissions SIP, the process of developing alternative SIP emission limits was delayed as EPA re-evaluated its SSM SIP policy. A lawsuit was filed challenging EPA’s SSM SIP Call. Litigation was held in abeyance while the administration reconsidered the issue, and for an extended period EPA did not actively review or approve states’ SSM SIPs. On October 9, 2020, EPA released a guidance memorandum addressing whether and when it would be possible for a state to include certain types of provisions governing operations during periods of SSM. This memorandum superseded and replaced policy statements that EPA had outlined in the June 12, 2015, SSM SIP Call, regarding rules that included non-continuous SIP emission limits. EPA’s October 9, 2020, action repealed the 2015 list of states’ rules that EPA had determined did not contain “practically and legally enforceable” emission limits applicable during periods of startup, shutdown, and malfunction.

On September 30, 2021, EPA reinstated the 2015 SSM Policy. EPA is now proceeding with reviewing and approving previously submitted SSM SIPs. DEP has completed its development of alternative SIP emission limits for those SIP emissions limits that DEP identified as problematic should they apply continuously (Rules 62-296.402, F.A.C., 62-296.405, F.A.C., 62-296.408, F.A.C. and 62-296.570, F.A.C.). These new SIP emission limits are contained within this supplemental SIP submittal, which includes SSM-related amendments to rule provisions in 62-296, F.A.C., together with facility specific permits to clarify requirements for startup, shutdown, and malfunction, as described in further detail below. This submittal includes five permit actions that provide unit-specific alternative emission limits

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<sup>3</sup> EPA’s Final Rule has been challenged in the D.C. Circuit Court of Appeals by multiple states, including the State of Florida, in *Walter Coke, Inc. v. U.S. EPA* (USCA Case No. 15-1166). DEP will evaluate whether any further revisions to Florida’s Excess Emissions rule are necessary after litigation concludes.



that will replace the SO<sub>2</sub> and NO<sub>x</sub> emission limits in Rules 62-296.402, F.A.C., and 62-296.408, F.A.C., for specified facilities.

Based on discussions with staff from EPA Region 4, Florida proposes the following amendments to Florida's SIP:

#### Removal of Sulfur Dioxide Emission Limits in Rule 62-296.402, F.A.C. ("Sulfuric Acid Plants")

DEP is proposing to remove the SO<sub>2</sub> emission limits in Rule 62-296.402 F.A.C., from Florida's SIP. At present, there are sixteen sulfuric acid plants (SAPs) in Florida subject to the SIP emission limits in Rule 62-296.402, F.A.C. The production-based limits in 62-296.402, F.A.C., were never intended to apply during SSM, as the methodology to calculate compliance with a rolling three-hour production-based limit is skewed by the lack of production during hours of startup and shutdown.

In other actions pertaining to Florida's SIP, EPA has already approved pound per hour (lb/hr) limits for eleven SAPs (three SAPs at Mosaic Riverview, three SAPs at Mosaic Bartow, and five SAPs at Mosaic New Wales), and these lb/hr limits apply at all times, including during periods of SSM. At present, only two SAPs at Mosaic South Pierce, two SAPs at Nutrien White Springs, and one SAP at TECO Polk are not subject to similar lb/hr SO<sub>2</sub> SIP limits.

DEP has developed facility-specific lb/hr SO<sub>2</sub> SIP emission limits for two SAPs at Mosaic South Pierce, two SAPs at Nutrien White Springs, and one SAP at TECO Polk. Florida is including each of these facility-specific lb/hr SO<sub>2</sub> SIP emission limits in this supplemental SSM SIP submittal. These emission limits are as equivalent to or more stringent than the existing emission limits in Rule 62-296.402, F.A.C.

As detailed in the 110(l) demonstration section below, removal of the SO<sub>2</sub> emission limits in Rule 62-296.402, F.A.C., from Florida's SIP and incorporation of the unit-specific emission limits in the attached permits for Mosaic South Pierce (Permit No. 1050055-037-AC), Nutrien White Springs (Permit No. 0470002-132-AC), and TECO Polk (Permit No. 1050233-050-AC) will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility, as no emission increases will result from the facilities' operating under the revised SO<sub>2</sub> emission limits. The revised emissions limits, which will be effective at all times and under all modes of operation, will ensure that these facilities maintain levels of control equivalent to or greater than those needed to comply with the SO<sub>2</sub> emissions limits in Rule 62-296.402, F.A.C., which were applicable to steady-state operations only.

DEP is also proposing to amend subsection 62-296.402(6), F.A.C., to require submittal of excess emissions reports on a semi-annual basis consistent with the reporting requirements of 40 C.F.R. Part 51, Appendix P, as amended October 14, 2020.

#### Revisions to Rule 62-296.405, F.A.C. ("Fossil Fuel Steam Generators with More than 250 Million Btu Per Hour Heat Input")

DEP proposes to clarify which units are subject to the emission limiting standards in the rule by stating that this rule only applies to "existing fossil fuel steam generators" (i.e, emissions units in operation, under construction, or having received a permit to begin construction prior to January 18, 1972).

DEP is also revising the requirements for PM emission limits to allow for use of a continuous emissions monitoring system, including during periods of SSM, in lieu of annual stack testing, and to require use

of a CEMS as the test method for NO<sub>x</sub>. These proposed revisions will ensure that the PM and NO<sub>x</sub> limits apply at all times, including during periods of SSM.

DEP is proposing to amend subsection 62-296.405(1), F.A.C., to address the applicability of this rule to specify that it only applies to units that were existing prior to January 18, 1972:

(1) Applicability. Rule 62-296.405, F.A.C., applies to existing fossil fuel steam generators with greater than or equal to 250 MMBtu per hour heat input. For the purposes of this rule, “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972.

Amendments to subsections 62-296.405(3), (4), and (5), F.A.C., will ensure compliance with continuous emissions limits for PM, NO<sub>x</sub>, and SO<sub>2</sub> by specifying both the standards and applicable test methods. For facilities using PM continuous emissions monitoring systems, compliance will be determined on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. For facilities using SO<sub>2</sub> continuous emissions monitoring systems, compliance will be determined on a 24-hour block average, including all periods of operation, unless otherwise specified, by calculating the arithmetic average of all valid hourly averages occurring within that day. For facilities using NO<sub>x</sub> continuous emissions monitoring systems, compliance will be based on a heat-input weighted 30-operating day rolling average basis, including all periods of operation.

It is important to reiterate that under Florida’s SIP, the emissions limits in section 62-296.405, F.A.C., apply only to “existing emissions units,” as defined under subsection 62-296.405(1), F.A.C. (“the emissions unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972”). Over time, there will be a diminishing number of units meeting the criteria of this section-specific definition and subject to the emissions limits in section 62-296.405, F.A.C. This section-specific definition is wholly compatible with the definition of “existing emissions unit” found in Chapter 62-210, F.A.C., in Florida’s SIP, which applies generally to emissions units in Florida. For ease of reference, the current SIP definition of “existing unit” reads as follows: “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972.”

DEP is also proposing to amend subsection 62-296.405(8), F.A.C., to require submittal of excess emissions reports on a semi-annual basis consistent with the reporting requirements of 40 C.F.R. Part 51, Appendix P, as amended October 14, 2020.

#### Removal of Nitrogen Oxides Emission Limits in Rule 62-296.408, F.A.C. (“Nitric Acid Plants”)

DEP is proposing to remove from Florida’s SIP the NO<sub>x</sub> emission limit in Rule 62-296.408, F.A.C., in its entirety. Currently, there are two nitric acid plants (NAPs) in Florida subject to the NO<sub>x</sub> SIP emission limits in Rule 62-296.408, F.A.C. The production-based limit in 62-296.408, F.A.C., is problematic, as the method of calculating compliance with a rolling three-hour production-based limit is skewed by the lack of production during hours of startup and shutdown.

DEP has developed alternative NO<sub>x</sub> SIP emission limits for two NAPs – one at Ascend and one at Trademark Nitrogen – each of which is being submitted in this supplemental SSM SIP. The alternative

emission limits for each facility are equivalent to or more stringent than the existing emission limits in Rule 62-296.408, F.A.C.

As detailed in the 110(l) demonstration section below, removal of the NO<sub>x</sub> emissions limits in Rule 62-296.408, F.A.C., from Florida’s SIP and incorporation of the unit-specific alternative NO<sub>x</sub> emission limits in the attached permits for Trademark Nitrogen (Permit No. 0570025-016-AC) and Ascend (Permit No. 0330040-076-AC) will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility, as no emission increases will result from the facilities’ operating under the revised NO<sub>x</sub> emission limits. The revised emissions limits, which will be effective at all times and under all modes of operation, will ensure that these facilities maintain levels of control equivalent to or greater than those needed to comply with emissions limits in Rule 62-296.408, F.A.C., which were applicable to steady-state operations only.

It is important to note that in addition to the new longer-term limit, specific SIP-based shorter-term limits will continue to apply for the vast majority of each facility’s operating hours. Thus, facilities will be subject to two standards, (one applicable during steady-state operations only [a shorter-term limit], and one applicable both during steady state operations and during periods of startup, shutdown, and malfunction [a longer-term limit]). Each facility will be subject to at least one practically and legally enforceable standard at all times, and there will be no operating conditions during which emissions will be exempted from the compliance determination process. This constitutes a tightening of the SIP emissions limits relative to those standards to which each facility was subject prior to this SIP revision. For each facility, the longer-term limit standards are of a stringency that reflects units functioning within emissions ranges that are as efficient as possible within the limitations of the chemical reactions that occur during steady-state and non-steady-state operating conditions.

To illustrate, the permit for Ascend notes that the basis for determining compliance with the longer-term limit is a 720-operating hour average, rolled hourly, and the limit is 2.6 lb/ton of 100% HNO<sub>3</sub> produced. The shorter-term standard, which excludes CEMS data collected during periods of startup, shutdown, and malfunction is 3.0 lb/ton of 100% HNO<sub>3</sub> produced, with a 3-hour basis for determining compliance.

Pollutant	Emission Limit	Compliance Method	Basis	Effective Date
NO <sub>x</sub>	1.5 kg per metric ton (3.0 lb per ton) of 100% HNO <sub>3</sub> produced <sup>1,3</sup>	CEMS	3-hour	Effective Now
	2.6 lb/ton of 100% HNO <sub>3</sub> produced <sup>2,3</sup>	CEMS	720-operating hour <sup>4</sup> average, rolled hourly (See <b>Specific Condition 4</b> )	January 1, 2023
<ol style="list-style-type: none"> <li>1. Excludes startup, shutdown, and malfunction.</li> <li>2. Applicable at all times, including period of startup, shutdown and malfunction.</li> <li>3. Expressed as NO<sub>2</sub>.</li> <li>4. An operating hour is defined as any hour the Nitric Acid Plant is operating including periods of startup, shutdown, and malfunction.</li> </ol>				

The proposed addition of a longer-term limit applicable during periods of startup, shutdown, and malfunction does not constitute a relaxation of the standard for three reasons: (1) prior to this revision,

emissions during qualifying SSM operational periods were not included in calculating emissions and determining compliance; (2) the longer-term limit is of a stringency comparable to the shorter term limit when adjusted for the longer averaging time; and (3) the shorter-term limit will apply for the vast majority of each facility's operating hours.

Revisions to Rule 62-296.570, F.A.C. ("Reasonably Available Control Technology [RACT] - Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities")

DEP proposes to amend a provision in 62-296.570, F.A.C., which references 62-210.700, F.A.C., to remove the exception during periods of SSM consistent with the revisions contained in Florida's November 22, 2016, SIP submission. This amendment ensures that Reasonably Available Control Technology (RACT) emission limits in Rule 62-296.570, F.A.C., will apply at all times and under all modes of operation:

(c) ~~Exception~~ Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply ~~at all times except~~ during periods of startup, shutdown, or malfunction as provided by Rule 62-210.700, F.A.C.

In summary, DEP is requesting that EPA remove or amend the following rule sections in Chapter 62-296. F.A.C. ("Stationary Sources – Emission Standards") contained in Florida's SIP:

- Remove SO<sub>2</sub> emission limits in Rule 62-296.402, F.A.C., "Sulfuric Acid Plants"
- Amend Rule 62-296.405, F.A.C., "Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input" (as amended effective 06/23/22)
- Remove NO<sub>x</sub> emission limits in Rule 62-296.408, F.A.C., "Nitric Acid Plants"
- Amend Rule 62-296.570, F.A.C., "Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities" (as amended effective 06/23/22)

DEP also requests that EPA approve and incorporate into Florida's pending Excess Emissions Rule SIP the following emission limits contained in the following construction permits, which are attached to this SIP submittal as **Appendix A**:

- Ascend (Permit No. 0330040-076-AC)
- Mosaic South Pierce (Permit No. 1050055-037-AC)
- Nutrien/White Springs Suwannee River/Swift Creek Complex (SRSCC) (Permit No. 0470002-132-AC)
- TECO Polk (Permit No. 1050233-050-AC)
- Trademark Nitrogen (Permit No. 0570025-016-AC)

Further details for each rule amendment are provided below and in the "Materials Proposed to be Incorporated into SIP" section of this submittal.

### **Rule Adoption Process**

The rule amendments addressed in this proposed SIP revision were adopted in accordance with Florida administrative procedures under Chapter 120, Florida Statutes ("Administrative Procedure Act").

Documentation of the state rule development process for each rule amendment is included in the “State Administrative Materials” section of this submittal.

### **Details of Rule Amendments – Chapter 62-296, F.A.C. (“Stationary Sources – Emission Standards”)**

The amendment to Rule 62-296.405, F.A.C. (“Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input”) proposed for inclusion in Florida’s pending Excess Emissions Rule SIP consists of a clarification that Rule 62-296.405, F.A.C. applies only to existing units and identifies which units are existing fossil fuel-fired steam generators subject to the emission limiting standards. The amendment to Rule 62-296.405, F.A.C., also revise the requirements for PM, NO<sub>x</sub>, and SO<sub>2</sub> emission limits to allow for use of a continuous emissions monitoring system in lieu of stack testing. These proposed revisions will ensure that the PM, SO<sub>2</sub> and NO<sub>x</sub> limits apply at all times, including during periods of SSM, and the method for demonstrating compliance is clearly detailed.

The amendment to Rule 62-296.570, F.A.C. (“Reasonably Available Control Technology [RACT] - Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities”) modifies the provision referencing Rule 62-210.700, F.A.C. (“Excess Emissions”), to clarify that emission limits in the rule shall apply during periods of startup, shutdown, or malfunction as provided by Rule 62-210.700, F.A.C.

### **Details of Rule Removal from SIP – Chapter 62-296, F.A.C. (“Stationary Sources – Emission Standards”)**

Florida is proposing to remove from its SIP the SO<sub>2</sub> emission limits in subparagraph 62-296.402(1)(a)2., F.A.C., 62-296.402(1)(b)2., F.A.C. and 62-296.402(2)(b), F.A.C. These subparagraphs contain short-term emissions limits for SO<sub>2</sub>, which are being removed and replaced with continuous limits in the following permits (attached to this submittal as **Appendix A**):

- Mosaic South Pierce (Permit No. 1050055-037-AC)
- Nutrien/Suwannee River/Swift Creek Complex (SRSCC) (Permit No. 0470002-132-AC)
- TECO Polk (Permit No. 1050233-050-AC)

Florida is proposing to remove from its SIP the NO<sub>x</sub> emission limit in Subsection 62-296.408(2), F.A.C. and the test method for nitrogen oxide in paragraph 62-296.408(3)(b), F.A.C. The NO<sub>x</sub> emissions limit contained within Rule 62-296.408, F.A.C., will be replaced with continuous limits in the following permits (attached to this submittal as **Appendix A**):

- Ascend (Permit No. 0330040-076-AC)
- Trademark Nitrogen (Permit No. 0570025-016-AC)

### **Noninterference Demonstration**

Removal of the SO<sub>2</sub> emission limits in Rule 62-296.402, F.A.C., from Florida’s SIP, removal of the NO<sub>x</sub> emission limits in Rule 62-296.408, F.A.C. from Florida’s SIP, and incorporation into Florida’s SIP of the facility-specific emission limits in the attached permits for Mosaic South Pierce (Permit No. 1050055-037-AC), Nutrien White Springs (Permit No. 0470002-132-AC), TECO Polk (Permit No. 1050233-050-AC) Ascend (Permit No. 0330040-076-AC), and Trademark Nitrogen (Permit No. 0570025-016-AC) will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection

of visibility, as no emission increases will result from the facilities' operating under the revised emission limits. The revised emissions limits, as codified in each facility's permit, and which will be effective at all times and under all modes of operation, will ensure that these facilities maintain levels of control equivalent to or greater than those needed to comply with emissions limits in the rules that have been revised or removed, which were applicable to steady-state operations only.

The removal of the SO<sub>2</sub> emission limits in Rule 62-296.402, F.A.C., will also affect other sulfuric acid plants in Florida, specifically Mosaic Bartow, Mosaic New Wales, and Mosaic Riverview. Each of these facilities is already subject to continuous facility-specific emissions caps that were needed to demonstrate compliance with the one-hour SO<sub>2</sub> NAAQS. These emissions limits were clearly more stringent than the limits contained within Rule 62-296.402, F.A.C., as compliance with the emissions limits in Rule 62-296.402, F.A.C., was insufficient to meet the NAAQS in the immediate vicinity of these facilities.

Amending Rule 62-296.405, F.A.C. to clarify rule applicability and to allow for use of a continuous emissions monitoring system in lieu of stack testing for PM, NO<sub>x</sub>, and SO<sub>2</sub> emission limits will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility. Approval of this amendment will ensure that facilities follow specified methods when demonstrating compliance through the use of data derived from continuous emissions monitoring systems.

Amending Rule 62-296.570, F.A.C. to clarify that emission limits in the rule shall apply during periods of startup, shutdown, or malfunction will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility. Approval of this amendment will ensure that facilities to which this rule applies maintain levels of control equivalent to or greater than those needed to comply with emissions limits at all times.

Approval of this SIP revision will comply with CAA Section 110(l).

### **SIP Development Process**

Section 403.061(35), Florida Statutes, authorizes DEP to "exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act." These duties and responsibilities include the development and periodic updating of Florida's SIP. Pursuant to this statutory authority, DEP has developed this proposed SIP revision.

Pursuant to state administrative procedures and 40 CFR 51.102, on August 17, 2022, DEP published a notice in the Florida Administrative Register (FAR) announcing the opportunity for the public to provide comments, request a public hearing, and participate in a public hearing on September 21, 2022, if requested, regarding the proposed revision to Florida's SIP.

In accordance with the 30-day notice requirement of 40 CFR 51.102, this pre-hearing submittal regarding the proposed SIP revision was transmitted to EPA on August 17, 2022, and posted on the website for DEP's Division of Air Resource Management. At the same time, notice of the opportunity to submit comments, request a public hearing, and participate in the public hearing, if requested, was transmitted to the DEP's District offices and Florida's local air pollution control programs.

## Response to 40 CFR Part 51, Appendix V, Criteria

Pursuant to 40 CFR Part 51, Appendix V, the following materials shall be included in State Implementation Plan (SIP) submissions for review and approval by the U.S. Environmental Protection Agency (EPA).

### Administrative Materials

- a. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter “the plan”).**

A copy of the “Letter of Submittal,” signed by the Director of the Division of Air Resource Management, Florida Department of Environmental Protection (DEP), on behalf of the Governor of the State of Florida, is submitted with this document.

- b. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter “document”) in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.**

This proposed revision to Florida’s SIP consists of the following F.A.C. rule section(s), as adopted or amended, effective upon the date shown:

Rules 62-296.402, .405, .408 and .570, F.A.C., (as amended effective 06/23/22)

Copies of these rule sections showing the amendments may be found in the “Materials Proposed to be Incorporated into the SIP” section of this submittal.

This proposed revision to Florida’s pending Excess Emissions Rule SIP will consist of final versions of the following permits:

- Ascend (Permit No. 0330040-076-AC)
- Mosaic South Pierce (Permit No. 1050050-037-AC)
- Nutrien/Suwannee River/Swift Creek Complex (SRSCC) (Permit No. 0470002-132-AC)
- TECO Polk (Permit No. 1050233-050-AC)
- Trademark Nitrogen (Permit No. 0570025-016-AC)

The final permits for the facilities listed above are attached to this submittal as **Appendix A**.

- c. Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.**

- DEP has the necessary legal authority to adopt and implement this proposed revision to Florida’s SIP. References to the pertinent Florida Statutes and Florida Administrative Code (F.A.C.) rules may be found in the “Legal Authority” section of this submittal.

- d. A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (*such as, redline/strikethrough*) to the existing approved plan, where applicable. The submittal shall include a copy of the official State regulation/document signed, stamped and dated by the**

**appropriate State official indicating that it is fully enforceable by the State. The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself.**

- Certified copies of all rule amendments, as filed with the Florida Secretary of State for adoption into the F.A.C., may be found in the “State Administrative Materials” section of this submittal.
- Final air permits, portions of which are proposed to be incorporated into Florida’s pending Excess Emissions Rule SIP, are attached to this SIP submittal as **Appendix A**. These permits are enforceable under state law.

**e. Evidence that the State followed all of the procedural requirements of the State’s laws and constitution in conducting and completing the adoption/issuance of the plan.**

- DEP has complied with all state procedural requirements in adoption of the rules proposed to be incorporated into the SIP. Evidence of compliance with these requirements is provided by certification of the materials filed with the Florida Secretary of State for adoption of the rules and rule amendments into the F.A.C. These materials may be found in the “State Administrative Materials” section of this submittal.
- DEP has complied with all state procedural requirements relating to issuance of the five air permits, portions of which are proposed to be incorporated into Florida’s pending Excess Emissions Rule SIP. This submittal includes these permits as issued to the permittees in their final format.
- In addition, Florida law (s. 120.525, F.S.) requires DEP to provide notice of all public meetings, hearings, and workshops in the Florida Administrative Register (FAR) not less than seven days before the event. Through publication in the FAR of the notice of opportunity to participate in a SIP public hearing, if requested, at least 30 days before the event, DEP has complied with all state procedural requirements relevant to the development of this proposed SIP revision. A copy of this notice may be found in the “Public Participation” section of this submittal.

**f. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.**

- DEP has complied with all public hearing requirements of 40 C.F.R. 51.102. Copies of all relevant notices and notification emails may be found in the “Public Participation” section of this submittal.

**g. Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State’s laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.**

- Certification of compliance with all state and federal public notice and hearing requirements will be provided in the “Letter of Submittal.”



**h. Compilation of public comments and the State’s responses thereto.**

- Written comments received during the public notice period on this proposed SIP revision, and DEP’s response thereto, are found in the “Public Participation” section of this submittal.

**Technical Support**

**a. Identification of all regulated pollutants affected by the plan.**

- This SIP revision addresses a rule of general applicability that applies to all pollutants regulated pursuant to Florida’s SIP.

**b. Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).**

- This SIP revision applies statewide.

**c. Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.**

- Details pertaining to allowable emissions and unit-specific emissions limits are contained in the five air permits attached to this submittal as **Appendix A**, portions of which Florida proposes to incorporate into Florida’s pending Excess Emissions Rule SIP.

**d. The State’s demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.**

- A summary of the “Noninterference Demonstration” is included in the “Executive Summary” section of this submittal. Removal of the SO<sub>2</sub> emission limits in Rule 62-296.402 F.A.C., from Florida’s SIP, removal of the NO<sub>x</sub> emission limits in Rule 62-296.408, F.A.C. from Florida’s SIP, and incorporation of the unit-specific alternative emission limits in the attached permits for Mosaic South Pierce (Permit No. 1050055-037-AC), Nutrien White Springs (Permit No. 0470002-132-AC), TECO Polk (Permit No. 1050233-050-AC) Ascend (Permit No. 0330040-076-AC), and Trademark Nitrogen (Permit No. 0570025-016-AC) will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection

of visibility, as no emission increases will result from the facilities' operating under the revised emission limits. The revised emissions limits, as codified in each facility's permit, and which will be effective at all times and under all modes of operation, will ensure that these facilities maintain levels of control equivalent to or greater than those needed to comply with emissions limits in the rules that have been revised or removed from Florida's SIP, which were applicable to steady-state operations only.

- e. Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.**
  - Not applicable.
  
- f. Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.**
  - See the final air permits contained in **Appendix A**, portions of which are proposed to be incorporated into Florida's pending Excess Emissions Rule SIP.
  
- g. Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.**
  - See the final air permits contained in **Appendix A**, portions of which are proposed to be incorporated into Florida's pending Excess Emissions Rule SIP.
  
- h. Compliance/enforcement strategies, including how compliance will be determined in practice.**
  - See the final air permits contained in **Appendix A**, portions of which are proposed to be incorporated into Florida's pending Excess Emissions Rule SIP.
  
- i. Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.**
  - Not applicable.

#### **Exceptions**

- Not applicable.

## Materials to be Incorporated into Florida's SIP

### Rule Amendments or Removals

In this section of the submittal, the rule amendments proposed for incorporation into the SIP are arranged by F.A.C. rule chapter and, where possible, are shown in "coded" format where strike-through denotes deleted text, and underline denotes new text.

Certified copies of all individual sets of rule amendments, as filed with the Florida Secretary of State for adoption into the F.A.C., may be found in the "State Administrative Materials" section of this submittal.

#### A. Revisions to Rule 62-296.402, F.A.C. ("Sulfuric Acid Plants")

##### Current SIP Language

##### **62-296.402 Sulfuric Acid Plants.**

###### (1) Existing Plants.

(a) Florida portion of the Jacksonville, Florida - Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 CFR Section 81.91.

1. Visible Emissions - ten percent opacity.
2. Sulfur Dioxide 29 pounds per ton of 100 percent acid produced.
3. Acid Mist - 0.5 pounds per ton of 100 percent acid produced.

(b) All other areas of the State of Florida.

1. Visible Emissions - ten percent opacity.
2. Sulfur Dioxide 10 pounds per ton of 100 percent acid produced.
3. Acid Mist - 0.3 pounds per ton of 100 percent acid produced.

###### (2) New Plants.

(a) Visible emissions - ten percent opacity.

(b) Sulfur Dioxide - four pounds per ton of 100 percent acid produced.

(c) Acid Mist - 0.15 pounds per ton of 100 percent acid produced.

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.

(b) The test method for acid mist/sulfur dioxide shall be EPA Method 8, incorporated and adopted by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 40 dry standard cubic feet.

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

(4) Continuous Emissions Monitoring Requirements. Each owner or operator of a sulfuric acid plant shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements, shall conform with the requirements in: 40 CFR Part 51, Appendix P, adopted and incorporated by reference in Rule 62-204.800(2), F.A.C., and 40 CFR Part 60, Appendix B, adopted by reference in Rule 62-204.800(7), F.A.C., for existing and new emissions units provided, however, any alternative procedures (as specified in s. 3.9, 40 CFR Part 51, Appendix P) or Special Considerations (as specified in s. 6.0, 40 CFR Part 51, Appendix P) shall be

incorporated in the Department's air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

(a) Facilities greater than 300 tons per day production capacity, expressed as 100% acid, shall install continuous monitoring systems for the measurement of sulfur dioxide emissions for each sulfuric acid emission source.

(b) Where two or more emissions units emit through a common stack, continuous monitoring systems, if required, shall be installed on each emissions unit prior to combination of the emission.

(5) Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two years.

History: Formerly 17-2.600(2); Formerly 17-296.402; Amended 11-23-94, 1-1-96, 3-13-96.

62-296.402

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	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	11/23/1992	10/20/1994	59 FR 52916
1st Revision	12/21/1994	06/16/1999	64 FR 32346
2nd Revision	04/15/1996	06/16/1999	64 FR 32346

### Requested SIP Revision

Florida is proposing to remove the SO<sub>2</sub> emission limits in 62-296.402(1)(a)2., 62-296.402(1)(b)2., F.A.C. and 62-296.402(2)(b), F.A.C., from Florida's SIP.

The production-based limits in 62-296.402, F.A.C., were never intended to apply during SSM as the methodology to calculate compliance with a rolling three-hour production-based limit is skewed by the lack of production during hours of startup and shutdown. Notably, EPA has approved lb/hr limits for eleven SAPs (three SAPs at Mosaic Riverview, three SAPs at Mosaic Bartow, and five SAPs at Mosaic New Wales) that apply at all times including periods of SSM. Only two SAPs at Mosaic South Pierce, two SAPs at Nutrien White Springs and one SAP at TECO Polk are not subject to additional SO<sub>2</sub> SIP limits other than the limits in Rule 62-296.402, F.A.C.

Florida has added a new subsection 62-296.402(1), F.A.C., to specify the applicability of the SO<sub>2</sub> emission limits, however, this section is not being proposed to be added to the SIP as the proposed removal of the SO<sub>2</sub> SIP emission limits achieves the same effect:

(1) Applicability. Rule 62-296.402, F.A.C., applies to new and existing Sulfuric Acid Plants, defined as any installation producing sulfuric acid by burning elemental sulfur, alkylation acid, hydrogen sulfides, organic sulfides, mercaptans, or acid sludge. For the purposes of this rule, "existing" means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972. Sulfuric Acid Plants that are required to meet the sulfur dioxide limits in 40 C.F.R. Part 60, Subpart H, adopted and incorporated by reference in subparagraph 62-204.800(8)(b)12., F.A.C., are not subject to the corresponding sulfur dioxide emission limits, testing

requirements, and reporting requirements specified in this rule. All new and existing Sulfuric Acid Plants must meet the continuous emissions monitoring requirements of this rule.

(2)(1)-Existing Plants.

(a) Florida portion of the Jacksonville, Florida - Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 CFR Section 81.91.

1. No Change.

~~2. Sulfur Dioxide 29 pounds per ton of 100 percent acid produced. (Reserved).~~

3.-Acid Mist - 0.5 pounds per ton of 100 percent acid produced.

(b) All other areas of the State of Florida.

1. Visible Emissions - ten percent opacity.

~~2. Sulfur Dioxide 10 pounds per ton of 100 percent acid produced. (Reserved).~~

3. Acid Mist - 0.3 pounds per ton of 100 percent acid produced.

(3)(2)-New Plants.

(a) Visible emissions - ten percent opacity.

~~(b) Sulfur Dioxide four pounds per ton of 100 percent acid produced. (Reserved).~~

(c) Acid Mist - 0.15 pounds per ton of 100 percent acid produced.

(3) Renumber as (4)

(4) Renumber as (5)

(6)(5) Semi-annual Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each semi-annual period calendar quarter. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the owner or operator Source for a period of two years.

**Table 1** summarizes the SAP emissions limits for the facilities addressed in this SIP revision, including applicable limits from the F.A.C., equivalency ratios (where applicable), and average allowable emissions on an hourly basis, annual unit basis, and total annual facility basis.

**Table 1. Sulfuric Acid Plant Emission Limits Summary**

Facility ID	Name	Unit	Permit No. *	Existing SO <sub>2</sub> SIP Allowable (lbs/ton 100% acid produced) [3-hr avg]	Equivalency Ratio	Proposed SO <sub>2</sub> SIP Unit Hourly Emissions Allowed (lbs/hr) [24-hr block avg]	Existing SO <sub>2</sub> SIP Unit Annual Emissions Allowed (tons/yr)	Proposed SO <sub>2</sub> SIP Annual Emissions Allowed (tons/yr)
0470002	Nutrien White Springs Phosphate	E Acid Plant	0470002-132-AC:1	4 (2,750 tons per day production limit)	0.950 (3-hr to 24-hr)	840 (two-unit cap with F Acid Plant) via CEMS	2,007.5	3,613.5 (two-unit cap for E and F Acid Plants)
		F Acid Plant	0470002-132-AC:1	4 (2,750 tons per day production limit)	0.914 (3-hr to 24-hr)	840 (two-unit cap with E Acid Plant) via CEMS	2007.5	

1050055	Mosaic Fertilizer South Pierce	#10 SAP (EU4)	1050046-083-AC:1	4 (3,000 tons per day production limit)	0.991 (3-hr to 24-hr)	750 (two-unit cap with #11 SAP) via CEMS	2,190	3,285 (two-unit cap for #10 and #11 SAPs)
		#11 SAP (EU5)	1050046-083-AC:1	4 (3,000 tons per day production limit)	0.976 (3-hr to 24-hr)	750 (two-unit cap with #10 SAP) via CEMS	2,190	
1050233	TECO – Polk	EU 004	1050233-050-AC: 1	4 (299 tons per day production limit)	0.980 (3-hr to 6-hr)	48 (6 hr. avg. via Stack Test)	218.27	214.62

**110(l) Demonstration** – Approval of this revision will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility, as no emission increases will be authorized compared to the current status quo. DEP calculated the equivalency ratios for the SAPs at Mosaic South Pierce and Nutrien White Springs using the statistical principles that EPA applied to generating longer-term average emissions limits in its April 2014 Guidance for 1-Hour SO<sub>2</sub> Nonattainment Area SIP Submissions. These facilities agreed to accept lb/hr emission unit caps that were significantly more stringent than the equivalency ratios required to establish 24-hour emission limits:

- Mosaic South Pierce will be subject to a two-unit cap of 750 lb/hour emission limit on a 24-hour block average. The 750 lb/hour limit is significantly more stringent than the equivalent 24-hour average determined by the equivalency ratio of 983.5 lb/hr:
  - Mosaic South Pierce SAP #10 calculated an equivalency ratio of 0.991. When multiplied by the existing SIP emission limit of 4 lb/ton for a 3,000 ton per day SAP, the equivalent lb/hr emission was calculated to be 495.5 lb/hr (0.991 multiplied by 125 tons per hour at 4 lb/ton).
  - Mosaic South Pierce SAP #11 calculated an equivalency ratio of 0.976. When multiplied by the existing SIP emission limit of 4 lb/ton for a 3,000 ton per day SAP, the equivalent lb/hr emission was calculated to be 488.0 lb/hr (0.976 multiplied by 125 tons per hour at 4 lb/ton). (For ease of reference, the equivalency ratios are included in **Table 2** below.)

**Table 2. Equivalency ratios for Mosaic South Pierce**

Unit	Equivalency Ratio (24-hr: 1 hr.)	Equivalency Ratio (24-hr: 3 hr.)
#10 SAP	0.986	0.991
#11 SAP	0.969	0.976

- Nutrien White Springs will be subject to a two-unit cap of 840 lb/hour emission limit on a 24-hour block average. The 840 lb/hour limit is more stringent than the equivalent 24-hour average determined by the equivalency ratio of 854.3 lb/hr:
  - Nutrien White Springs SAP E calculated an equivalency ratio of 0.950. When multiplied by the existing SIP emission limit of 4 lb/ton for a 2,750 ton per day SAP, the equivalent

- lb/hr emission was calculated to be 435.4 lb/hr (0.950 multiplied by 114.6 tons per hour at 4 lb/ton).
- Nutrien White Springs SAP F calculated an equivalency ratio of 0.914. When multiplied by the existing SIP emission limit of 4 lb/ton for a 2,750 ton per day SAP, the equivalent lb/hr emission was calculated to be 418.9 lb/hr (0.914 multiplied by 114.6 tons per hour at 4 lb/ton).
  - Due to the limit being a two-unit cap, the combined equivalent number is above the proposed SIP limit. Although the limit for SAP F is 1.1 lb/hr above the individual unit's equivalent number (840 lb/hr / two units = 420 lb/hr), the total for the two units is below the combined equivalency. (For ease of reference, the equivalency ratios are included in **Table 3** below.)

**Table 3. Equivalency ratios for Nutrien White Springs**

Unit	Equivalency Ratio (24-hr: 1 hr.)	Equivalency Ratio (24-hr: 3 hr.)
SAP E	0.940	0.950
SAP F	0.899	0.914

- TECO Polk will be subject to an equivalent lb/hr emission unit of 48 lb/hr based on a 6-hour stack test. The 48 lb/hr is equivalent to the 4 lb/ton SIP emission limit (12.46 tons per hour multiplied by 4 lb/ton).
  - TECO Polk is a facility production at which is capped at 299 tons per day, with maximum emissions of 49.8 lb/hr (i.e., 12.46 tons per hour multiplied by 4 lb/ton). DEP did not calculate a unit-specific equivalency ratio as the facility does not have a SO<sub>2</sub> CEMS. DEP reviewed the 3-hour to 6-hour equivalency ratios for Mosaic South Pierce and Nutrien White Springs, which ranged from .980 to .997. Using the equivalency ratios from Mosaic South Pierce and Nutrien White Springs is reasonable as catalyst beds are used to control SO<sub>2</sub> emissions and convert the emissions back to sulfuric acid. (For ease of reference, the equivalency ratios are included in **Table 4** below.)

**Table 4. Equivalency ratios for TECO Polk**

Unit	Equivalency Ratio (6-hr: 1 hr.)	Equivalency Ratio (6-hr: 3 hr.)
Nutrien SAP E	0.976	0.986
Nutrien SAP F	0.963	0.980
Mosaic #10 SAP	0.992	0.997
Mosaic #11 SAP	0.986	0.993

DEP has demonstrated that the removal of the sulfur dioxide emission limits from Rule 62-296.402, F.A.C., will not allow an increase in emissions because all sulfuric acid plants in Florida are subject to emission limits that are as stringent as or more stringent than the current SIP limits. Note that for the

eleven sulfuric acid plants at Mosaic Riverview, Mosaic Bartow, and Mosaic New Wales, EPA has already approved continuous lb/hr emission limits that lowered emissions significantly enough to demonstrate compliance with the 2010 Sulfur Dioxide National Ambient Air Quality Standard. These SIP-approved emission limits were significantly more stringent than the emission limits in Rule 62-296.402, F.A.C.

With regard to compliance monitoring and reasonable assurance that these new SIP limits are practically and legally enforceable, note also that DEP is proposing to amend subsection 62-296.402(6), F.A.C., to require submittal of excess emissions reports on a semi-annual basis consistent with the reporting requirements of 40 C.F.R. Part 51, Appendix P, as amended October 14, 2020.

### Proposed SIP after Approval of Requested Revisions

#### **62-296.402 Sulfuric Acid Plants.**

(1) (Reserved)

(2) Existing Plants.

(a) Florida portion of the Jacksonville, Florida - Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 CFR Section 81.91.

1. Visible Emissions - ten percent opacity.

2. (Reserved).

3. Acid Mist - 0.5 pounds per ton of 100 percent acid produced.

(b) All other areas of the State of Florida.

1. Visible Emissions - ten percent opacity.

2. (Reserved).

3. Acid Mist - 0.3 pounds per ton of 100 percent acid produced.

(3) New Plants.

(a) Visible emissions - ten percent opacity.

(b) (Reserved).

(c) Acid Mist - 0.15 pounds per ton of 100 percent acid produced.

(4) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C. (b) The test method for acid mist/sulfur dioxide shall be EPA Method 8,

incorporated and adopted by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be 40 dry standard cubic feet.

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

(5) Continuous Emissions Monitoring Requirements. Each owner or operator of a sulfuric acid plant shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements, shall conform with the requirements in: 40 CFR Part 51, Appendix P, and 40 CFR Part 60, Appendix B, adopted and incorporated by reference in Rule 62-204.800(7), F.A.C., provided, however, any alternative procedures (as specified in s. 3.9, 40 CFR Part 51, Appendix P) or Special Considerations (as specified in s. 6.0, 40 CFR Part 51, Appendix



P) shall be incorporated in the Department's air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

(a) Facilities greater than 300 tons per day production capacity, expressed as 100% acid, shall install continuous monitoring systems for the measurement of sulfur dioxide emissions for each sulfuric acid emission source.

(b) Where two or more emissions units emit through a common stack, continuous monitoring systems, if required, shall be installed on each emissions unit prior to combination of the emission.

(6) Semi-annual Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each semi-annual period. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the owner or operator for a period of two years.

History: Formerly 17-2.600(2); Formerly 17-296.402; Amended 11-23-94, 1-1-96, 3-13-96, 6-23-22.

## **B. Revisions to Rule 62-296.405, F.A.C. (“Existing Fossil Fuel Steam Generators with Greater than or Equal to More Than 250 Million Btu Per Hour Heat Input”)**

Current SIP Language (italicized provisions are pending EPA review of DEP’s 04/01/22 SIP Submittal [Florida SIP Submittal No. 2021-03])

### **62-296.405 Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input.**

(1) Existing Emissions Units *Emissions Limits*.

(a) Visible emissions – 20 percent opacity except ~~either~~ for one six-minute period per one-hour period during which opacity shall not exceed 27 percent, ~~or one two-minute period per hour during which opacity shall not exceed 40 percent. The option selected shall be specified in the emissions unit’s construction and operation permits.~~ Emissions units governed by this visible emissions limit shall test for particulate emissions compliance annually and as otherwise required by Chapter 62-297, F.A.C. Emissions units electing to test for particulate matter emissions compliance quarterly shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department or local program, as specified in the facility’s permit. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

(b) Particulate Matter – 0.1 pound per million Btu heat input, as measured by applicable compliance methods.

(c) Sulfur Dioxide, as measured by applicable compliance methods.

1. Emissions units burning liquid fuel.

*Stations—2.5 pounds per million Btu heat input.*

a. Emissions units in Duval County with a nameplate generating capacity of greater than 250 MW which commenced operation prior to August 1, 1977 – 1.98 pounds per million Btu heat input.

~~b. Emissions units in Duval County with a nameplate generating capacity of less than 160 MW which commenced operation prior to October 1, 1964—1.10 pounds per million Btu heat input.~~

~~c. All other emissions units in Duval County—1.65 pounds per million Btu heat input.~~

~~d. Hillsborough County, emissions units south of State Highway 60 with a nameplate generating capacity of less than 100 MW which commenced operation prior to June 1, 1955—1.1 pounds per million Btu heat input.~~

~~e. Escambia County, emissions units north of Interstate 10 with a nameplate generating capacity of less than 50 MW which commenced operation prior to October 1, 1952—1.98 pounds per million Btu heat input.~~

f. Escambia County, no emissions unit north of Interstate 10 with a rated heat input of 515 million Btu per hour or less for which a valid Department operating permit was issued prior to September 30, 1972, shall emit in the aggregate more than 57.5 tons per any 24-hour period.

~~g. Manatee County, emissions units with a nameplate generating capacity of greater than 700 MW for which a valid Department operating permit was issued prior to January 1, 1979—1.1 pounds per million Btu heat input.~~

~~h. Leon and Wakulla Counties, emissions units with a nameplate generating capacity of less than 260 MW for which a valid Department operating permit was issued prior to November 1, 1977—1.87 pounds per million Btu heat input.~~

~~i. Dade, Broward, and Palm Beach Counties, emissions units with a nameplate generating capacity of less than 170 MW which commenced operation prior to May 1, 1958—1.1 pounds per million Btu heat input, except in the event of a fuel or energy crisis declared by the Governor of Florida or the President of the United States—2.75 pounds per million Btu heat input. Notification concerning the quantity and estimated duration of the increase in emissions shall be given to the Department prior to burning the higher sulfur fuel.~~

j. All other areas of the State – 2.75 pounds per million Btu heat input.

## 2. Emissions units burning solid fuel.

~~a. Hillsborough County, no emissions unit with a nameplate generating capacity of greater than 120 MW which commenced operation prior to November 1, 1967, shall emit more than 2.4 pounds of sulfur dioxide per million Btu heat input on a weekly average nor shall a group of such emissions units located on one or more contiguous or adjacent properties and which are under common control emit more than 10.6 tons per hour of sulfur dioxide on a weekly average. A plan for assuring compliance with Florida Ambient Air Quality Standards will be incorporated into the revised operating permit for such emissions units.~~

~~b. Hillsborough County, no emissions unit with a nameplate generating capacity of greater than 400 MW which commenced operation after November 1, 1967, and prior to June 1, 1976, shall emit in total more than 6.5 pounds of sulfur dioxide per million Btu heat input on a two hour average nor shall a group of such emissions units located on 418 one or more contiguous or adjacent properties and which are under common control emit more than 31.5 tons per hour of sulfur dioxide on a three-hour average and 25 tons per hour of sulfur dioxide on a 24-hour average.~~

c. Escambia County, emissions units north of Interstate 10 with a nameplate generating capacity of more than 50 MW which commenced operation prior to September 1, 1973 – 5.90 pounds per million Btu heat input.

~~d. All other areas of the State—6.17 pounds per million Btu heat input.~~

~~3. Owners of fossil fuel steam generators shall monitor their emissions and the effects of the emissions on ambient concentrations of sulfur dioxide, in a manner, frequency, and locations approved, and deemed reasonably necessary and ordered by the Department.~~

(d) Nitrogen Oxides (expressed as NO<sub>2</sub>) – as measured by applicable compliance methods.

1. Duval County, emissions units with a nameplate generating capacity of greater than 450 MW which commenced operation prior to August 1, 1977 – 0.30 pounds per million Btu heat input.

~~2. Manatee County, emissions units with a nameplate generating capacity of greater than 700 MW for which a valid Department operating permit was issued prior to January 1, 1979—0.30 pounds per million Btu heat input.~~

~~3. Leon County, emissions units with a nameplate generating capacity of greater than 200 MW for which a valid Department operating permit was issued prior to November 1, 1977—0.30 pounds per million Btu heat input.~~

4. Hillsborough County, emissions units with a nameplate generating capacity of greater than 400 MW which commenced operation after January 1, 1976 and prior to January 1, 1985 – 0.70 pounds per million Btu heat input.

(e) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

1. The test method for visible emissions shall be EPA DEP Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference in at Rule 62-204.800, Chapter 62-297F.A.C. In lieu of Method 9 testing, a transmissometer utilizing a ~~six~~6-minute block average for opacity measurement may be used, provided such transmissometer is installed, certified, calibrated, operated and maintained in accordance with the provisions of 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, incorporated and adopted 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 at 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 base 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. Methods 3 and 3A are described at 40 C.F.R. Part 60, Appendix A-2; EPA Methods 5, 5B, and 5F are described at 40 C.F.R. Part 60, Appendix A-3; EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 19 is described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated by reference at Rule 62-204.800, F.A.C.

3. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B or 6C, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure was incorporated in the operation permit for the emissions unit prior to April 23, 1985. Otherwise, fuel sampling and

analysis may be used if the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C. Such alternate 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 exceedances of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program or continuous emissions monitoring program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards.

4. For emission units not subject to nitrogen oxides continuous monitoring requirements, the test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, or 7E, as described at 40 C.F.R. Part 60, Appendix A-4 adopted and incorporated ~~and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. Four grab samples at 15 minute intervals ( $\pm 2$  min.) per run shall be required for EPA Methods 7 and 7A. For emission units that are subject to continuous monitoring requirements under 42 U.S.C. sections 7661 – 7661f or 40 C.F.R. Part 75, emissions of compliance with nitrogen oxides emission limits shall be determined ~~demonstrated~~ based on a 30-day rolling average, except as specifically provided by 40 C.F.R. Parts 60 or 76. 40 C.F.R. Parts 60, 75, and 76 are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

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

(f) Continuous Emissions Monitoring Requirements. Each owner or operator of an emissions unit subject to subsection 62-296.405(1), F.A.C., shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, ~~419~~ data requirements, data reduction and reporting requirements shall conform with the requirements of 40 C.F.R. Part 51, Appendix P, adopted and incorporated by reference in subsection 62-204.800(2), F.A.C., and 40 C.F.R. Part 60, Appendix B, adopted by reference in subsection 62-204.800(7), F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department's air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

1. Existing fossil fuel steam generators with more than 250 million BTU per hour heat input and with a capacity factor of greater than 30 percent for the latest year of record or as otherwise documented to the Department by the owner or operator, shall install continuous monitoring systems as set forth in this subparagraph. Any reactivated or previously exempted unit whose operated capacity factor for the previous six months is greater than 30 percent must install continuous monitoring systems as set forth in this subparagraph no later than twelve months following the previous six month period of achieving a capacity factor greater than 30 percent.

a. Opacity. All emissions units as set forth in subparagraph 62-296.405(1)(f)1., F.A.C., shall install continuous monitoring systems for monitoring opacity.

Exempted are:

(i) Emissions units burning only gas, oil, or gas and oil which comply with the applicable state visible emission limiting standard without the use of emission control equipment.

(ii) Any emissions unit using a wet scrubber.

b. Sulfur dioxide. All emissions units as set forth in subparagraph 62-296.405(1)(f)1., F.A.C., shall install sulfur dioxide continuous monitoring

equipment on units which have installed sulfur dioxide control equipment. Those emissions units not having an operating flue gas desulfurization device may monitor sulfur dioxide emissions by fuel sampling and analysis according to methods approved by EPA.

c. Nitrogen Oxides. All new emissions units as set forth in subparagraph 62-296.405(1)(f)1., F.A.C., with more than 1000 million BTU per hour heat input shall, during construction, install continuous monitoring systems for monitoring nitrogen oxides.

d. Oxygen or Carbon Dioxide. A continuous monitoring system shall be installed at each emissions unit, as set forth in subparagraph 62-296.405(1)(f)1., F.A.C., where measurements of oxygen or carbon dioxide in the flue gas are utilized to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data to units of the emission limiting standards for proof of compliance as set forth in subsection 62-296.405(1), F.A.C.

2. The exemption from opacity monitoring under sub-sub-subparagraph 62-296.405(1)(f)1.a.(i), F.A.C., shall not apply to any emissions unit which has been found to be in violation of the visible emission limiting standard pursuant to administrative proceedings conducted under Chapter 120, F.S., or judicial proceedings after January 1, 1978. No later than ninety days following the date an order establishing such violation becomes final, the owner or operator of such emissions unit shall submit to the Department a proposed compliance schedule for installing a continuous opacity monitoring system. Following incorporation of a compliance schedule into the emission unit's air permit, the owner or operator shall install the continuous monitoring system in accordance with the schedule.

(g) Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in subsection 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two years.

~~(2) New Emissions Units.~~

~~(a) Visible Emissions—(See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(b) Particulate Matter—(See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(c) Sulfur Dioxide—(See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.43 and 60.43a).~~

~~(d) Nitrogen Oxides—(See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.44 and 60.44a).~~

(3) For the purposes of this rule, nameplate generating capacity means the manufacturer's capacity rating of electrical generating output (expressed in MWe) as designed.

*History—Formerly 17-2.600(5), Amended 6-29-93, Formerly 17-296.405, Amended 11-23-94, 1-1-96, 3-13-96, 3-2-99, 7-10-14.*

	Submitted Date to EPA	Approved by EPA	Federal Register
Original Reg	01/11/1993	10/20/1994	59 FR 52916
1st Revision	07/02/1993	04/14/1994	59 FR 17696
2nd Revision	12/21/1994	06/16/1999	64 FR 32346
3rd Revision	04/15/1996	06/16/1999	64 FR 32346
4th Revision	06/23/1999,07/01/2011	10/06/2017	82 FR 46682
5 <sup>th</sup> Revision	04/01/2022		

### Requested Rule 62-296.405 SIP Revisions

DEP proposes to clarify that the rule is only applicable to existing units and clarifies which units are existing fossil fuel-fired steam generators that are subject to the emission limiting standards in the rule.

DEP is also revising the requirements for the PM emission limits to allow for use of a continuous emissions monitoring system, including periods of SSM, in lieu of annual stack testing, and to require use of a CEMS as the test method for NO<sub>x</sub>. These proposed revisions will ensure that the PM and NO<sub>x</sub> limits apply at all times, including during periods of SSM.

DEP is proposing to amend the title of section 62-296.405, F.A.C., to address the applicability of this rule to existing sources and to amend subsection 62-296.405(1), F.A.C., to specify that the rule only applies to units that existed prior to January 18, 1972. DEP proposes to specify which units are subject to the emission limiting standards in the rule by stating that this rule only applies to “existing fossil fuel steam generators” (i.e, emissions units in operation, under construction, or having received a permit to begin construction prior to January 18, 1972).

DEP is also revising the requirements for PM emission limits to allow for use of a continuous emissions monitoring system, including during periods of SSM, in lieu of annual stack testing, and to require use of a CEMS as the test method for NO<sub>x</sub>. These proposed revisions will ensure that the PM and NO<sub>x</sub> limits apply at all times, including during periods of SSM.

62-296.405 Existing Fossil Fuel Steam Generators with Greater than or Equal to 250 Million Btu Per Hour Heat Input.

(1) Applicability. Rule 62-296.405, F.A.C., applies to existing fossil fuel steam generators with greater than or equal to 250 MMBtu per hour heat input. For the purposes of this rule, “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972.

Amendments to subsections 62-296.405(1)(b), (1)(c), and (1)(d), F.A.C., will ensure compliance with continuous emissions limits for PM, NO<sub>x</sub>, and SO<sub>2</sub> by specifying both the standards and applicable test methods. For facilities using PM continuous emissions monitoring systems, compliance will be determined on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. For facilities using SO<sub>2</sub> continuous emissions monitoring systems, compliance will be determined on a 24-hour block average, including all periods of operation, unless otherwise specified, by calculating the arithmetic average of all valid hourly averages occurring within that day. For facilities

using NO<sub>x</sub> continuous emissions monitoring systems, compliance will be based on a heat-input weighted 30-operating day rolling average basis, including all periods of operation.

(3)(b) Particulate Matter – 0.1 pound per million Btu heat input, as measured by stack test applicable compliance methods. If compliance is demonstrated with a particulate matter continuous emission monitoring system, then compliance shall be determined on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired.

(4)(e) Sulfur Dioxide, as measured by fuel sampling applicable compliance methods. If compliance is demonstrated with a sulfur dioxide continuous emission monitoring system, then compliance shall be determined on a 24-hour block average, including all periods of operation, unless a different averaging period is specified below. Compliance is determined by calculating the arithmetic average of all valid hourly averages occurring within that day. [...]

(5)(d) Nitrogen Oxides (expressed as NO<sub>2</sub>) – as measured by stack test applicable compliance methods. If compliance is demonstrated with a nitrogen oxides continuous emission monitoring system, then compliance shall be based on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired. [...]

(6)(e) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements. [ . . . ]

(b) 2- [...] In lieu of EPA Method 17, 5, 5B, or 5F, an emissions unit may demonstrate compliance using a particulate matter continuous emissions monitoring system that meets the requirements of Performance Specification 11, adopted and incorporated by reference in Rule 62-204.800, F.A.C. [...]

(d) 4- The test method for nitrogen oxides shall be a nitrogen oxides continuous emissions monitor meeting the requirements of 40 C.F.R. Part 75, as adopted and incorporated by reference in Rule 62-204.800, F.A.C. [...]

DEP is also proposing to amend subsection 62-296.405(8), F.A.C., to require submittal of excess emissions reports on a semi-annual basis consistent with the reporting requirements of 40 C.F.R. Part 51, Appendix P, as amended October 14, 2020.

(8)(g) Semi-annual Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405 subsection 62-296.405(1), F.A.C., for each semi-annual period calendar quarter. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the

Source for a period of two years.

Proposed SIP after Approval of Requested Revisions

62-296.405 Existing Fossil Fuel Steam Generators with Greater than or Equal to 250 Million Btu Per Hour Heat Input.

(1) Applicability. Rule 62-296.405, F.A.C., applies to existing fossil fuel steam generators with greater than or equal to 250 MMBtu per hour heat input. For the purposes of this rule, “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972.

(2) Visible emissions – 20 percent opacity except for one six-minute period per one-hour period during which opacity shall not exceed 27 percent. Emissions units governed by this visible emissions limit shall test for particulate emissions annually and as otherwise required by Chapter 62-297, F.A.C. Emissions units electing to test for particulate matter emissions quarterly or emissions units equipped with a continuous emissions monitoring system for particulate matter that meets the requirements of paragraph 62-296.405(4)(b), F.A.C., shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department or local program, as specified in the facility’s permit. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

(3) Particulate Matter – 0.1 pound per million Btu heat input, as measured by stack test. If compliance is demonstrated with a particulate matter continuous emission monitoring system, then compliance shall be determined on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired.

(4) Sulfur Dioxide, as measured by fuel sampling. If compliance is demonstrated with a sulfur dioxide continuous emission monitoring system, then compliance shall be determined on a 24-hour block average, including all periods of operation, unless a different averaging period is specified below. Compliance is determined by calculating the arithmetic average of all valid hourly averages occurring within that day.

(a) Emissions units burning liquid fuel.

1. Emissions units in Duval County with a nameplate generating capacity of greater than 250 MW which commenced operation prior to August 1, 1977 – 1.98 pounds per million Btu heat input.
2. (Reserved).
3. (Reserved).
4. (Reserved).
5. (Reserved).
6. Escambia County, no emissions unit north of Interstate 10 with a rated heat input of 515 million Btu per hour or less for which a valid Department operating permit was issued prior to September 30, 1972 shall emit in the aggregate more than 57.5 tons per any 24 hour period.
7. (Reserved).
8. (Reserved).
9. (Reserved).
10. All other areas of the State – 2.75 pounds per million Btu heat input.



(b) Emissions units burning solid fuel.

1. (Reserved).
2. (Reserved).
3. Escambia County, emissions units north of Interstate 10 with a nameplate generating capacity of more than 50 MW which commenced operation prior to September 1, 1973 – 5.90 pounds per million Btu heat input.
4. All other areas of the State – 6.17 pounds per million Btu heat input.

(5) Nitrogen Oxides (expressed as NO<sub>2</sub>) – as measured by stack test. If compliance is demonstrated with a nitrogen oxides continuous emission monitoring system, then compliance shall be based on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired.

(a) Duval County, emissions units with a nameplate generating capacity of greater than 450 MW which commenced operation prior to August 1, 1977 – 0.30 pounds per million Btu heat input.

(b) (Reserved).

(c) (Reserved).

(d) Hillsborough County, emissions units with a nameplate generating capacity of greater than 400 MW which commenced operation after January 1, 1976 and prior to January 1, 1985 – 0.70 pounds per million Btu heat input.

(6) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be EPA Method 9, described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800, F.A.C. In lieu of Method 9 testing, a transmissometer utilizing a six-minute block average for opacity measurement may be used, provided such transmissometer is installed, certified, calibrated, operated and maintained in accordance with the provisions of 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F. In lieu of EPA Method 17, 5, 5B, or 5F, an emissions unit may demonstrate compliance using a particulate matter continuous emissions monitoring system that meets the requirements of Performance Specification 11, adopted and incorporated by reference in Rule 62-204.800, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature at no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen base 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. Methods 3 and 3A are described at 40 C.F.R. Part 60, Appendix A-2; EPA Methods 5, 5B, and 5F are described at 40 C.F.R. Part 60, Appendix A-3; EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 19 is described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated by reference at Rule 62-204.800, F.A.C. In lieu of EPA Method 17, 5, 5B, or 5F, an emissions unit may demonstrate compliance using a particulate matter continuous emissions monitoring system that meets the requirements of Performance Specification 11, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B or 6C, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure was incorporated in the operation permit for the emissions unit prior to April 23, 1985. Otherwise, fuel sampling and analysis may be used if the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C. Such alternate 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 exceedances of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program or continuous emissions monitoring program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards.

(d) The test method for nitrogen oxides shall be a nitrogen oxides continuous emissions monitor meeting the requirements of 40 C.F.R. Part 75, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

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

(7) Continuous Emissions Monitoring Requirements. Each owner or operator of an emissions unit subject to Rule 62-296.405, F.A.C., shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements shall conform with the requirements of 40 C.F.R. Part 51, Appendix P, and 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in Rule 62-204.800, F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department's air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

(a) Existing fossil fuel steam generators with more than 250 million BTU per hour heat input and with a capacity factor of greater than 30 percent for the latest year of record or as otherwise documented to the Department by the owner or operator, shall install continuous monitoring systems as set forth in this subparagraph. Any reactivated or previously exempted unit whose operated capacity factor for the previous six months is greater than 30 percent must install continuous monitoring systems as set forth in this subparagraph no later than twelve months following the previous six month period of achieving a capacity factor greater than 30 percent.

1. Opacity. All emissions units as set forth in subparagraph 62-296.405(7)(a), F.A.C., shall install continuous monitoring systems for monitoring opacity. Exempted are:

- Emissions units burning only gas, oil, or gas and oil which comply with the applicable state visible emission limiting standard without the use of emission control equipment.
- Any emissions unit using a wet scrubber.

2. Sulfur dioxide. All emissions units as set forth in subparagraph 62-296.405(7)(a), F.A.C., shall install sulfur dioxide continuous monitoring equipment on units which have installed sulfur dioxide control equipment. Those emissions units not having an operating flue gas desulfurization device may monitor sulfur dioxide emissions by fuel sampling and analysis according to methods approved by EPA.

3. Nitrogen Oxides. All new emissions units as set forth in subparagraph 62-296.405(7)(a), F.A.C., with more than 1000 million BTU per hour heat input shall, during construction, install continuous monitoring systems for monitoring nitrogen

oxides.

4. Oxygen or Carbon Dioxide. A continuous monitoring system shall be installed at each emissions unit, as set forth in subparagraph 62-296.405(1)(f)1., F.A.C., where measurements of oxygen or carbon dioxide in the flue gas are utilized to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data to units of the emission limiting standards for proof of compliance as set forth in subsection 62-296.405(1), F.A.C.

(b) The exemption from opacity monitoring under sub-sub-subparagraph 62-296.405(7)(a), F.A.C., shall not apply to any emissions unit which has been found to be in violation of the visible emission limiting standard pursuant to administrative proceedings conducted under Chapter 120, F.S., or judicial proceedings after January 1, 1978. No later than ninety days following the date an order establishing such violation becomes final, the owner or operator of such emissions unit shall submit to the Department a proposed compliance schedule for installing a continuous opacity monitoring system. Following incorporation of a compliance schedule into the emission unit's air permit, the owner or operator shall install the continuous monitoring system in accordance with the schedule.

(8) Semi-annual Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405, F.A.C., for each semi-annual period. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two years.

(9) For the purposes of this rule, nameplate generating capacity means the manufacturer's capacity rating of electrical generating output (expressed in MWe) as designed.

*History—Formerly 17-2.600(5), Amended 6-29-93, Formerly 17-296.405, Amended 11-23-94, 1-1-96, 3-13-96, 3-2-99, 7-10-14, 6-23-22.*

### **C. Removal of Rule 62-296.408, F.A.C. (“Nitric Acid Plants”)**

#### Current SIP Language

#### **62-296.408 Nitric Acid Plants.**

These limits are applicable to new and existing emissions units producing weak nitric acid (50 to 70 percent) by pressure or atmospheric pressure process.

(1) Visible emissions - 10 percent opacity.

(2) Nitrogen Oxides - 3 pounds per ton of acid produced (100 percent basis).

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.

(b) The test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, 7B, 7C, or 7D, incorporated and adopted by reference in Chapter 62-297, F.A.C. The minimum sample volume

shall be as specified in EPA Method 7. Four grab samples at 15-minute intervals ( $\pm 2$  minutes) per run required.

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

History: Formerly 17-2.600(8); Formerly 17-296.408; Amended 11-23-94, 1-1-96.

62-296.408

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	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	01/11/1993	10/20/1994	59 FR 52916
1st Revision	12/21/1994	06/16/1999	64 FR 32346

Requested Rule 62-296.408, F.A.C., SIP Revisions

**62-296.408 Nitric Acid Plants.**

Florida is proposing to remove from Florida's SIP the NO<sub>x</sub> emission limit in subsection 62-296.408(2), F.A.C., and the corresponding NO<sub>x</sub> test methods from subsection 62-296.408(3)(b), F.A.C.:

(1) Visible emissions - 10 percent opacity.

~~(2) Nitrogen Oxides - 3 pounds per ton of acid produced (100 percent basis). (Reserved).~~

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.

~~(b) The test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, 7B, 7C, or 7D, incorporated and adopted by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be as specified in EPA Method 7. Four grab samples at 15 minute intervals ( $\pm 2$  minutes) per run required. (Reserved).~~

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

Rule 62-296.408, F.A.C., will no longer provide the SIP-based emission limits for nitric acid plants in Florida. In place of the NO<sub>x</sub> limits in Rule 62-296.408, F.A.C., Florida proposes to incorporate into Florida's SIP the facility-specific NO<sub>x</sub> emissions limits from the operation permits attached to this SIP revision as **Appendix A** and detailed in **Table 5** below.

**Table 5. Nitric Acid Plant Emission Limits Summary**

Facility ID	Name	Unit	Daily 100% Acid Production Design Capacity or Allowable (tons/day)	F.A.C. Limit: NO <sub>x</sub> Allowable (lbs/ton 100% acid produced) [3-hr avg]	Permit No.	Equivalency Ratio	Permit Limit: NO <sub>x</sub> Allowable (lbs/ton 100% acid produced) [30-day avg]	NO <sub>x</sub> Unit Hourly Emissions Allowed (lbs/hr) [30-day avg]	NO <sub>x</sub> Unit Annual Emissions Allowed (tons/yr)
0330040	Ascend Pensacola	NAP - 042	1,500	3	0330040-075-AC	0.958 (3-hr to 30-day)	2.6 (720 operating hr. rolling)	163	712
0570025	Trademark Nitrogen	Nitric Acid Plant	150	3	0570025-016-AC	0.958 (3-hr to 30-day)	2.6 (30 operating day rolling avg.)	16	71

**110(l) Demonstration** – Approval of this SIP revision will not interfere with attainment or maintenance of national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress, or protection of visibility, as no emission increases will be authorized compared to the current status quo. The facility-specific NO<sub>x</sub> limits for nitric acid plants at Ascend and at Trademark Nitrogen are based on a 30-day rolling average of lbs per ton of 100% acid produced. The NO<sub>x</sub> permit limits are equivalent to the 3 lb/ton limit in Rule 62-296.408, F.A.C., which previously applied only during steady state operations. These emission limits will apply at all times, even during periods of startup, shutdown, and malfunction.

- Ascend used its NO<sub>x</sub> CEMS data to develop an equivalent 30-day rolling average. The calculated equivalency ratio was 0.958. Although application of this equivalency ratio resulted in an equivalent emission rate of 2.85 lb/ton when applied to the facility’s steady-state NO<sub>x</sub> emissions limit (3.0 lb/ton multiplied by 0.958), in order to provide reasonable assurance that the emissions limit reflected a highly controlled emission limiting process operating continuously, Ascend accepted a considerably lower NO<sub>x</sub> emission limit of 2.6 lb/ton of 100% HNO<sub>3</sub> produced, with compliance determined on a 30-operating day average.
- Although Trademark Nitrogen is also equipped with a NO<sub>x</sub> CEMS, the facility does not have hourly data recorded from which DEP could develop a facility-specific equivalency ratio. DEP relied on the equivalency ratio for Ascend as representative of nitric acid plants, noting that each facility uses a closely related chemical process whereby ammonia is oxidized in the presence of a catalyst to form NO<sub>x</sub>, which is then converted to nitric acid by a reaction with water, and NO<sub>x</sub> emissions are controlled by process operating conditions and use of selective catalytic reduction (SCR) NO<sub>x</sub> abatement devices.
- Using the emissions data from Ascend, DEP developed the same equivalent 30-day rolling average (0.958) as had applied to Ascend. Applying this equivalency ratio to Trademark Nitrogen’s steady state NO<sub>x</sub> emissions limit of 3.0 lb/ton of 100% HNO<sub>3</sub> produced yielded an equivalent emission rate of 2.85 lb/ton. As with Ascend, in order to provide reasonable assurance

that the emissions limit reflected a highly controlled emission limiting process operating continuously, Trademark Nitrogen accepted a considerably lower NO<sub>x</sub> emission limit of 2.6 lb/ton of 100% HNO<sub>3</sub> produced, with compliance determined on a 30-operating day average. (For ease of reference, the equivalency ratios are included in **Table 6** below.)

**Table 6. Equivalency Ratios for Ascend and Trademark Nitrogen**

Unit	Equivalency Ratio (30 day: 1 hr.)	Equivalency Ratio (30 day: 3 hr.)
Ascend NAP 042	0.950	0.958

Proposed SIP after Approval of Requested Revisions

**62-296.408 Nitric Acid Plants.**

These limits are applicable to new and existing emissions units producing weak nitric acid (50 to 70 percent) by pressure or atmospheric pressure process.

- (1) Visible emissions - 10 percent opacity.
- (2) (Reserved).
- (3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.
  - (a) The test method for visible emissions shall be DEP Method 9, incorporated in Chapter 62-297, F.A.C.
  - (b) (Reserved).
  - (c) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

History: Formerly 17-2.600(8); Formerly 17-296.408; Amended 11-23-94, 1-1-96, 6-23-22.

**D. Revisions to Rule 62-296.570, F.A.C. (“Reasonably Available Control Technology [RACT] – Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities”)**

Current SIP Language (italicized amendments are pending EPA review and approval of DEP’s 04/01/22 SIP Submittal [Florida SIP Submittal No. 2021-03])

**62-296.570 Reasonably Available Control Technology (RACT) – Requirements for Major VOC-and NO<sub>x</sub>-Emitting Facilities.**

- (1) Applicability.
  - (a) The requirements of this rule shall apply to those major VOC-and NO<sub>x</sub>-emitting facilities specified in Rule 62-296.500(1)(b), F.A.C.; specifically, to those VOC emissions units within such facilities which are not regulated for VOC under Rules 62-296.501 through 62-296.516, F.A.C., and those VOC and NO<sub>x</sub> emissions units which have not been exempted pursuant to paragraph 62-296.500(1)(b), F.A.C., or by a specific provision of Rules 62-296.500 through 62-296.516, F.A.C.
  - (b) The requirements of this rule shall not apply to emissions units that *would otherwise be ~~are~~* exempt from the air permitting requirements of the Department pursuant to Rule 62-210.300(3),

F.A.C., or that would otherwise be considered insignificant pursuant to Rule 62-213.300(2)(a)1., F.A.C., or Rule 62-213.430(6)(b), F.A.C.

(2) Compliance Requirements. Emissions units subject to the requirements of this rule shall comply with the operation permit requirements of Rule 62-296.570(3), F.A.C., and the RACT emission limiting standards of Rule 62-296.570(4), F.A.C. If, pursuant to an air operation or construction permit, the owner or operator of a emissions unit subject to the requirements of this rule assumes (or has assumed) a more stringent NO<sub>x</sub> or VOC emissions limit than the RACT emissions limit established in Rule 62-296.570(4), F.A.C., for the applicable emissions unit category, compliance with the emissions unit's NO<sub>x</sub> or VOC emissions limit in its air operation or construction permit shall be considered compliance with RACT for purposes of this rule.

~~(3) Operation Permit Requirements:~~

~~(a) The owner or operator of any emissions unit subject to the requirements of this rule shall apply for a new or revised permit to operate in accordance with the provisions of this rule by March 1, 1993, unless a later filing date is specified by the Department in writing.~~

~~(b) If the existing operation permit for any emissions unit subject to the requirements of this rule would expire between the effective date of this section and March 1, 1993, or any later filing date specified by the Department, the expiration date of such permit is hereby extended until March 1, 1993, or such later date. This provision shall not apply in the case of a revocation or suspension of such permit pursuant to Chapter 62-4, F.A.C.~~

(4) RACT Emission Limiting Standards.

(a) Emissions Testing Compliance Dates and Monitoring.

~~1. Each applicant for a new or revised operation permit for an emissions unit subject to the requirements of this rule shall propose a schedule for implementing the RACT emission limiting standards as expeditiously as practicable but no later than May 31, 1995. The emissions unit shall demonstrate compliance with the RACT emission limiting standards in accordance with a schedule specified in the emissions unit's air operation permit issued pursuant to Rule 62-296.570(3), F.A.C.~~

~~2. Fuel specific NO<sub>x</sub> and VOC emission limits established under this rule shall be incorporated into the new or revised operation permit for each emissions unit and become effective in accordance with the terms of the permit.~~

3. For units that are not equipped with a continuous emission monitoring system (CEMS) for NO<sub>x</sub> or VOCs, ~~compliance with the emission limits established in this rule shall be demonstrated by~~ annual emissions testing is required in accordance with applicable EPA Reference Methods ~~from as described in 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800, F.A.C., Rule 62-297.401, F.A.C.~~ or other methods approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C., except as otherwise provided in paragraph 62-296.570(4)(b), F.A.C. If required, such annual emission testing shall be conducted during each federal fiscal year (October 1 – September 30). Annual emissions compliance testing while firing oil is unnecessary for units operating on oil for less than 400 hours in the current federal fiscal year.

4. For units that are equipped with a CEMS, compliance shall be demonstrated based on a 30-day rolling average. The CEMs must meet the performance specifications contained in 40 Code of Federal Regulations Part 60, Appendix B, or 40 Code of Federal Regulations Part 75, hereby adopted and incorporated by reference.

(b) Emission Limiting Standards.

~~1. Emissions of NO<sub>x</sub> from any rear wall fired, forced circulation, 16-burner, compact furnace~~

~~shall not exceed 0.20 lb/million BTU while firing natural gas and 0.36 lb/million BTU while firing oil.~~

~~2. Emissions of NO<sub>x</sub> from any front wall fired, natural circulation, 18 burner, compact furnace shall not exceed 0.40 lb/million BTU while firing natural gas and 0.53 lb/million BTU of NO<sub>x</sub> while firing oil.~~

~~3. Emissions of NO<sub>x</sub> from any front wall fired, natural circulation, 24 burner, compact furnace shall not exceed 0.50 lb/million BTU while firing natural gas and 0.62 lb/million BTU of NO<sub>x</sub> while firing oil.~~

~~4. Emissions of NO<sub>x</sub> from any tangentially fired, low heat release, large furnace shall not exceed 0.20 lb/million BTU while firing natural gas.~~

5. Emissions of NO<sub>x</sub> from any gas turbine shall not exceed 0.50 lb/million BTU while firing natural gas and 0.90 lb/million BTU while firing oil. Unless compliance is demonstrated using a CEMs, compliance shall be demonstrated by a stack test on one representative turbine unit within a facility if the turbines are substantially similar.

6. Emissions of VOC and NO<sub>x</sub> from carbonaceous fuel burning facilities, other than waste-to-energy facilities, shall not exceed 5.0 lbs/million BTU and 0.9 lb/million BTU, respectively.

7. Emissions of NO<sub>x</sub> from any oil-fired diesel generator shall not exceed 4.75 lb/million BTU.

8. Emissions of NO<sub>x</sub> from any cement plant shall not exceed 2.0 lb/million BTU.

9. Emissions of NO<sub>x</sub> from any other external combustion emissions unit subject to the requirements of this rule, and not covered in Rule 62-296.570(4)(b)1. through 8., F.A.C., shall not exceed 0.50 lb/million BTU. Emissions Compliance shall be determined demonstrated annually in accordance with the applicable EPA Method from 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Rule 62-297.401, F.A.C., or other method approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C.

10. Emissions of VOC from resin coating operations shall be limited by the use of low-VOC resin or thermal oxidation of emissions from the purge cycle.

11. Emissions of VOC from any emissions unit subject to this rule but specifically exempted from any of the control technology requirements of Rules 62-296.501, through 62-296.516, F.A.C., shall not exceed the applicable exemption criteria.

(c) Exception for Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply at all times except during periods of startup, shutdown, or malfunction as provided by Rule 62-210.700, F.A.C.

*History: New 2-2-93; Amended 4-17-94; Formerly 17-296.570; Amended 11-23-94, 1-1-96, 3-2-99, 7-10-14.*

62-296.570



	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	01/08/1993	01/11/1995	60 FR 2688
1 <sup>st</sup> Revision	04/25/1994	01/11/1995	60 FR 2688
2 <sup>nd</sup> Revision	12/21/1994, 04/15/1996	06/16/1999	64 FR 32346
3 <sup>rd</sup> Revision	04/01/2022		

### Requested Rule 62-296.570, F.A.C., SIP Revisions

Florida proposes to amend a provision in 62-296.570, F.A.C., which references 62-210.700, F.A.C., to remove the exception during periods of SSM consistent with the revisions contained in Florida's November 22, 2016, SIP submission. This amendment ensures that Reasonably Available Control Technology (RACT) emission limits in Rule 62-296.570, F.A.C., will apply at all times and under all modes of operation:

(c) ~~Exception~~ Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply at all times ~~except~~ during periods of startup, shutdown, or malfunction as provided by rule 62-210.700, F.A.C.

### Proposed SIP after Approval of Requested Revisions (including revisions requested in DEP's 04/01/22 SIP Submittal [Florida SIP Submittal No. 2021-03])

#### **62-296.570 Reasonably Available Control Technology (RACT) – Requirements for Major VOC-and NO<sub>x</sub>-Emitting Facilities.**

##### (1) Applicability.

(a) The requirements of this rule shall apply to those major VOC-and NO<sub>x</sub>-emitting facilities specified in Rule 62-296.500(1)(b), F.A.C.; specifically, to those VOC emissions units within such facilities which are not regulated for VOC under Rules 62-296.501 through 62-296.516, F.A.C., and those VOC and NO<sub>x</sub> emissions units which have not been exempted pursuant to paragraph 62-296.500(1)(b), F.A.C., or by a specific provision of Rules 62-296.500 through 62-296.516, F.A.C.

(b) The requirements of this rule shall not apply to emissions units that would otherwise be exempt from the air permitting requirements of the Department pursuant to Rule 62-210.300(3), F.A.C., or that would otherwise be considered insignificant pursuant to Rule 62-213.300(2)(a)1., F.A.C., or Rule 62-213.430(6)(b), F.A.C.

(2) Compliance Requirements. Emissions units subject to the requirements of this rule shall comply with the operation permit requirements of Rule 62-296.570(3), F.A.C., and the RACT emission limiting standards of Rule 62-296.570(4), F.A.C. If, pursuant to an air operation or construction permit, the owner or operator of a emissions unit subject to the requirements of this rule assumes (or has assumed) a more stringent NO<sub>x</sub> or VOC emissions limit than the RACT emissions limit established in Rule 62-296.570(4), F.A.C., for the applicable emissions unit category, compliance with the emissions unit's NO<sub>x</sub> or VOC emissions limit in its air operation or construction permit shall be considered compliance with RACT for purposes of this rule.

(3) (Reserved).

(4) RACT Emission Limiting Standards.

- (a) Emissions Testing Dates and Monitoring.
1. (Reserved).
  2. (Reserved).
  3. For units that are not equipped with a continuous emission monitoring system (CEMS) for NO<sub>x</sub> or VOCs annual emissions testing is required in accordance with applicable EPA Reference Methods as described in 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or other methods approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C., except as otherwise provided in paragraph 62-296.570(4)(b), F.A.C. If required, such annual emission testing shall be conducted during each federal fiscal year (October 1 – September 30). Annual emissions testing while firing oil is unnecessary for units operating on oil for less than 400 hours in the current federal fiscal year.
  4. For units that are equipped with a CEMS, compliance shall be demonstrated based on a 30-day rolling average. The CEMs must meet the performance specifications contained in 40 Code of Federal Regulations Part 60, Appendix B, or 40 Code of Federal Regulations Part 75, hereby adopted and incorporated by reference.
- (b) Emission Limiting Standards.
1. (Reserved).
  2. (Reserved).
  3. (Reserved).
  4. (Reserved).
  5. Emissions of NO<sub>x</sub> from any gas turbine shall not exceed 0.50 lb/million BTU while firing natural gas and 0.90 lb/million BTU while firing oil. Unless compliance is demonstrated using a CEMs, compliance shall be demonstrated by a stack test on one representative turbine unit within a facility if the turbines are substantially similar.
  6. Emissions of VOC and NO<sub>x</sub> from carbonaceous fuel burning facilities, other than waste-to-energy facilities, shall not exceed 5.0 lbs/million BTU and 0.9 lb/million BTU, respectively.
  7. Emissions of NO<sub>x</sub> from any oil-fired diesel generator shall not exceed 4.75 lb/million BTU.
  8. Emissions of NO<sub>x</sub> from any cement plant shall not exceed 2.0 lb/million BTU.
  9. Emissions of NO<sub>x</sub> from any other external combustion emissions unit subject to the requirements of this rule, and not covered in Rule 62-296.570(4)(b)1. through 8., F.A.C., shall not exceed 0.50 lb/million BTU. Emissions shall be determined annually in accordance with the applicable EPA Method from 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or other method approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C.
  10. Emissions of VOC from resin coating operations shall be limited by the use of low-VOC resin or thermal oxidation of emissions from the purge cycle.
  11. Emissions of VOC from any emissions unit subject to this rule but specifically exempted from any of the control technology requirements of Rules 62-296.501, through 62-296.516, F.A.C., shall not exceed the applicable exemption criteria.
- (c) Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply during periods of startup, shutdown, or malfunction as provided by Rule 62-210.700, F.A.C.

*History: New 2-2-93; Amended 4-17-94; Formerly 17-296.570; Amended 11-23-94, 1-1-96, 3-2-99, 7-10-14, 06-23-22.*

## Facility Permits

- Ascend (Permit No. 0330040-076-AC)
- Mosaic South Pierce (Permit No. 1050055-037-AC)
- Nutrien/Suwannee River/Swift Creek Complex (SRSCC) (Permit No. 0470002-132-AC)
- TECO Polk (Permit No. 1050233-050-AC)
- Trademark Nitrogen (Permit No. 0570025-016-AC)

### Specific Limits and Conditions from the Ascend Permit

Florida is proposing that the following permit conditions from the Ascend air construction permit (Permit No.: 0330040-076-AC) be incorporated into Florida’s SIP:

Affected Units:

- EU 042 – Nitric Acid Plant

### NO<sub>x</sub> EMISSION LIMIT

1. New and Current NO<sub>x</sub> Emission Limit: The below table contains the current and new NO<sub>x</sub> emission limits to which the EU is subject along with the effective date of each limit (new NO<sub>x</sub> emission limit is yellow highlight):

Pollutant	Emission Limit	Compliance Method	Basis	Effective Date
NO <sub>x</sub>	1.5 kg per metric ton (3.0 lb per ton) of 100% HNO <sub>3</sub> produced <sup>1,3</sup>	CEMS	3-hour	Effective Now
	2.6 lb/ton of 100% HNO <sub>3</sub> produced <sup>2,3</sup>	CEMS	720-operating hour <sup>4</sup> average, rolled hourly (See <b>Specific Condition 4</b> )	<b>January 1, 2023</b>
1. Excludes startup, shutdown, and malfunction. 2. Applicable at all times, including period of startup, shutdown and malfunction. 3. Expressed as NO <sub>2</sub> . 4. An operating hour is defined as any hour the Nitric Acid Plant is operating including periods of startup, shutdown, and malfunction.				

[Application No. 0330040-076-AC; and Rule 62-210.200(PTE) F.A.C; Excess Emissions SIP.]

### NO<sub>x</sub> EMISSION TESTING AND MONITORING

5. General Emissions Monitoring Requirements: The permittee shall install and operate a NO<sub>x</sub> CEMS that meets the emissions monitoring requirements of 40 CFR § 60.73. The permittee shall determine the hourly NO<sub>x</sub> emissions rate in units of the applicable emissions limit (lb/ton of 100 percent acid produced). The permittee shall operate the emissions monitoring system during all operating periods including unit startup, shutdown, and malfunction. Monitoring downtime shall be reported in accordance with 40 CFR 60.7. [Application No. 0330040-076-AC and 40 CFR §60.73 and Rule 62-210.200(PTE), F.A.C.]
6. NO<sub>x</sub> CEMS: The permittee shall operate and maintain the NO<sub>x</sub> CEMS to measure gas concentration and determine NO<sub>x</sub> emissions on a lb of NO<sub>x</sub>/ton of 100 percent acid produced in

accordance with 40 CFR §60.73 (see Appendix E). [Application No. 0330040-076-AC and 40 CFR §60.73 and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

## **EMISSIONS CALCULATIONS**

7. 720-Operating Hour Rolling Average Emissions Rate: The 720-operating hour emission rate shall be calculated based on the arithmetic average of pounds of NO<sub>x</sub> emitted per ton of acid produced values for 720 consecutive operating hours with the production being expressed as 100 percent nitric acid. Compliance is determined by calculating the pound per ton value for the most recent operating hour and then calculating the arithmetic average of that value and the previous 719 operating hours. An operating hour is defined as any hour when the Nitric Acid Plant is operating, including startup, shutdown, and malfunction. The permittee shall calculate the 720-operating hour rolling average emissions rate in units of the applicable emissions standard (lb NO<sub>x</sub>/ton 100 percent acid produced) at the end of each operating hour using all of the quality assured hourly average CEMS data for the previous 720-operating hour period. [Application No. 0330040-076-AC and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

## **RECORDKEEPING AND REPORTING**

8. Recordkeeping: The permittee shall meet the following recordkeeping requirements:
  - (a) For the NO<sub>x</sub> emissions rate, you must keep records for, and results of, the performance evaluations of the continuous emissions monitoring systems (NO<sub>x</sub> CEMS).
  - (b) You must maintain records of the hours of operation and the calculated emission rate for each operating hour and for each 720-operating hour period.
  - (c) You must maintain records of the following time periods:
    - (1) Times when you were not in compliance with the emissions standards.
    - (2) Times when the pollutant concentration exceeded full span of the NO<sub>x</sub> monitoring equipment.
  - (d) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.
  - (e) You must maintain records of any modifications to CEMS which could affect the ability of the CEMS to comply with applicable performance specifications.

[Application No. 0330040-076-AC]

9. Reporting: For each 720- operating hour period where you were not in compliance with the emissions standard, the following information must be reported within one (1) business day to the Department:
  - (a) Time period;
  - (b) NO<sub>x</sub> emission rates (lb/ton of acid produced);
  - (c) Reasons for noncompliance with the emissions standard; and
  - (d) Description of corrective actions taken.

[Application No. 0330040-076-AC; Rule 62-4.160, F.A.C.]

### **Specific Limits and Conditions from the Mosaic Permit**

Florida is proposing that the following permit conditions from the Mosaic air construction permit (Permit No.: 1050055-037-AC) be incorporated into Florida's SIP:

Affected Units:

- EU 004 – Sulfuric Acid Plant #10
- EU 005 – Sulfuric Acid Plant #11

**SO<sub>2</sub> EMISSION LIMIT**

4. SO<sub>2</sub> Emission Limit: Effective April 1, 2023, the following SO<sub>2</sub> emission cap applies to the SAP Nos. 10 and 11: 750 lb SO<sub>2</sub>/hr on 24-hour block averaging period (6:00 a.m. to 6:00 a.m.). The 24-hour block average (6:00 a.m. to 6:00 a.m.) does not include hours when both SAPs are not operating.

[Rule 62-4.030, *General Prohibition*, F.A.C.; and, Rule 62-4.210, *Construction Permits*, F.A.C.]

**COMPLIANCE REQUIREMENTS**

5. Initial Compliance: These emission units shall use certified SO<sub>2</sub> CEMS data to demonstrate initial compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 4** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 1050055-037-AC.]
6. Recordkeeping: The permittee shall keep records of the initial compliance demonstration. The records shall include the SO<sub>2</sub> CEMS data along with the sulfuric acid production rate (TPH, tons per hour) during the demonstration. Any reports shall be prepared in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(10), F.A.C.; and Application No. 1050055-038-AC.]
7. Ongoing Compliance: The permittee shall use certified SO<sub>2</sub> CEMS data to demonstrate continuous compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 4** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 1050055-037-AC.]

**Specific Limits and Conditions from the Suwannee River/Swift Creek Complex (Nutrien White Springs) Permit**

Florida is proposing that the following permit conditions from the Suwannee River/Swift Creek Complex (Nutrien White Springs) air construction permit (Permit No.: 0470002-132-AC) be incorporated into Florida’s SIP:

Affected Units:

- EU066 – “E” Sulfuric Acid Plant
- EU067 – “F” Sulfuric Acid Plant

**SO<sub>2</sub> EMISSION LIMIT**

3. SO<sub>2</sub> Emission Limit: Effective January 1, 2023, the following SO<sub>2</sub> emission cap applies to the combined CEMs-measured emissions from SAP E and SAP F: 840 lb/hr on 24-hour block averaging period (6:00 a.m. to 6:00 a.m.). The 24-hour block average (6:00 a.m. to 6:00 a.m.) does not include hours when both SAPs are not operating.

[Rule 62-4.030, *General Prohibition*, F.A.C.; and, Rule 62-4.210, *Construction Permits*, F.A.C.; and Application No. 0470002-132-AC.]

## COMPLIANCE REQUIREMENTS

4. Initial Compliance: These emission units shall use certified SO<sub>2</sub> CEMS data to demonstrate initial compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 3** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 0470002-132-AC.]
5. Recordkeeping: The permittee shall keep records of the initial and ongoing compliance demonstrations. The records shall include the SO<sub>2</sub> CEMS data along with the sulfuric acid production rate (TPH, tons per hour). Any reports shall be prepared in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(10), F.A.C.; and Application No. 0470002-132-AC.]
6. Ongoing Compliance: The permittee shall use certified SO<sub>2</sub> CEMS data to demonstrate continuous compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 3** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 0470002-132-AC.]

For ease of reference, the entirety of the Suwannee River/Swift Creek Complex Permit (Nutrien White Springs) (Permit No. 0470002-132-AC) is attached to this SIP submittal as **Appendix A**.

### Specific Limits and Conditions from the Tampa Electric Company (TECO) Polk Permit

Florida is proposing that the following permit conditions from the TECO Polk Power Station Permit air construction permit (Permit No.: 1050233-050-AC) be incorporated into Florida's SIP:

#### Affected Units:

- EU 004 – Sulfuric Acid Plant

#### **SO<sub>2</sub> EMISSION LIMIT**

1. Established SO<sub>2</sub> Emission Limit: Effective January 1, 2023, the permittee shall not allow the discharge into the atmosphere from the Sulfuric Acid Plant of any gases which contain SO<sub>2</sub>, in excess of 48.0 pounds (lb) per ton of sulfuric acid produced based on a stack test. This emission standard applies at all times including periods of startup, shutdown, and malfunction. [Application No. 1050233-050-AC and Rules 62-210.200(PTE), and 62-296.402(1)(SIP), F.A.C.]

#### **SO<sub>2</sub> EMISSION TESTING AND MONITORING**

2. Test Methods. The test method for sulfur dioxide emission limit given in Specific Condition 1. Of this section, shall be EPA Method 6C, incorporated and adopted by reference in Chapter 62-297, F.A.C., and shall include six 1-hour runs [Application No. 105233-050-AC]

#### **RECORDKEEPING AND REPORTING**

3. Recordkeeping: The permittee shall meet the following recordkeeping requirements:
  - (a) For the SO<sub>2</sub> emissions rate, you must keep records for and results of the performance tests.
  - (b) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.

[Application No. 105233-050-AC]

4. Reporting: If the Sulfuric Acid Plant was not in compliance with the emissions standard the following information must be reported within one (1) business day to the Department:
  - (a) Time period;

- (b) SO<sub>2</sub> emission rates (lb/hour);
- (c) Reasons for noncompliance with the emissions standard; and
- (d) Description of corrective actions taken.

[Application No. 1050233-050-AC; Rule 62-4.160, F.A.C.]

For ease of reference, the entirety of the TEC Polk Power Station Permit (Permit No. 1050233-050-AC) is attached to this SIP submittal in **Appendix A**.

### Specific Limits and Conditions from the Trademark Nitrogen Permit

Florida is proposing that the following permit conditions from the Trademark Nitrogen Permit air construction permit (Permit No.: 0570025-016-AC) be incorporated into Florida’s SIP:

Affected Units:

- EU 001 – Nitric Acid Plant with Two Absorption Towers and SCR

#### NO<sub>x</sub> AND VE EMISSION LIMITS

1. New and Current NO<sub>x</sub> Emission Limits and VE Standard: The below table contains the current and new NO<sub>x</sub> emission limits and current visible emission (VE, Opacity) standard to which the EU is subject along with the effective date of each limit (new NO<sub>x</sub> emission limit is yellow highlight):

Pollutant	Emission Limit	Compliance Method	Basis	Effective Date
NO <sub>x</sub>	3.0 lb/ton of 100% HNO <sub>3</sub> produced <sup>1,3</sup>	CEMS	3-hour	Effective Now
	2.60 lb/ton of 100% HNO <sub>3</sub> produced <sup>2,3</sup>	CEMS	30-operating day average (See <b>Specific Condition 5</b> )	<b>January 1, 2023</b>
VE	10 percent opacity	EPA Method 9	---	Effective Now

1. Excludes startup, shutdown, and malfunction.

2. Applicable at all times, including period of startup, shutdown and malfunction.

3. Expressed as NO<sub>2</sub>.

[Application No. 0570025-016-AC; and Rule 62-210.200(PTE) F.A.C; Excess Emissions SIP.]

#### NO<sub>x</sub> EMISSION TESTING AND MONITORING

2. General Emissions Monitoring Requirements: The permittee shall install and operate a NO<sub>x</sub> CEMS that meets the emissions monitoring requirements of 40 CFR § 60.73. The permittee shall determine the hourly NO<sub>x</sub> emissions rate in pounds per ton of nitric acid production (tons/hr) shall calculate emissions in units of the applicable emissions limit (lb/ton of 100 percent acid produced). The permittee shall operate the monitoring system and report emissions during all operating periods including unit startup and shutdown, and malfunction. [Application No. 0570025-016-AC and 40 CFR § 60.73 and Rule 62-210.200(PTE), F.A.C.]

3. NO<sub>x</sub> CEMS: The permittee shall operate and maintain the NO<sub>x</sub> CEMS to measure gas concentration and subsequently determine mass emissions in accordance with 40 CFR § 60.73 (see Appendix E). [Application No. 0570025-016-AC and 40 CFR § 60.73 and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

### **EMISSIONS CALCULATIONS**

4. Thirty Operating Day Rolling Average Emissions Rate: The 30-operating day emission rate shall be calculated based on 30 consecutive operating days with the production being expressed as 100 percent nitric acid. Compliance is determined by first summing the total pounds of NO<sub>x</sub> emitted from the Nitric Acid Plant during an operating day and the previous 29 operating days; second, sum the total nitric acid production in tons during the operating day and the previous 29 operating days; and third, divide the total number of pounds of NO<sub>x</sub> emitted during the 30 operating days by the production during the 30 operating days. An operating day is defined as any day (midnight to midnight) when the Nitric Acid Plant is operating. The permittee shall calculate the 30-operating day rolling average emissions rate in units of the applicable emissions standard (lb NO<sub>x</sub>/ton 100 percent acid produced) at the end of each operating day using all of the quality assured hourly average CEMS data for the previous 30 operating days.

[Application No. 0570025-016-AC and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

### **RECORDKEEPING AND REPORTING**

5. Recordkeeping: The permittee shall meet the following recordkeeping requirements:
  - (a) For the NO<sub>x</sub> emissions rate, you must keep records for and results of the performance evaluations of the continuous emissions monitoring systems.
  - (b) You must maintain records of the following information for each day and for each 30 operating day period:
    - (1) Hours of operation.
    - (2) Production rate of nitric acid, expressed as 100 percent nitric acid.
    - (3) Daily and 30 operating day average NO<sub>x</sub> emissions rate values.
  - (c) You must maintain records of the following time periods:
    - (1) Times when you were not in compliance with the emissions standards.
    - (2) Times when the pollutant concentration exceeded full span of the NO<sub>x</sub> monitoring equipment.
  - (d) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.
  - (e) You must maintain records of any modifications to CEMS which could affect the ability of the CEMS to comply with applicable performance specifications.

[Application No. 0570025-016-AC]

6. Reporting: For each 30 operating day period where you were not in compliance with the emissions standard the following information must be reported within one (1) business day to the Department:
  - (a) Time period;
  - (b) NO<sub>x</sub> emission rates (lb/ton of acid produced);
  - (c) Reasons for noncompliance with the emissions standard; and



(d) Description of corrective actions taken.

[Application No. 0570025-016-AC; Rule 62-4.160, F.A.C.]

For ease of reference, the entirety of the Trademark Nitrogen Corp Permit (Permit No. 0570025-016-AC) is provided in **Appendix A**.

## Legal Authority

Chapter 403 of the Florida Statutes (F.S.), entitled “Environmental Control,” provides the legal framework for most of the activities of the air resource management program within the Florida Department of Environmental Protection (Department). Except as provided at sections 403.8055 and 403.201, F.S., for fast-track rulemaking and the granting of variances under Chapter 403, F.S., respectively, Chapter 120, F.S., Florida’s “Administrative Procedure Act,” sets forth the procedures the Department must follow for rulemaking, variances, and public meetings. The most recent version of the Florida Statutes can be found online at <http://www.leg.state.fl.us/Statutes>.

The principal sections of Chapter 403, F.S., that grant the Department authority to operate its air program are listed below. Authority to develop and update Florida’s State Implementation Plan (SIP) and 111(d) Designated Facilities Plan is expressly provided by subsection 403.061(35), F.S., which provides that the Department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to “exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act, 42 U.S.C. ss. 7401 et seq.”

- [403.031](#) Definitions, including the definition of “regulated air pollutant” (403.031(19)).
- [403.061](#) Authority to: promulgate plans to provide for air quality control and pollution abatement (403.061(1)); adopt rules for the control of air pollution in the state (403.061(7)); take enforcement action against violators of air pollution laws, rules and permits (403.061(8)); establish and administer an air pollution control program (403.061(9)); set ambient air quality standards (403.061(11)); monitor air quality (403.061(12)); require reports from air pollutant emission sources (403.061(13)); require permits for construction, operation, and modification of air pollutant emission sources (403.061(14)); and exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act (403.061(35)).
- [403.087](#) Authority to issue, deny, modify, and revoke permits.
- [403.0872](#) Authority to establish an air operating permit program as required by Title V of the Clean Air Amendments of 1990.
- [403.0877](#) Authority to require engineering certification of permit applications.
- [403.121](#) Authority to seek judicial and administrative remedies for violations.
- [403.131](#) Authority to seek injunctive relief for violations.
- [403.141](#) Authority to find civil liability for violations.
- [403.161](#) Authority to assess civil and criminal penalties for violations.
- [403.182](#) Authority for local pollution control programs.
- [403.201](#) Authority to grant variances.
- [403.8052](#) Authority to establish a Small Business Assistance Program for small-business sources of air pollutant emissions.
- [403.8055](#) Authority to adopt U.S. Environmental Protection Agency (EPA) standards by reference through a fast-track process.
- [403.814](#) Authority to allow use of general permits (permits-by-rule) for minor sources.

Other statutory authorities, outside of Chapter 403, F.S., for Florida’s air program are as follows:

- [112.3143](#) Requirement that public officials disclose potential conflicts of interest.
- [112.3144](#) Requirement for disclosure of financial interests by public officials.
- [120.569](#) Authority of agency head to issue an emergency order in response to an immediate threat to public health, safety, or welfare.
- [316.2935](#) Authority to prohibit the sale and operation of motor vehicles whose emission control systems have been tampered with, and to prohibit the operation of motor vehicles that emit excessive smoke.
- [320.03](#) Authority to establish Air Pollution Control Trust Fund and use \$1 fee on every motor vehicle license registration sold in the state for air pollution control purposes, including support of approved local air pollution control programs.
- [376.60](#) Authority to establish a fee for asbestos removal projects.

Current and historical versions of Florida Administrative Code (F.A.C.) rule sections and chapters back to January 1, 2006, may be accessed from the Florida Department of State (DOS) website <https://www.flrules.org>. The DOS website also provides access to materials adopted by reference since January 1, 2011. Department rule chapters containing State Implementation Plan (SIP) or 111(d) State Plan provisions are as follows:

- [62-204](#) Air Pollution Control – General Provisions
- [62-210](#) Stationary Sources – General Requirements
- [62-212](#) Stationary Sources – Preconstruction Review
- [62-252](#) Gasoline Vapor Control
- [62-256](#) Open Burning
- [62-296](#) Stationary Sources – Emission Standards
- [62-297](#) Stationary Sources – Emissions Monitoring

Other air-related Department rule chapters—not part of the SIP or 111(d) State Plan—include:

- [62-213](#) Operation Permits for Major Sources of Air Pollution (Title V)
- [62-214](#) Requirements for Sources Subject to the Federal Acid Rain Program
- [62-243](#) Tampering with Motor Vehicle Air Pollution Control Equipment
- [62-257](#) Asbestos Program

## State Administrative Materials

### Documentation of State Rule Development Process for Chapter 62-296, F.A.C.



#### FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 3, 2022

Stephanie A. Gray  
Assistant Deputy General Counsel  
Florida Department of Environmental Protection  
Office of the General Counsel  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399

Attention: Joy Cottrell

Dear Stephanie Gray:

Your adoption package for Rules 62-296.402, .404, .405, and .570, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:11 a.m. on June 3, 2022. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is June 23, 2022.

Sincerely,

Anya C. Owens  
Program Administrator

ACO/mas

**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6270**

**Swain, Margaret A.**

---

**From:** Cottrell, Joy <Joy.Cottrell@FloridaDEP.gov>  
**Sent:** Friday, June 3, 2022 8:11 AM  
**To:** RuleAdoptions; Owens, Anya C.; Swain, Margaret A.  
**Cc:** Gregory, West; Gray, Stephanie A; Read, Hastings; Rogers, Elizabeth; Long, Terri; Royal, Jamie; Joint Administrative Procedures Committee  
**Subject:** Certification Package - Rule 62-296, F.A.C.  
**Attachments:** Certification Package\_62-296.402.pdf; 62-296 Coded copy (002).docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning Anya,

Attached for filing is the Department's certification package for rules 62-296.402, .404, .405, and .570, F.A.C

Please let me know if you need any additional information.

Thank you,

Joy



**Joy Cottrell**  
Florida Department of Environmental Protection  
Office of General Counsel  
Administrative Assistant II  
[Joy.Cottrell@FloridaDEP.gov](mailto:Joy.Cottrell@FloridaDEP.gov)  
Office : 850.245.2282  
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WILTON SIMPSON  
President



Senator Ben Albritton, Chair  
Representative Rick Roth, Vice Chair  
Senator Lorraine Ausley  
Senator Jason Brodeur  
Senator Danny Burgess  
Senator Shevvin D. "Shev" Jones  
Representative Wyman Duggan  
Representative Yvonne Hayes Hinson  
Representative Thomas Patterson "Pat" Maney  
Representative Angela "Angie" Nixon  
Representative Anthony Sabatini

CHRIS SPROWLS  
Speaker



KENNETH J. PLANTE  
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THE FLORIDA LEGISLATURE  
**JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE**

**CERTIFICATION**

**Department:** Department of Environmental Protection  
**Agency:**  
**Rule No(s):** 62-296.402, .404, .405, and .570  
**File Control No:** 186394

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
- The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
- The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 6/3/2022

This certification expires after: 6/10/2022

Certifying Attorney: Jamie Royal

**NOTE:**

- The above certified rules include materials incorporated by reference.*
- The above certified rules do not include materials incorporated by reference.*

*Form Updated 12/9/2021*



## FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

June 3, 2022

Ms. Anya Owens  
Section Administrator  
Administrative Code and Weekly Section Florida Department of State  
500 South Bronough Street, Room 101  
Tallahassee, Florida 32399-0250  
[RuleAdoptions@Dos.myflorida.com](mailto:RuleAdoptions@Dos.myflorida.com)

Re: Certification Package for Rule Chapter 62-296, F.A.C.

Dear Ms. Owens:

Attached is the certification package for Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. I am the attorney handling the rulemaking. You can reach me directly at (850) 245-2277 or [Stephanie.A.Gray@FloridaDEP.gov](mailto:Stephanie.A.Gray@FloridaDEP.gov), and my mailing address is Department of Environmental Protection, Office of General Counsel, M.S. 35, 3900 Commonwealth Blvd., Tallahassee, Florida, 32399-3000. The program staff person, Hastings Read, may be reached at (850) 717-9017 or [Hastings.Read@FloridaDEP.gov](mailto:Hastings.Read@FloridaDEP.gov), and his mailing address is Department of Environmental Protection, Division of Air Resource Management, MS 5500, 2600 Blair Stone Road, Bob Martinez Center., Tallahassee, Florida 32399-4000.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie A. Gray".

Stephanie Gray  
Assistant Deputy General Counsel

SG/tl

Enclosed:

Signed Certification Form of the Rule;  
Original Word version of the Rule;  
Signed Certification Form of Minor Violation;  
Summary of the Rule;  
Summary of the Hearing; and  
Detailed Written Statement of Facts and Circumstances Justifying the Rule

CERTIFICATION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and
- (2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S., and
- (a) Are filed not more than 90 days after the notice; or
- (b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or
- (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or
- (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or
- (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or



[ ] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

62-296.402

62-296.404

62-296.405

62-296.570

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: June 23, 2022  
(month) (day) (year)

  
\_\_\_\_\_  
N. West Gregory  
Deputy General Counsel

16  
Number of Pages Certified

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION  
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

62-296.402

62-296.404

62-296.405

62-296.570



\_\_\_\_\_  
Signature of Agency Head  
Secretary

\_\_\_\_\_  
Title

Form: DS-FCR-6  
Rule 1-1.010(3)(f), F.A.C.; effective 10-17

### SUMMARY OF THE RULE

The purpose of this Notice of Proposed Rule (NOPR) is to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to delete provisions that are outdated or superseded by federal regulations, clarify federal rule applicability and define what an existing and new source is in each rule that uses these terms. Other minor corrective or clarifying amendments are also proposed.

#### Summary of Rule Amendments

The specific rule amendments are as follows:

Rule Number	Detailed Explanation
62-296.402, F.A.C.	Amendments define new and existing units and clarify rule requirements and applicability to align with current federal regulations (40 CFR Part 60, Subpart H). Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed.
62-296.404, F.A.C.	Amendments clarify existing rule requirements and applicability to align with current federal regulations (40 CFR Part 60, Subpart BB and BBa and 40 CFR Part 63, Subparts S and MM). Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed.
62-296.405, F.A.C.	Amendments clarify existing rule requirements and applicability. Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed including revisions related to the calculations of the 30-day averaging times for Particulate Matter, Sulfur Dioxides and Nitrogen Oxides and clarifying language on the how to calculate the 30-day averages.
62-296.570, F.A.C.	Amendments remove references to testing dates that have long past and remove requirements to obtain operating permits, because affected facilities already have

	operating permits, and update a provision referencing 62-210.700, F.A.C., to reflect changes to that rule.
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#### **SUMMARY OF THE HEARING**

No timely request for hearing was received by the agency and no hearing was held. The Department did receive a public comment on April 11, 2022, which was within the 21-day comment period for the Notice of Proposed Rule (NOPR). The public comment addressed the proposed rule amendments to Rule 62-296.405, F.A.C., in the NOPR. Based on the public comment received, the Department published a Notice of Change on May 5, 2022, for Rule 62-296.405, F.A.C.

**DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES**

**JUSTIFYING PROPOSED RULE**

Re: Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C.

Project: Stationary Sources – Emission Standards

OGC No.: 21-1124

**Introduction**

The Department is proposing to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. The proposed rule amendments address Stationary Sources – Emission Standards.

**Need for Rule Change**

The purpose of this Notice of Proposed Rule (NOPR) is to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to delete provisions that are outdated or superseded by federal regulations, clarify federal rule applicability and define what an existing and new source is in each rule that uses these terms. Other minor corrective or clarifying amendments are also proposed.

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<b>Rule Number</b>	<b>Detailed Explanation</b>
62-296.402, F.A.C.	Amendments define new and existing units and clarify rule requirements and applicability to align with current federal regulations (40 CFR Part 60, Subpart H). Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed.
62-296.404, F.A.C.	Amendments clarify existing rule requirements and applicability to align with current federal regulations (40 CFR Part 60, Subpart BB and BBa and 40 CFR Part 63, Subparts S and MM). Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed.

62-296.405, F.A.C.	Amendments clarify existing rule requirements and applicability. Revisions also include amending reporting frequency for CEMS excess emissions from quarterly to semi-annual, to align with current federal regulations (40 CFR Part 51, Appendix P). Other minor corrective or clarifying changes are also proposed.
62-296.570, F.A.C.	Amendments remove references to testing dates that have long past and remove requirements to obtain operating permits, because affected facilities already have operating permits, and update a provision referencing 62-210.700, F.A.C., to reflect changes to that rule.

62-296.402 Sulfuric Acid Plants.

(1) Applicability. Rule 62-296.402, F.A.C., applies to new and existing Sulfuric Acid Plants, defined as any installation producing sulfuric acid by burning elemental sulfur, alkylation acid, hydrogen sulfides, organic sulfides, mercaptans, or acid sludge. For the purposes of this rule, “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972. Sulfuric Acid Plants that are required to meet the sulfur dioxide limits in 40 C.F.R. Part 60, Subpart H, adopted and incorporated by reference in subparagraph 62-204.800(8)(b)12., F.A.C., are not subject to the corresponding sulfur dioxide emission limits, testing requirements, and reporting requirements specified in this rule. All new and existing Sulfuric Acid Plants must meet the continuous emissions monitoring requirements of this rule.

(1) through (3) renumbered (2) through (4) No change.

(5)(4) Continuous Emissions Monitoring Requirements. Each owner or operator of a sulfuric acid plant shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements, shall conform with the requirements of 40 C.F.R. Part 51, Appendix P, adopted and incorporated by reference in subsection 62-204.800(2), F.A.C.; and 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in Rule subsection 62-204.800, F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department’s air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

(a) through (b) No change.

(6)(5) Semi-annual Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.402, F.A.C., for each semi-annual period calendar quarter. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the owner or operator



Source for a period of two years.

*Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.600(2), 17-296.402, Amended 11-23-94, 1-1-96, 3-13-96, 7-10-14,\_\_\_\_\_.*

62-296.404 Tall Oil Plants and Kraft (Sulfate) Pulp Mills.

(1) Visible Emissions. Subsection 62-296.404(1), F.A.C., applies to Kraft Recovery Furnaces, defined as any straight kraft recovery furnace or cross recovery furnace used to recover chemicals consisting primarily of sodium and sulfur by burning black liquor. Kraft Recovery Furnaces that are subject to the opacity emission limits in 40 C.F.R. Part 63, Subpart MM, adopted and incorporated by reference at Rule 62-204.800, F.A.C., are not subject to the opacity limits specified in this rule.

(a) Kraft Recovery Furnaces Equipped with Dry Collectors – 45 percent opacity, except:

1. No change.

2. If the emissions unit is equipped with a certified continuous emission monitoring device for measuring opacity, then the monitoring results shall be reported to the Department ~~semi-annually~~ quarterly in the form of an excess emissions report, and visible emissions in excess of 45 percent opacity shall be allowed for up to six percent of the total number of possible contiguous periods of excess emissions in a ~~semi-annual~~ quarter (excluding periods of startup, shutdown, or malfunction and periods when the emissions unit is not operating). Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The continuous emission monitoring device shall be certified, calibrated, and operated according to the procedures for opacity monitors contained in 40 C.F.R. Part 60, Subpart A, adopted and incorporated by reference at rule 62-204.800, F.A.C.

(b) through (c) No change.

(2) Particulate Matter. Subsection 62-296.404(2), F.A.C., applies to Kraft Recovery Furnaces. Kraft Recovery Furnaces that are subject to the particulate matter emission limits in 40 C.F.R. Part 63, Subpart MM, adopted and incorporated by reference at Rule 62-204.800, F.A.C., are not subject to the particulate matter emission limits specified in this rule.

(a) through (b) No change.

(3) Total Reduced Sulfur (TRS). The following TRS emission limits do not apply where an emissions unit is

subject to TRS limits established pursuant to 40 C.F.R. Part 60, Subparts BB or BBa, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(a) Digester Systems, Multiple Effect Evaporator Systems, Condensate Stripper Systems.

1. Gaseous emissions ~~from these units~~ shall be collected and incinerated in a ~~lime kiln or calciner meeting the requirements of either paragraph 62-296.404(3)(e), or subsection 62-204.800(8), F.A.C., or a kraft recovery furnace meeting the requirements of paragraph 62-296.404(3)(e), or subsection 62-204.800(8), F.A.C., or a combustion device meeting the requirements of either this rule or 40 C.F.R. Part 60, Subparts BB or BBa, adopted and incorporated by reference in Rule 62-204.800, F.A.C. paragraph 62-296.404(3)(f), or subsection 62-204.800(8), F.A.C., or~~

2. No change.

3. Total reduced sulfur emissions shall not be vented to the atmosphere at any point connected to or between the emissions unit and the control device ~~except as allowed by 40 C.F.R. Part 63, Subpart S, adopted and incorporated by reference in Rule 62-204.800, F.A.C. in the event of an emergency that presents a danger to life or property, or during those times when the control device is shut down for essential maintenance. The owner or operator of the affected facility shall develop a contingency plan, acceptable to the Department, for such circumstances. The plan shall include definitions of what constitutes essential maintenance and a reportable venting incident. The plan shall also include an evaluation of feasible means of controlling or mitigating the impact of total reduced sulfur when a control device or piece of process equipment that is used to control total reduced sulfur emissions is inoperative, and an assessment of the use of back-up control devices. Once approved by the Department, the plan shall become a modification to the operation permits for affected emissions units and its provisions shall be followed whenever a shutdown occurs. The time allowed for venting shall be as short as possible and limited to the time required to effect the required maintenance. In no event shall the cumulative time exceed ten days in any annual period unless authorized by the Secretary or the Secretary's designee. These provisions supplement the provisions of Rule 62-210.700, F.A.C., which shall also apply where not in direct conflict with this provision.~~

~~Normal excess or erratic pressures shall be controlled in such a manner as to prevent the release of uncontrolled gaseous emissions.~~

~~If in the event that venting of uncontrolled total reduced sulfur emissions occurs due to a malfunction of a combustion device, does occur~~ the owner or operator shall notify the Department using the contact information

~~identified in the permit verbally~~ by the close of the Department's next working day. The owner shall also provide the Department with a written report that shall be included in the next semi-annual report, as required by subsection 62-296.404(6), F.A.C. as required by Rule 62-210.700, F.A.C. If the next quarterly report is due to the Department sooner than 30 days after the first day of a reportable venting incident, the report on that incident may be filed with the reports for the following quarter.

~~4. Emissions units subject to this rule shall also comply with subsection 62-2.960(1), F.A.C. (Compliance Schedules). Digester systems and multiple effect evaporator systems shall also comply with applicable continuous emissions monitoring requirements of subsection 62-296.404(5), F.A.C., if a technology other than incineration is used.~~

(b) Tall Oil Plants. Gaseous emissions shall be collected and incinerated in a lime kiln, ~~or calciner meeting the requirements of paragraph 62-296.404(3)(e), or subsection 62-204.800(8), F.A.C.,~~ or a kraft recovery furnace meeting the requirements of paragraph 62-296.404(3)(e), or subsection 62-296.800(8), F.A.C., or a combustion device meeting the requirements of subsection 62-296.404(3), F.A.C., or 40 C.F.R. Part 60, Subparts BB or BBa, adopted and incorporated by reference in Rule 62-204.800, F.A.C. ~~paragraph 62-296.404(3)(f), or subsection 62-204.800(8), F.A.C.,~~ or

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and 62-2.960(1), F.A.C. ~~(Compliance Schedules).~~

(c) Kraft Recovery Furnaces.

1. through 2. No change.

3. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and 62-2.960(1), F.A.C. ~~(Compliance Schedules).~~

(d) Smelt Dissolving Tank Vents.

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and 62-2.960(1), F.A.C. ~~(Compliance Schedules).~~

(e) Lime Kilns ~~and Calciners.~~

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of ~~subsection~~ ~~subsections~~ 62-296.404(5) and 62-2.960(1), F.A.C. (~~Compliance Schedules~~).

(f) Other Combustion Devices Used to Incinerate Total Reduced Sulfur Emissions.

1. through 2. No change.

3. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of ~~subsection~~ ~~subsections~~ 62-296.404(5) and 62-2.960(1), F.A.C. (~~Compliance Schedules~~).

(4) Test Methods and Procedures. ~~All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements:~~

~~(a) Kraft Recovery Furnaces.~~

~~1. The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~2. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. For EPA Method 5, the filter temperature must not exceed 320 degrees Fahrenheit. EPA Method 17, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may be used if stack temperature is less than 400 degrees Fahrenheit. An adjustment of 0.004 grains per dry standard cubic foot shall be added to the test results when using Method 17. A water wash shall be used with either method.~~

~~(a)3. The test method for TRS for an emission unit subject to subsection 62-296.404(3), F.A.C., shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.~~

~~(b) Lime Kilns and Calciners.~~

~~1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.~~

~~2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum~~

sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.

(e) Smelt Dissolving Tank Vents:

1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5 as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.

2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.

(d) The TRS test method for tall oil plants shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.

(e) Other Combustion Devices used to Incinerate TRS:

1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.

2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method

~~16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.~~

~~(b)(4)~~ Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

(5) Continuous Emissions Monitoring Requirements. Each owner or operator of a tall oil plant or kraft (sulfate) pulp mill subject to the TRS emission limits in subsection 62-296.404(3), F.A.C., shall install continuous monitoring systems for monitoring total reduced sulfur (TRS) emissions, or the performance of total reduced sulfur air pollution control systems as specified in this subsection.

(a) Straight kraft recovery furnaces, whether new or old design, cross recovery furnaces, lime kilns and other combustion devices used to incinerate TRS emissions ealainers, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in paragraph 62-296.404(5)(b), F.A.C. ~~All digester systems and multiple effect evaporator systems, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in paragraph 62-296.404(5)(b), F.A.C. (Continuous Emission Monitoring), if a technology other than incineration is used.~~

(b) Continuous determination of total reduced sulfur emissions.

1. A total reduced sulfur continuous emissions monitoring system shall be installed, calibrated, certified and operated pursuant to all of the following provisions:

a. No change.

~~b. The continuous emissions monitoring system shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.~~

~~c. The continuous emissions monitoring system shall be located downstream of the control device such that representative measurements of process parameters can be obtained.~~

d. through e. renumbered as b. through c. No change.

~~f. During any initial emissions tests conducted pursuant to Rule 62-296.404, F.A.C., or within 30 days thereafter, and at such times as there is reason to believe the system does not conform to the performance specifications under this rule (for example, equipment repairs, replacements, excessive drift and such), the owner or operator of any affected emissions unit shall conduct continuous monitoring system performance evaluations and furnish the Department, within sixty days thereof, a written report of the results of such tests. The report may be~~

~~submitted electronically to the Department as specified in rule 62-210.370, F.A.C. These continuous emissions monitoring systems performance evaluations shall be conducted in accordance with the requirements and procedures contained in sub-subparagraph 62-296.404(5)(b)1.d., F.A.C.~~

~~dg.~~ The continuous emissions monitoring system shall have a maximum span value not to exceed:

~~(I) through (II) No change.~~

~~(III) 25 ~~20~~ percent oxygen for the continuous oxygen monitoring system.~~

~~h. renumbered e. No change.~~

2. The owner or operator of any total reduced sulfur emissions unit who is required to install a total reduced sulfur continuous emissions monitoring system pursuant to paragraph 62-296.404(5)(a), F.A.C., shall:

a. Reduce all data to one-hour averages for each 60-minute period beginning on the hour. One-hour averages shall be computed from a minimum of four data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the computation. Either an arithmetic or integrated average shall be used. ~~The data output of the continuous emissions monitoring system may, at the owner's or operator's option, include a numerical format showing individual numerical readings and averages in addition to the required strip chart format with legible ink tracings and calibration information. All data output shall be clearly and properly identified by the operator. All system breakdowns, repairs, calibration checks, span adjustments and periods of excess emissions shall legibly appear on all data output.~~

b. Calculate and record on a daily basis the 12-hour average total reduced sulfur and oxygen concentrations for two consecutive 12-hour periods of each operating day using the equations and procedures in 40 CFR 60.284(c) as adopted and incorporated by reference in Rule 62-204.800, F.A.C. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 contiguous one-hour average total reduced sulfur concentrations corrected to the specified oxygen concentration as required by the applicable standard and rounded to the same number of significant digits as the standard ~~provided by the continuous emissions monitoring system.~~

~~c. Calculate and record on a daily basis 12-hour average oxygen concentrations for two consecutive 12-hour periods of each operating day. These 12-hour averages shall correspond to the 12-hour average total reduced sulfur concentrations from sub-subparagraph 62-296.404(5)(b)2.b., F.A.C., and shall be determined as an arithmetic mean of the appropriate 12 contiguous one-hour average oxygen concentrations provided by each continuous emissions~~

monitoring system.

d. Correct all 12-hour average total reduced sulfur (TRS) concentrations using the following equation:

$$C_{\text{corr}} = C_{\text{meas}} (21 - X) / (21 - Y)$$

where:

$C_{\text{corr}}$  = the TRS concentration corrected for oxygen.

$C_{\text{meas}}$  = the TRS concentration uncorrected for oxygen.

$X$  = the volumetric oxygen concentration in percentage that the measured TRS concentration is to be corrected to (8 percent for all recovery furnaces and 10 percent for all lime kilns, incinerators or other devices, except those emissions units subject to subparagraph 62-296.404(3)(a)2., and paragraph 62-296.404(3)(b), F.A.C., which shall be corrected to the actual oxygen content of the untreated flue gas stream);

$Y$  = the measured 12-hour average volumetric oxygen concentration.

e. The data shall be rounded to the same number of significant digits as the standard.

(c) Other combustion devices ~~incinerators~~ subject to paragraph 62-296.404(3)(f), F.A.C., shall be equipped with devices to continuously monitor temperature at the point of combustion and oxygen. The temperature devices shall be certified by the manufacturer to be accurate to within + 1 percent of the temperature being measured. The oxygen monitors shall be certified by the manufacturer to be accurate to within 0.1 percent oxygen by volume.

(d) ~~The owner or operator of any tall oil plant or kraft pulp mill shall provide the Department with a list of physical and chemical parameters for each regulated total reduced sulfur emissions unit that is not required to be equipped with a total reduced sulfur continuous monitor, which will be regularly monitored to demonstrate that the emissions unit is being operated in a manner that can reasonably be expected to result in compliance with the applicable total reduced sulfur emission limiting standards. The owner or operator shall provide information showing the correlation between the specific magnitudes of the specific surrogate parameters and the associated emissions of total reduced sulfur. The owner or operator shall recommend the frequency and method of monitoring for each parameter. The Department shall issue notice to the company pursuant to Chapter 62-103, F.A.C., that specifies the parameters that are to be monitored, the frequency of monitoring, and the parameter limits that must be maintained. The parameters, parameter limits and frequency of monitoring shall become a modification to the permit for each affected emissions unit. Excess emissions shall be deemed to occur if the parameters exceed the parameter limits specified in the permit. Such parameter limits may be in the form of the applicable total reduced sulfur~~



emission standard, if an equation is used that estimates the 12-hour average total reduced sulfur emission rate based on the surrogate parameter values during each 12-hour averaging period; or the parameter limits may be in the form of specific parameter values that are not to be exceeded (or dropped below) more often than a specified period of time during each 12-hour averaging period.

(6) Semi-annual Quarterly Reporting Requirements. The owner or operator of ~~an any digester system, multiple effect evaporator system, condensate stripper system, tall oil plant, kraft recovery furnace, lime kiln, calciner or~~ other emissions unit subject to the provisions of subsection 62-296.404(5), F.A.C. (Continuous Monitoring Requirements), shall submit a written total reduced sulfur emissions ~~and surrogate parameter~~ data report to the Department or local program, as specified in the facility's permit, by the 30th day following the end of each calendar quarter. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). ~~The report may be submitted electronically.~~

(a) through (b) No change.

(c) Evaluation of Excess Emissions. The Department shall consider periods of excess emissions from any kraft recovery furnace, lime kiln, ~~calciner~~ or any other regulated TRS emissions unit to be evidence of improper operation and maintenance of the monitored emissions unit provided that:

1. through 4. No change.

(d) No change.

*Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(4), 17-296.404, Amended 11-23-94, 1-1-96, 3-13-96, 7-10-14, \_\_\_\_\_.*

62-296.405 Existing Fossil Fuel Steam Generators with Greater than or Equal to More Than 250 Million Btu Per Hour Heat Input.

(1) Applicability. Rule 62-296.405, F.A.C., applies to existing fossil fuel steam generators with greater than or equal to 250 MMBtu per hour heat input. For the purposes of this rule, “existing” means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972. Existing Emissions Units Emissions Limits.

(2)(a) Visible emissions – 20 percent opacity except for one six-minute period per one-hour period during which opacity shall not exceed 27 percent. Emissions units governed by this visible emissions limit shall test for

particulate emissions annually and as otherwise required by Chapter 62-297, F.A.C. Emissions units electing to test for particulate matter emissions quarterly or emissions units equipped with a continuous emissions monitoring system for particulate matter that meets the requirements of paragraph 62-296.405(4)(b), F.A.C., shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department or local program, as specified in the facility's permit. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

(3)(b) Particulate Matter – 0.1 pound per million Btu heat input, as measured by ~~stack test~~ applicable compliance methods. If compliance is demonstrated with a particulate matter continuous emission monitoring system, then compliance shall be determined on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired.

(4)(e) Sulfur Dioxide, as measured by ~~fuel sampling~~ applicable compliance methods. If compliance is demonstrated with a sulfur dioxide continuous emission monitoring system, then compliance shall be determined on a 24-hour block average, including all periods of operation, unless a different averaging period is specified below. Compliance is determined by calculating the arithmetic average of all valid hourly averages occurring within that day.

(a)1- Emissions units burning liquid fuel.

Stations—2.5 pounds per million Btu heat input.

a. through j. renumbered 1. through 10. No change.

(b)2- Emissions units burning solid fuel.

a. through d. renumbered 1. through 4. No change.

3. Owners of fossil fuel steam generators shall monitor their emissions and the effects of the emissions on ambient concentrations of sulfur dioxide, in a manner, frequency, and locations approved, and deemed reasonably necessary and ordered by the Department.

(5)(d) Nitrogen Oxides (expressed as NO<sub>2</sub>) – as measured by ~~stack test applicable compliance methods~~. If compliance is demonstrated with a nitrogen oxides continuous emission monitoring system, then compliance shall be based on a heat-input weighted 30-operating day rolling average basis, including all periods of operation. Compliance is determined by first summing the total pounds of the pollutant in question emitted from the Unit during an operating day and the previous 29 operating days; second, sum the total heat-input to the Unit in MMBtu during the operating day and the previous 29 operating days; and third, divide the total number of pounds of the pollutant emitted during the 30 operating days by the total heat input during the 30 operating days. An operating day is defined as any day (midnight to midnight) when fuel is fired.

1. through 4. renumbered (a) through (d). No change.

(6)(e) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

1. renumbered (a) No change.

(b)2- The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature at no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen base 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. Methods 3 and 3A are described at 40 C.F.R. Part 60, Appendix A-2; EPA Methods 5, 5B, and 5F are described at 40 C.F.R. Part 60, Appendix A-3; EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 19 is described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated by reference at Rule 62-204.800, F.A.C. In lieu of EPA Method 17, 5, 5B, or 5F, an emissions unit may demonstrate compliance using a particulate matter continuous emissions monitoring system that meet the requirements of Performance Specification 11, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

3. renumbered (c) No change.

(d)4- The test method for nitrogen oxides shall be a nitrogen oxides continuous emissions monitor meeting the requirements of 40 C.F.R. Part 75, as adopted and incorporated by reference in Rule 62-204.800, F.A.C. ~~For emission units not subject to nitrogen oxides continuous monitoring requirements, the test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, or 7E, as described at 40 C.F.R. Part 60, Appendix A-4 adopted and~~

~~incorporated by reference at Rule 62-204.800, F.A.C. Four grab samples at 15 minute intervals ( $\pm 2$  min.) per run shall be required for EPA Methods 7 and 7A. For emission units that are subject to continuous monitoring requirements under 42 U.S.C. sections 7661—7661f or 40 C.F.R. Part 75, emissions of nitrogen oxides shall be determined based on a 30-day rolling average, except as specifically provided by 40 C.F.R. Parts 60 or 76. 40 C.F.R. Parts 60, 75, and 76 are adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

5. renumbered (e) No change.

~~(7)(f)~~ Continuous Emissions Monitoring Requirements. Each owner or operator of an emissions unit subject to Rule 62-296.405 subsection 62-296.405(1), F.A.C., shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements shall conform with the requirements of 40 C.F.R. Part 51, Appendix P, ~~adopted and incorporated by reference in subsection 62-204.800(2), F.A.C.~~, and 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in Rule subsection 62-204.800(2), F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department's air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.

~~(a)1.~~ Existing fossil fuel steam generators with more than 250 million BTU per hour heat input and with a capacity factor of greater than 30 percent for the latest year of record or as otherwise documented to the Department by the owner or operator, shall install continuous monitoring systems as set forth in this subparagraph. Any reactivated or previously exempted unit whose operated capacity factor for the previous six months is greater than 30 percent must install continuous monitoring systems as set forth in this subparagraph no later than twelve months following the previous six month period of achieving a capacity factor greater than 30 percent.

1.a. Opacity. All emissions units as set forth in paragraph 62-296.405(7)(a) subparagraph 62-296.405(1)(f)1., F.A.C., shall install continuous monitoring systems for monitoring opacity. Exempted are:

(I) through (II) renumbered a. through b. No change.

2.b. Sulfur dioxide. All emissions units as set forth in paragraph 62-296.405(7)(a) subparagraph 62-296.405(1)(f)1., F.A.C., shall install sulfur dioxide continuous monitoring equipment on units which have installed sulfur dioxide control equipment. Those emissions units not having an operating flue gas desulfurization device may

monitor sulfur dioxide emissions by fuel sampling and analysis according to methods approved by EPA.

~~3.e. Nitrogen Oxides. All new emissions units as set forth in paragraph 62-296.405(7)(a) subparagraph 62-296.405(1)(f)1, F.A.C., with more than 1000 million BTU per hour heat input shall, during construction, install continuous monitoring systems for monitoring nitrogen oxides.~~

~~4.d. Oxygen or Carbon Dioxide. A continuous monitoring system shall be installed at each emissions unit, as set forth in paragraph 62-296.405(7)(a) subparagraph 62-296.405(1)(f)1, F.A.C., where measurements of oxygen or carbon dioxide in the flue gas are utilized to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data to units of the emission limiting standards for proof of compliance as set forth in Rule 62-296.405 subsection 62-296.405(1), F.A.C.~~

~~(b)2. The exemption from opacity monitoring under sub-subparagraph 62-296.405(7)(a)1.a. sub-subparagraph 62-296.405(1)(f)1.a.(i), F.A.C., shall not apply to any emissions unit which has been found to be in violation of the visible emission limiting standard pursuant to administrative proceedings conducted under Chapter 120, F.S., or judicial proceedings after January 1, 1978. No later than ninety days following the date an order establishing such violation becomes final, the owner or operator of such emissions unit shall submit to the Department a proposed compliance schedule for installing a continuous opacity monitoring system. Following incorporation of a compliance schedule into the emission unit's air permit, the owner or operator shall install the continuous monitoring system in accordance with the schedule.~~

~~(8)(g) Semi-annual Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in Rule 62-296.405 subsection 62-296.405(1), F.A.C., for each semi-annual period calendar quarter. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60th day following the end of each calendar half (i.e., March 1st and August 29th of every year). The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two years.~~

~~(2) New Emissions Units Emissions Limits.~~

~~(a) Visible Emissions—(See subsection 62-204.800(8), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(b) Particulate Matter—(See subsection 62-204.800(8), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(c) Sulfur Dioxide—(See subsection 62-204.800(8), F.A.C., and 40 C.F.R. 60.43 and 60.43a).~~

~~(d) Nitrogen Oxides—(See subsection 62-204.800(8), F.A.C., and 40 C.F.R. 60.44 and 60.44a).~~

(3) renumbered (9) No change.

*Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(5), Amended 6-29-93, Formerly 17-296.405, Amended 11-23-94, 1-1-96, 3-13-96, 3-2-99, 7-10-14, \_\_\_\_\_.*

62-296.570 Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and NOx-Emitting Facilities.

(1) Applicability.

(a) The requirements of this rule shall apply to those major VOC- and NOx-emitting facilities in Broward, Miami-Dade, and Palm Beach counties, as specified in paragraph 62-296.500(1)(b), F.A.C.; specifically, to those VOC emissions units within such facilities which are not regulated for VOC under Rules 62-296.501 through 62-296.516, F.A.C., and those VOC and NOx emissions units which have not been exempted pursuant to paragraph 62-296.500(1)(b), F.A.C., or by a specific provision of Rules 62-296.500 through 62-296.516, F.A.C.

(b) No change.

(2) Compliance Requirements. ~~Emissions units subject to the requirements of this rule shall comply with the operation permit requirements of subsection 62-296.570(3), F.A.C., and the RACT emission limiting standards of subsection 62-296.570(4), F.A.C.~~ If, pursuant to an air operation or construction permit, the owner or operator of a emissions unit subject to the requirements of this rule assumes (or has assumed) a more stringent NOx or VOC emissions limit than the RACT emissions limit established in subsection 62-296.570(4), F.A.C., for the applicable emissions unit category, compliance with the emissions unit's NOx or VOC emissions limit in its air operation or construction permit shall be considered compliance with RACT for purposes of this rule.

~~(3) Operation Permit Requirements.~~

~~(a) The owner or operator of any emissions unit subject to the requirements of this rule shall apply for a new or revised permit to operate in accordance with the provisions of this rule by March 1, 1993, unless a later filing date is specified by the Department in writing.~~

~~(b) If the existing operation permit for any emissions unit subject to the requirements of this rule would expire between the effective date of this rule and March 1, 1993, or any later filing date specified by the Department, the expiration date of such permit is hereby extended until March 1, 1993, or such later date. This provision shall not~~

~~apply in the case of a revocation or suspension of such permit pursuant to Chapter 62-4, F.A.C.~~

~~(3)(4) RACT Emission Limiting Standards.~~

~~(a) Emissions Testing Dates and Monitoring.~~

~~1. Each applicant for a new or revised operation permit for an emissions unit subject to the requirements of this rule shall propose a schedule for implementing the RACT emission limiting standards as expeditiously as practicable but no later than May 31, 1995. The emissions unit shall demonstrate compliance with the RACT emission limiting standards in accordance with a schedule specified in the emissions unit's air operation permit issued pursuant to subsection 62-296.570(3), F.A.C.~~

~~2. Fuel-specific NO<sub>x</sub> and VOC emission limits established under this rule shall be incorporated into the new or revised operation permit for each emissions unit and become effective in accordance with the terms of the permit.~~

~~3. through 4. renumbered 1. through 2. No change.~~

~~(b) No change.~~

~~(c) Exception for Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply at all times except during periods of startup, shutdown, or malfunction as provided by Rule 62-210.700, F.A.C.~~

*Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 2-2-93, Amended 4-17-94, Formerly 17-296.570, Amended 11-23-94, 1-1-96, 3-2-99, 7-10-14, \_\_\_\_\_.*

# Public Participation

## Notice of Opportunity to Submit Comments and Participate in Public Hearing

*Florida Administrative Register*

*Volume 48, Number 160, August 17, 2022*

62-604.550 Abnormal Events

62-604.600 Procedure to Obtain Construction Permits

62-604.700 Placing Collection/Transmission Systems into Operation

The Department of Environmental Protection announces a public workshop to which all persons are invited.

DATE AND TIME: August 31, 2022, 2:00 p.m. ET

PLACE: Virtual hearing. Parties can register to attend the webinar via their personal computers with audio by telephone (regular long-distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Webinar registration is via: <https://attendee.gotowebinar.com/register/4810344004732234508>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is rescheduling the public workshop previously noticed in the Florida Administrative Register Vol. 48, Issue No. 147, that was scheduled for 10:00 a.m., Wednesday, August 31, 2022. The re-scheduled workshop will give affected persons an opportunity to discuss proposed amendments to Florida Administrative Code Chapter 62-604, to improve the collection and transmission of domestic wastewater, including the operation and maintenance of collection/transmission systems as well as the reporting of sanitary sewer overflows.

A copy of the agenda may be obtained by contacting: Maurice Barker, Senior Program Analyst, Division of Water Resource Management, MS 3545, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8614 or by email at [Maurice.barker@floridadep.gov](mailto:Maurice.barker@floridadep.gov). The proposed amendments, agenda, and webinar registration link may also be found on the DEP Water Resource Management Rules in Development webpage at the following link: <https://floridadep.gov/water/water/content/water-resource-management-rules-development#ww>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Maurice Barker at (850)245-8614 or by email at [Maurice.Barker@FloridaDEP.gov](mailto:Maurice.Barker@FloridaDEP.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maurice Barker, Senior Program Analyst, Division of Water Resource Management, MS 3545, 2600 Blair Stone Road, Tallahassee, FL 32399, (850)245-8614 or by email at [Maurice.Barker@FloridaDEP.gov](mailto:Maurice.Barker@FloridaDEP.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Division of Air Resource Management, announces a hearing, if requested, to which all persons are invited.

DATE AND TIME: September 21, 2022, 2:00 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 195, Tallahassee, Florida

The Department will hold the hearing, if requested, at the date, time and place above and will also offer accessibility through a virtual meeting option. The virtual meeting option is being provided to allow maximum public participation if the hearing is requested. Parties can access the virtual meeting by telephone (regular long-distance telephone charges will apply) or Microsoft Teams. Parties may access the virtual meeting at the following number:

(850)629-7330, ID number: 350-189-342# or by going to: [https://teams.microsoft.com/meetingOptions/?organizerId=6d2b0a4e-63c1-4026-a5e4-c667e95e98e2&tenantId=679d4c83-aca2-4635-b4f1-](https://teams.microsoft.com/meetingOptions/?organizerId=6d2b0a4e-63c1-4026-a5e4-c667e95e98e2&tenantId=679d4c83-aca2-4635-b4f1-9f5012551b6a&threadId=19_meeting_N2E2M2U1MzktYmQ1MS00MDQ5LTlhNjItOThmZDA1ZDVkMTdi@thread.v2&messageId=0&language=en-US)

[9f5012551b6a&threadId=19\\_meeting\\_N2E2M2U1MzktYmQ1MS00MDQ5LTlhNjItOThmZDA1ZDVkMTdi@thread.v2&messageId=0&language=en-US](https://teams.microsoft.com/meetingOptions/?organizerId=6d2b0a4e-63c1-4026-a5e4-c667e95e98e2&tenantId=679d4c83-aca2-4635-b4f1-9f5012551b6a&threadId=19_meeting_N2E2M2U1MzktYmQ1MS00MDQ5LTlhNjItOThmZDA1ZDVkMTdi@thread.v2&messageId=0&language=en-US). A link to the Microsoft Teams meeting is also available on the Divisions Regulatory Projects website.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 CFR 51.102, the Department of Environmental Protection (DEP) announces a public hearing, if requested, and opportunity to offer comments on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act (CAA). This proposed SIP revision consists of revisions to Florida's Pending Excess Emissions Rule SIP, submitted to EPA on November 22, 2016, in response to EPA's SSM SIP Call. Specifically, Florida is proposing to submit this amended Supplemental SSM SIP that includes SSM-related amendments to rule provisions in Chapter 62-296, F.A.C., and facility-specific permits to clarify requirements for operations during startup, shutdown, and malfunction, and interaction with applicable federal standards

A public hearing will be held, if requested, at the date and time, given above. The public hearing, if requested, will also be accessible via a teleconferencing service. It is not necessary that the hearing be held or attended for persons to comment on DEP's proposed revisions to Florida's pending SIP submission. Any comments or requests for a public hearing must be submitted by email to [Preston.McLane@FloridaDEP.gov](mailto:Preston.McLane@FloridaDEP.gov), and received no later than September 16, 2022. If no request for a public hearing is received, the hearing (and teleconference) will be cancelled, and notice of the cancellation will be posted at the following website:

3306



[https://floridadep.gov/events/month?field\\_county\\_tid=All&field\\_is\\_a\\_public\\_notice\\_value=Yes](https://floridadep.gov/events/month?field_county_tid=All&field_is_a_public_notice_value=Yes).

Persons may also contact Mr. McLane at (850)717-9041 to find out if the hearing has been cancelled. The materials comprising DEP's revision to the pending SIP submission are accessible at the following website: <http://www.dep.state.fl.us/air/rules/regulatory.htm>. A copy of the agenda may be obtained by contacting: Mr. McLane by email or by calling (850)717-9041.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Terri Long at (850)717-9023 or [Terri.Long@FloridaDEP.gov](mailto:Terri.Long@FloridaDEP.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact Ms. Long by email or by calling (850)717-9023.

#### DEPARTMENT OF HEALTH

##### Board of Clinical Laboratory Personnel

The Board of Clinical Laboratory Personnel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 24, 2022, 11:30 a.m.

PLACE: <https://meet.goto.com/611923453>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business to include licensure

A copy of the agenda may be obtained by contacting: <https://floridasclinicallabs.gov>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: [MQA.Clinicallab@flhealth.gov](mailto:MQA.Clinicallab@flhealth.gov).

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2022, 9:00 a.m.

PLACE: 1(888)585-9008 when prompted, enter conference room number 123-475-828#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Probable Cause Meeting with Public Disciplinary Cases

A copy of the agenda may be obtained by contacting: <https://floridasmentalhealthprofessions.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sandra Williams, Program Operations Administrator by phone at (850)901-6481, by email at [sandra.williams3@flhealth.gov](mailto:sandra.williams3@flhealth.gov) or by mail at 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Sandra Williams, Program Operations Administrator by phone at (850)901-6481, by email at [sandra.williams3@flhealth.gov](mailto:sandra.williams3@flhealth.gov) or by mail at 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399.

#### DEPARTMENT OF HEALTH

##### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 25, 2022, 12:30 p.m.

PLACE: Teleconference Meeting – Dial-in number: 1(888)585-9008, Participant Code: 123-475-828#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Probable Cause Panel Meeting with Public Disciplinary Cases

A copy of the agenda may be obtained by contacting: <https://floridasmentalhealthprofessions.gov/meeting-information/>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sandra Williams by phone at (850)901-6481, by email at [Sandra.Williams3@flhealth.gov](mailto:Sandra.Williams3@flhealth.gov), or by mail 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the

## Requests that Locals/Districts Assist Public in Viewing Materials

**From:** [Long, Terri](#)  
**To:** ["asuares@broward.org"](#); [long\\_melissa](#); ["Palomino, Susana \(RFR\)"](#); ["sanford@epchc.org"](#);  
["Wanda.Parker@ocfl.net"](#); ["Laxmana.Tallam@flhealth.gov"](#); ["Schneider, Sheila"](#); ["John.Hickey"](#); [Strong, Greg](#);  
[Boatwright, Kelley M.](#); [Andreotta, Jason](#); [Iolehart, Jon](#); [Carpenter, Jennifer](#)  
**Cc:** [Rogers, Elizabeth](#)  
**Subject:** Florida State Implementation Plan 2022-01, Excess Emissions Amendment Pre-Hearing Submittal  
**Date:** Wednesday, August 17, 2022 1:37:29 PM  
**Attachments:** [Florida SIP 2022-01 FAR 8-17-22.pdf](#)

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Notice is hereby given that, pursuant to 40 CFR 51.102, the Florida Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to the Florida's Pending Excess Emissions Rule State Implementation Plan (SIP). Please find attached the notice of opportunity to offer comments or request a public hearing. This notice was published on August 17, 2022, in the Florida Administrative Register. The comment period for the proposed SIP revision will close on September 16, 2022. The public hearing, if requested, will be held on September 21, 2022. The materials comprising Florida's State Implementation Plan 2022-01, Excess Emissions Amendment Pre-Hearing Submittal revision can be accessed through this website: <https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>

If you have any questions, please contact Elizabeth Rogers at [Elizabeth.Rogers@FloridaDEP.gov](mailto:Elizabeth.Rogers@FloridaDEP.gov) or (850) 717-9019.

**Terri Long**

*Florida Department of Environmental Protection  
Division of Air Resource Management  
Office of Business Planning/Regulatory Planning Section  
(850) 717-9023  
[Terri.long@FloridaDEP.gov](mailto:Terri.long@FloridaDEP.gov)*

**Terri Long**

*Florida Department of Environmental Protection  
Division of Air Resource Management  
Office of Business Planning/Regulatory Planning Section  
(850) 717-9023  
[Terri.long@FloridaDEP.gov](mailto:Terri.long@FloridaDEP.gov)*

## **Public Comments on Pre-Hearing SIP Notice**

DEP did not receive any public comments during the comment period.

## **DEP Response to Public Comments**

DEP did not receive any public comments during the comment period.

## Pre-Hearing Submittal Letter



### FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Shawn Hamilton  
Secretary

**Via Electronic Mail and State Planning Electronic Collaboration System**

August 17, 2022

Mr. Daniel Blackman  
Regional Administrator  
U. S. Environmental Protection Agency – Region 4  
61 Forsyth Street, SW – Mail Code: 9T25  
Atlanta, GA 30303-8909

Re: Pre-Hearing Submittal: Proposed Revision to Florida’s Pending Excess  
Emissions Rule State Implementation Plan – Response to EPA’s Startup,  
Shutdown, and Malfunction SIP Call

Dear Mr. Blackman:

Notice is hereby given that, pursuant to 40 C.F.R. 51.102, the Florida Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to Florida’s Pending Excess Emissions Rule State Implementation Plan (SIP) in response to the United States Environmental Protection Agency’s (EPA’s) June 12, 2015, Startup, Shutdown, and Malfunction (SSM) SIP Call (80 Fed. Reg. 33,840). Please find enclosed the notice of opportunity to offer comments and attend a public hearing, which was published on August 17, 2022, in the Florida Administrative Register. The public hearing will be held, if requested, on September 21, 2022.

This SIP submittal consists of revisions to Florida’s Pending Excess Emissions Rule SIP, which the Department submitted to EPA on November 22, 2016, in response to EPA’s SSM SIP Call. Specifically, Florida is proposing to submit this amended Supplemental SSM SIP, which includes SSM-related amendments to rule provisions in Chapter 62-296, F.A.C. (“Stationary Sources – Emission Standards”), and facility-specific permits to clarify requirements for operations during startup, shutdown, and malfunction, and interaction with applicable federal standards

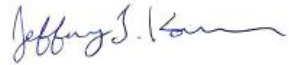
The public notice and pre-hearing SIP submittal are enclosed. The Department respectfully requests that EPA provide any comments on this submittal by September 16, 2022. If you

[www.dep.state.fl.us](http://www.dep.state.fl.us)

Mr. Daniel Blackman  
Page 2 of 2  
August 17, 2022

have any questions about this proposed SIP revision, please contact Preston McLane at (850) 717-9041 or by email at [Preston.McLane@FloridaDEP.gov](mailto:Preston.McLane@FloridaDEP.gov).

Sincerely,



Jeffery F. Koerner, Director  
Division of Air Resource Management

JFK/tl

cc:

Caroline Freeman, Division Director, Air & Radiation Division, EPA Region 4  
Lynorae Benjamin, Chief, Air Planning & Implementation Branch, EPA Region 4

Enclosure:

Pre-Hearing SIP 2022-01 – Proposed Revision to Florida's Pending Excess Emissions Rule  
SIP

## EPA Comments on Pre-Hearing Submittal

On September 16, 2022, DEP received written comments from EPA on Florida's August 17, 2022, Pre-Hearing Submittal. EPA's transmittal letter and comments are incorporated below.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-3104

September 16, 2022

Mr. Jeff Koerner  
Director  
Division of Air Resource Management  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Koerner:

Thank you for your letter dated August 17, 2022, transmitting a prehearing package regarding revisions to Florida's State Implementation Plan (SIP). Specifically, the prehearing package addresses the U.S. Environmental Protection Agency's 2015 Startup, Shutdown, and Malfunction (SSM) SIP Call by revising Chapter 62-296, *Air Pollution Control- Stationary Sources – Emissions Standards*. We understand that this submittal is the subject of a public hearing on September 21, 2022, if requested, with written comments due by the close of business on September 16, 2022. We have completed our review of the prehearing submittal and offer the following comments enclosed.

Thank you for the opportunity to review the prehearing package. If you have any questions, please contact Mr. Joel Huey, Acting Chief, Air Regulatory Management Section at (404) 562-9104, or have your staff contact Ms. Tiereny Bell at (404) 562-9088.

Sincerely,

LYNORAE BENJAMIN  
Digitally signed by LYNORAE BENJAMIN  
Date: 2022.09.16 17:18:22 -04'00'

Lynorae Benjamin  
Chief  
Air Planning and Implementation Branch

Enclosure

**The U.S. Environmental Protection Agency Comments on Florida Prehearing Submittal  
Regarding Florida’s Response to EPA’s SSM SIP Call – Revising Chapter 62-296, *Air Pollution  
Control- Stationary Sources – Emissions Standards*, F.A.C.**

**General Comments**

- The EPA notes that this may be the first time the Agency has received a SIP that utilizes a “comparable stringency” argument similar to what is included in the 1-hour sulfur dioxide (SO<sub>2</sub>) guidance to make an anti-backsliding showing under section 110(l) of the Clean Air Act. While consideration of stringency is a standard part of EPA’s review of SIP revisions, this draft submission relies on a novel application of the comparable stringency approach for evaluating longer-term average emission limits against shorter-term average emission limits. As described in the 1-hour SO<sub>2</sub> guidance, the approach was developed to be used with a 1-hour critical emissions value to demonstrate how the 1-hour SO<sub>2</sub> national ambient air quality standard (NAAQS) can be protected by source emission limits based on averaging times that are longer than 1 hour. Here, an analogous approach is used to demonstrate that longer-term limits are comparably stringent to the 3-hour short-term limits in Florida’s existing approved SIP. While the EPA believes such a demonstration may be appropriate for the 1-hour SO<sub>2</sub> and nitrogen dioxide (NO<sub>2</sub>) NAAQS, the Agency recommends the final submittal revising the State’s SIP limits provide information showing:
  - that the new proposed limits are comparably stringent to the limits proposed for removal from the SIP and thus will not interfere with attainment or maintenance of the NAAQS;
  - that the source-specific data support a conclusion that the two limits are comparably stringent; and
  - that the SO<sub>2</sub> and NO<sub>2</sub> limits apply at all times, including periods of startup, shutdown, and malfunction.
  
- **Page 24 of 122 in the PDF:**
  - The EPA suggests including a permit condition for the Mosaic South Pierce and Nutrien White Springs sulfuric acid plants (SAPs) for inclusion in the SIP that cover more specific recordkeeping and reporting requirements, e.g., mirroring those of the TECO Polk SAP and the two nitric acid plants.
  
- **Page 46 of 122 in the PDF:**
  - The EPA suggests specifying that the basis for the SO<sub>2</sub> emission limit is a 6-hour rolling averaging time, consistent with the SIP narrative on pages 22-23 of 122 in the PDF. Specific Condition 2 specifies that the stack test “shall include six 1-hour runs,” but Specific Condition 1 does not specify that the limit is a 6-hour average limit.
  - Specific Condition 1 for the TECO Polk SAP requires that compliance with the new SO<sub>2</sub> emission limit be demonstrated “based on a stack test.” The EPA suggests specifying that this is an annual stack testing requirement.



## DEP Response to EPA Comments

In response to EPA's **General Comment 1**, with regard to the methods that DEP utilized in establishing longer-term average emissions limits, DEP based its approach on the statistical principles applied in EPA's April 2014 Guidance for 1-Hour SO<sub>2</sub> Nonattainment Area SIP Submissions. Although EPA's Guidance was directed at implementation of the 2010 SO<sub>2</sub> NAAQS, the concept of emissions limits based upon longer averaging times is not unique to regulation of SO<sub>2</sub> emissions, and the statistical principles of determining equivalencies and comparable stringencies based upon source-specific emissions data are not limited in their application to 1-hour standards. As EPA noted, "EPA now believes that emissions limits based on averaging times longer than 1 hour, up to 30 days, may in some cases provide adequate assurance that the 1-hour SO<sub>2</sub> standard will be attained, so long as the limit reflects comparable stringency[.]"

- With regard to EPA's request that Florida provide information showing that the new proposed limits are comparably stringent to the limits proposed for removal from the SIP and thus will not interfere with attainment or maintenance of the NAAQS, Florida reiterates the following:
  - The new proposed limits exist for the purpose of providing specific facilities with continuous emissions limits consistent with EPA policy. Compliance demonstrations will be based on emissions data collected during all modes of operation, including periods of startup, shutdown, and malfunction. Each unit subject to a new proposed SIP limit will remain subject to numerous other previously established numerical emissions limits, some of which are based upon shorter averaging periods (e.g., 40 C.F.R. Part 60, Subparts G and H). Each unit subject to a new proposed SIP limit are also subject to a range of non-numeric, qualitative requirements (applicable both during steady-state and non-steady state operating conditions). These requirements contribute to efficient operations that reduce total emissions. The cumulative effect of these multiple applicable limits is to ensure that all emissions are included in the facilities compliance demonstration.
  - Consistent with EPA's Guidance, Florida based its determination of the comparable stringency of Florida's new proposed limits upon a statistical method that recognizes that emissions limits that allow for longer averaging times necessitate limits that are lower overall than they would need to be if the averaging times were shorter. Florida's proposed limits reflect a significant downward adjustment to compensate for the loss of stringency that would be inherent to using the same numeric emission limit but with a longer averaging time. For each facility, Florida's determinations of longer-term average limits of comparable stringency were based upon the sample calculations that EPA provided in its recommended method for determining suitable longer-term average limits (in EPA's example, a 30-day average), in Appendix C of EPA's 2014 Guidance. DEP applied EPA's methods to source-specific data from each of the permittees' sulfuric acid plants, and from the Ascend nitric acid plant, used the distribution of hourly emissions data to compute a corresponding distribution of longer-term emissions averages, and developed a ratio between the shorter- and longer-term averages, which DEP then applied to the existing numerical standard. The result of this calculation were longer-term limits that are equivalent to or more stringent than the existing SIP limits.
  - Here, Florida has completed the task that EPA set for the state in the SSM SIP Call. Florida has developed emissions limits that are inclusive of non-steady-state operating conditions (i.e., during startup, shutdown, and malfunction) through the

application of a method that mandates lower steady state emissions in order to accommodate the variability that may occur during non-steady-state operating periods. Variability in operating conditions reasonably lead Florida to apply a method of compliance determination that is demonstrably equivalent to (or more stringent than) the current SIP limits, as it offsets (through the application of an adjustment factor) intermittent periods of potentially higher emissions, which are of very limited duration relative to the much longer periods of emissions which are lower than they would need to be if the averaging period were shorter. The operations of the units subject to these new SIP emissions limits will necessarily be enhanced as a result of this SIP amendment as the method of demonstrating compliance with the standard will change. The fact that Florida is in attainment statewide for all NAAQS pollutants, paired with the fact that Florida previously allowed for alternate, non-numerical compliance methods during periods of startup and shutdown, makes it clear that removal from the SIP of the limits that Florida requests be removed and incorporation into the SIP of the limits that Florida requests to add will not interfere with attainment or maintenance of the NAAQS.

- In sum, as noted in the narrative portion of this SIP submittal, the proposed addition of a longer-term limit applicable during periods of SSM does not constitute a relaxation of the existing SIP standards for three reasons: (1) prior to this revision, emissions during qualifying SSM operational periods were not included in calculating emissions and determining compliance with applicable SIP-based emissions limits; (2) the longer-term limit is of a stringency comparable to the shorter term limit when adjusted for the longer averaging time; and (3) specific NSPS-based or SIP-based shorter-term limits will continue to apply for the all of each facility's steady-state operating hours.
- With regard to EPA's request that Florida provide information showing that source-specific data support a conclusion that the two limits are comparably stringent, Florida reiterates that each facility-specific emissions limit was derived from continuous emissions data from all modes of operation, including data reflecting emissions during periods of startup and shutdown. Details about the process by which the Department utilized source-specific data are presented under the 110(l) Demonstration sections for the "Revisions to Rule 62-296.402, F.A.C. ("Sulfuric Acid Plants")" and "Removal of Rule 62-296.408, F.A.C. ("Nitric Acid Plants"). As noted in response to EPA's General Comment 1 above, consistent with EPA's Guidance, Florida based its determination of the comparable stringency of Florida's new proposed limits upon a statistical method that recognizes that emissions limits that allow for longer averaging times necessitate limits that are more stringent overall than they would need to be if the averaging times were shorter.
- With regard to EPA's request that Florida provide information showing that the SO<sub>2</sub> and NO<sub>2</sub> limits apply at all times, including during periods of startup, shutdown, and malfunction, Florida reiterates that, as reflected in the facility-specific permits attached to this submittal, conditions from which are proposed for incorporation into Florida's SIP, the newly established emissions limits for Ascent, Trademark Nitrogen, TECO Polk, Nutrien White Springs, and Mosaic South Pierce are "applicable at all times, including periods of startup, shutdown and malfunction."

In response to EPA's **General Comment 2**, with regard to recordkeeping and reporting requirements in the permits for Mosaic South Pierce and Nutrien White Springs, Florida notes that the requirement that permittees keep records of compliance demonstrations and submit to the Department compliance reports in accordance with the Appendix D ("Common Testing Requirements"), the provisions of which are

incorporated into each permit, is consistent with requirements from other facility-specific permits for sulfuric acid plants that EPA has adopted into Florida's SIP to address SO<sub>2</sub> attainment. These provisions have allowed DEP to determine compliance successfully with previously issued SIP limits. DEP has not, therefore, supplemented the permits with additional recordkeeping and reporting provisions as all CEMS data are being maintained pursuant to the existing permit conditions.

In response to EPA's **General Comment 3**, with regard to specifying that the basis for the SO<sub>2</sub> emission limit in the TECO Polk permit is a 6-hour rolling averaging time, consistent with the SIP narrative, Florida has corrected Specific Condition 1 in the TECO Polk permit to specify that the limit is a 6-hour average limit consistent with Specific Condition 2, which specifies that the stack test "shall include six 1-hour runs."

In response to EPA's General Comment 3, with regard to the requirement that the TECO Polk SAP demonstrate compliance with the new SO<sub>2</sub> emissions limit "based on a stack test," the test method for the SO<sub>2</sub> emission limit in Specific Condition 1 is EPA Method 6C, incorporated and adopted by reference in Chapter 62-297, F.A.C. ("Emissions Monitoring"), which "shall include six 1-hour runs." In addition, Chapter 62-297, F.A.C, governs stack test frequency, and consistent with Paragraph 62-297.310(8)(a), F.A.C., the requirements of which are incorporated into Florida's SIP, TECO Polk must perform a stack test annually to demonstrate compliance with its new SO<sub>2</sub> emissions limit, unless that test is exempted pursuant to Rule 62-297.310, F.A.C. (e.g., annual testing is not required if the unit is not operating).

**Appendix A – Air Permits to Be Incorporated into Florida’s SIP**

**APPENDIX A**

Florida Department of Environmental Protection  
Division of Air Resource Management

Proposed Revision to Florida’s Pending Excess  
Emissions Rule SIP – Facility Permits and  
Documentation

- Appendix A-1 Ascend Performance Materials Operations Final Permit 0330040-076-AC
- Appendix A-2 Mosaic Fertilizer South Pierce Final Permit 1050055-037-AC
- Appendix A-3 Nutrien/White Springs Agricultural Chemicals Final Permit 0470002-132-AC
- Appendix A-4 Tampa Electric Company Polk Final Permit 1050233-050-AC
- Appendix A-5 Trademark Nitrogen Final Permit 0570025-016-AC

## Appendix A-1 Ascend Performance Materials



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

### PERMITTEE

Ascend Performance Materials Operations LLC  
Post Office Box 97  
Gonzalez, Florida 32560-0097  
Authorized Representative:  
Matthew D. Stewart, Site Director Pensacola Chemicals

Air Permit No. 0330040-076-AC  
Permit Expires: December 31, 2023  
Minor Air Construction Permit  
Ascend Pensacola Plant  
New NO<sub>x</sub> Emission Limit Nitric Acid Plant

### PROJECT

This is the final air construction permit, which imposes a new nitrogen oxide (NO<sub>x</sub>) emission limit on the Nitric Acid Plant. The proposed work will be conducted at the existing Ascend Pensacola Plant, which is a nylon and intermediates chemical manufacturing facility, categorized under Standard Industrial Classification (SIC) Code Nos. 2821, 2824, and 2869. The existing facility is in Escambia County at 3000 Old Chemstrand Road in Cantonment, Florida. The UTM coordinates are Zone 16, 476.0 kilometers (km) East and 3385.2 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

### STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

A handwritten signature in black ink that reads "David Lyle Read".

Digitally signed by David Lyle Read  
Date: 2022.09.20 11:38:26 -04'00'

David Lyle Read, P.E., Environmental Administrator  
Permit Review Section  
Division of Air Resource Management

FINAL PERMIT

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Construction Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Ms. Deborah Grissett, Ascend: ([drgrisl@ascendmaterials.com](mailto:drgrisl@ascendmaterials.com))

Ms. Nichols, Melissa, Ascend: ([mnicho@ascendmaterials.com](mailto:mnicho@ascendmaterials.com))

Russell Sullivan, Northwest District Office ([russell.sullivan@floridadep.gov](mailto:russell.sullivan@floridadep.gov))

Ms. Amy Hilliard, DEP PRS: [Amy.Hilliard@FloridaDEP.gov](mailto:Amy.Hilliard@FloridaDEP.gov)

Clerk Stamp

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



Digitally signed by Amy Hilliard  
Date: 2022.09.20 16:26:11 -04'00'

**SECTION 1. GENERAL INFORMATION**

**FACILITY DESCRIPTION**

Ascend Performance Materials Operations LLC, Ascend Pensacola Plant (Ascend), manufactures various chemicals and products, including adipic acid, nylon fibers and resins, hexamethylene diamine and maleic anhydride. This includes several raw materials barge, train and truck offloading and storage operations; chemical process plants which make chemical feedstocks, intermediates and nylon resins; a yarn plant which makes finished yarn products; and boilers and a cogeneration unit which provide process steam and plant electricity. Ascend also operates a maleic anhydride facility, which is owned by Huntsman Petrochemical Corporation.

The existing facility consists of the following emissions units (EU).

EU No.	Brief Description
<i>Regulated Emissions Units</i>	
014	Boiler No. 4
015	Boiler No. 5
016	Boiler No. 6
003	Boiler No. 8
004	Boiler No. 7
099	Boiler No. 9
076	Maleic Anhydride (MA) Plant
032	Cogeneration Plant
060	Adipic Acid 485 BEPEX Dryer
061	Adipic Acid Dryer 405-A
062	Adipic Acid Dryer 405-B
063	Adipic Acid Dryer 465-A
064	Adipic Acid Dryer 465-B
079	Adipic Acid 485 NIRO Dryer
002	Adipic Acid Process
090	Adipic Acid Process- Fugitive Emissions
101	Adipic Acid - Fugitive Emissions (New Equipment)
005	Vaporizer No. 1
007	Vaporizer No. 2
008	Vaporizer No. 3
009	Vaporizer No. 4
010	Vaporizer No. 5
011	Vaporizer No. 6
013	Vaporizer No. 7
075	Vaporizer No. 8
105	Vaporizer No. 9
081	Continuous Nylon Polymerization Lines
082	Batch Nylon Polymerization
020	Cyclohexane Oxidation Process
049	Hydrogen Generating Plant No. 1

**SECTION 1. GENERAL INFORMATION**

<b>EU No.</b>	<b>Brief Description</b>
040	Hexamethylene Diamine Synthesis and Refining
041	B and C Hexamethylene Diamine Stripper Distillation Column
042	Nitric Acid Plant
088	Area 480 KA Expansion
089	Area 480 KA Expansion- Fugitive Emissions
097	NSPS Storage Tanks (Methanol)
077	Dimethyl Ester (DME) Production Unit
103	Hydrogen Generating Plant No. 2
104	Hydrogen Plant No. 2 Flare
108	Existing Emergency Reciprocating Internal Combustion Engines (RICE)
109	New Emergency Reciprocating Internal Combustion Engine
<i>Unregulated Emissions Units and Activities (see Appendix U, List of Unregulated Emissions Units)</i>	
073	Abrasive Blast Facility
038	Research and Development
050	Adipic Acid Bulk Loading No. 1, Building 346
110	Therminol Header and Relief Condenser Fugitive Emissions

**PROPOSED PROJECT**

This permitting action will establish a nitrogen oxide (NO<sub>x</sub>) emission limit on the Nitric Acid Plant. In particular, the Nitric Acid Plant shall meet a NO<sub>x</sub> emission limit, expressed as nitrogen dioxide (NO<sub>2</sub>), of 2.6 pounds (lb) per ton of nitric acid produced on a 720-hour consecutive operating days basis. This emission standard will apply at all times, including periods of startup, shutdown and malfunction.

This project will affect the following emissions units.

<b>EU No.</b>	<b>Emission Unit Description</b>
042	Nitric Acid Plant

**FACILITY REGULATORY CLASSIFICATION**

- The facility is a major source of hazardous air pollutants (HAP).
- The facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- The facility operates units subject to the New Source Performance Standards (NSPS) of Title 40 Part 60 of the Code of Federal Regulations (40 CFR 60).
- The facility operates units subject to the National Emissions Standards of Hazardous Air Pollutants (NESHAP) of 40 CFR 63.



## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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1. Permitting Authority: The permitting authority for this project is the Permit Review Section in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Permit Review Section mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department's Northwest District Office at: 160 West Government Street # 308, Pensacola, Florida 32502.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); Appendix D (Common Testing Requirements); and Appendix E (NSPS Subpart Ga - Standards of Performance for Nitric Acid Plants).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown 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. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Construction and Expiration: The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(3) & (4), 62-4.080 & 62-210.300(1), F.A.C.]

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**A. Nitric Acid Plant (EU 042)**

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
042	Nitric Acid Plant

Nitric Acid Plant (EU 042) has a maximum capacity of 1,500 tons per day. Ammonia is oxidized in the presence of a catalyst to form NO<sub>x</sub>, which is then converted to nitric acid by a reaction with water.

*{Permitting Note: NO<sub>x</sub> emissions are controlled by process operating conditions and/or use of a Selective Catalytic Reduction (SCR) NO<sub>x</sub> abatement device. Startup, shutdown and malfunction allowance is three hours based on 40 CFR 60, Subpart G. This emissions unit is regulated under applicable portions of 40 CFR 60, Subpart A; and 40 CFR 60, Subpart G – Standards of Performance for Nitric Acid Plants, adopted and incorporated by reference into this permit.}*

**NO<sub>x</sub> EMISSION LIMIT**

- New and Current NO<sub>x</sub> Emission Limit:** The below table contains the current and new NO<sub>x</sub> emission limits to which the EU is subject along with the effective date of each limit (new NO<sub>x</sub> emission limit is yellow highlight):

Pollutant	Emission Limit	Compliance Method	Basis	Effective Date
NO <sub>x</sub>	1.5 kg per metric ton (3.0 lb per ton) of 100% HNO <sub>3</sub> produced <sup>1,3</sup>	CEMS	3-hour	Effective Now
	2.6 lb/ton of 100% HNO <sub>3</sub> produced <sup>2,3</sup>	CEMS	720-operating hour <sup>4</sup> average, rolled hourly (See <b>Specific Condition 4</b> )	January 1, 2023
1. Excludes startup, shutdown, and malfunction. 2. Applicable at all times, including period of startup, shutdown and malfunction. 3. Expressed as NO <sub>2</sub> . 4. An operating hour is defined as any hour the Nitric Acid Plant is operating including periods of startup, shutdown, and malfunction.				

[Application No. 0330040-076-AC; and Rule 62-210.200(PTE) F.A.C; Excess Emissions SIP.]

**NO<sub>x</sub> EMISSION TESTING AND MONITORING**

- General Emissions Monitoring Requirements:** The permittee shall install and operate a NO<sub>x</sub> CEMS that meets the emissions monitoring requirements of 40 CFR § 60.73. The permittee shall determine the hourly NO<sub>x</sub> emissions rate in units of the applicable emissions limit (lb/ton of 100 percent acid produced). The permittee shall operate the emissions monitoring system during all operating periods including unit startup, shutdown, and malfunction. Monitoring downtime shall be reported in accordance with 40 CFR 60.7. [Application No. 0330040-076-AC and 40 CFR §60.73 and Rule 62-210.200(PTE), F.A.C.]
- NO<sub>x</sub> CEMS:** The permittee shall operate and maintain the NO<sub>x</sub> CEMS to measure gas concentration and determine NO<sub>x</sub> emissions on a lb of NO<sub>x</sub>/ton of 100 percent acid produced in accordance with 40 CFR §60.73 (see Appendix E). [Application No. 0330040-076-AC and 40 CFR §60.73 and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

**EMISSIONS CALCULATIONS**

- 720-Operating Hour Rolling Average Emissions Rate:** The 720-operating hour emission rate shall be calculated based on the arithmetic average of pounds of NO<sub>x</sub> emitted per ton of acid produced values for 720 consecutive operating hours with the production being expressed as 100 percent nitric acid. Compliance is determined by calculating the pound per ton value for the most recent operating hour and then calculating the arithmetic average of that value and the previous 719 operating hours. An operating hour is defined as any hour when the Nitric Acid Plant is operating, including startup, shutdown, and malfunction. The permittee

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**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

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**A. Nitric Acid Plant (EU 042)**

shall calculate the 720-operating hour rolling average emissions rate in units of the applicable emissions standard (lb NO<sub>x</sub>/ton 100 percent acid produced) at the end of each operating hour using all of the quality assured hourly average CEMS data for the previous 720-operating hour period. [Application No. 0330040-076-AC and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

**RECORDKEEPING AND REPORTING**

5. Recordkeeping: The permittee shall meet the following recordkeeping requirements:
- (a) For the NO<sub>x</sub> emissions rate, you must keep records for, and results of, the performance evaluations of the continuous emissions monitoring systems (NO<sub>x</sub> CEMS).
  - (b) You must maintain records of the hours of operation and the calculated emission rate for each operating hour and for each 720-operating hour period.
  - (c) You must maintain records of the following time periods:
    - (1) Times when you were not in compliance with the emissions standards.
    - (2) Times when the pollutant concentration exceeded full span of the NO<sub>x</sub> monitoring equipment.
  - (d) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.
  - (e) You must maintain records of any modifications to CEMS which could affect the ability of the CEMS to comply with applicable performance specifications.

[Application No. 0330040-076-AC]

6. Reporting: For each 720- operating hour period where you were not in compliance with the emissions standard, the following information must be reported within one (1) business day to the Department:
- (a) Time period;
  - (b) NO<sub>x</sub> emission rates (lb/ton of acid produced);
  - (c) Reasons for noncompliance with the emissions standard; and
  - (d) Description of corrective actions taken.

[Application No. 0330040-076-AC; Rule 62-4.160, F.A.C.]

## Appendix A-2 Mosaic Fertilizer



# FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

### PERMITTEE

Mosaic Fertilizer, LLC  
13830 Circa Crossing Drive  
Lithia, Florida 33547

Authorized Representative:  
Dexter Day, General Manager

Air Permit No. 1050055-037-AC  
Permit Expires: June 30, 2023  
Minor Air Construction Permit  
South Pierce Facility  
SO<sub>2</sub> Emission Cap, SAP Nos. 10 & 11

### PROJECT

This is the final air construction permit, which establishes a pound per hour (lb/hr) sulfur dioxide (SO<sub>2</sub>) emission cap on Sulfuric Acid Plant (SAP) Nos. 10 and 11 of 750 lb SO<sub>2</sub>/hr on 24-hour block averaging period (6:00 a.m. to 6:00 a.m.) at the Mosaic South Pierce Facility. This voluntary daily average emission cap is an enforceable limit that will assist towards the goal of the Regional Haze Rule during the second implementation period, the goal of the EPA's June 12, 2015, Startup, Shutdown, and Malfunction (SSM) SIP Call, and the continued assurance of the National Ambient Air Quality Standards (NAAQS) attainment. The permit also It also authorizes turnaround work on SAP No. 10. The South Pierce Facility is an existing phosphate fertilizer production facility categorized under Standard Industrial Classification No. 2874. The existing facility is in Polk County at 7450 Highway 630 in Mulberry, Florida. UTM Coordinates are: Zone 17, 407.53 East and 3071.51 North. Latitude is: 27°45'53.50" North; and Longitude is: 81°56'18.50" West.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Permit Revisions); and Section 3 (Emissions Unit Specific Conditions).

### STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality. A copy of this permit modification shall be filed with the referenced permit and shall become part of the permit.

Upon issuance of this final permit, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida.

A handwritten signature in black ink that reads "David Lyle Read".

Digitally signed by David Lyle Read  
Date: 2022.09.22 13:15:47 -04'00'

David Lyle Read, P.E., Environmental Administrator  
Permit Review Section  
Division of Air Resource Management

FINAL PERMIT

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Permit Revision, Technical Evaluation and Preliminary Determination, Final Determination, and Appendices) was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Dexter Day, Mosaic: [dexter.day@mosaicco.com](mailto:dexter.day@mosaicco.com)

Ms. Dara Ford, Mosaic: [dara.ford@mosaicco.com](mailto:dara.ford@mosaicco.com)

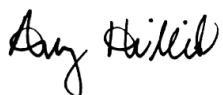
Ms. Veronica Figueroa, P.E., Mosaic: [veronica.figueroa@mosaicco.com](mailto:veronica.figueroa@mosaicco.com)

DEP Southwest District Office, Air Permitting: [SWD\\_Air\\_Permitting@dep.state.fl.us](mailto:SWD_Air_Permitting@dep.state.fl.us)

Ms. Amy Hilliard, DEP PRS: [Amy.Hilliard@FloridaDEP.gov](mailto:Amy.Hilliard@FloridaDEP.gov)

Clerk Stamp

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



Digitally signed by Amy Hilliard  
Date: 2022.09.22 14:22:19  
-04'00'

## SECTION 1. GENERAL INFORMATION

### FACILITY DESCRIPTION

The South Pierce Facility consists of two sulfuric acid plants (SAPs), a molten sulfur storage and handling system, a phosphogypsum stack, an auxiliary boiler, existing stationary reciprocating internal combustion engines (RICE) and stationary compression ignition (CI) internal combustion engines (ICE).

The existing facility consists of the following emissions units (EU).

EU No.	Description
004	Sulfuric Acid Plant #10
005	Sulfuric Acid Plant #11
030	Molten Sulfur Storage and Handling System
048	Phosphogypsum Stack
054	Emergency Diesel Engines (Existing Stationary RICE)
055	Stationary CI ICE
056	Auxiliary Boiler

### FACILITY REGULATORY CLASSIFICATION

- The facility is a major source of hazardous air pollutants (HAP).
- The facility does not operate units subject to the acid rain provisions of the Clean Air Act.
- The facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- The facility operates units subject to the New Source Performance Standards (NSPS) of Title 40 Part 60 of the Code of Federal Regulations (40 CFR 60).
- The facility operates units subject to the National Emissions Standards of Hazardous Air Pollutants (NESHAP) of 40 CFR 63.

### PROPOSED PROJECT

This permit is for the establishment of a SO<sub>2</sub> emission limit applicable to Sulfuric Acid Plant (SAP) Nos. 10 and 11. This emission limit is a voluntary SO<sub>2</sub> cap of 750 lb SO<sub>2</sub>/hr on a 24-hour block average (6:00 am to 6:00 am) on SAP Nos. 10 and 11 that will assist towards the goal of the Regional Haze Rule during the second implementation period, the goal of the EPA's June 12, 2015 Startup, Shutdown, and Malfunction (SSM) SIP Call, and the continued assurance of the National Ambient Air Quality Standards (NAAQS) attainment. The permit also authorizes turnaround work on SAP No. 10.

This project will affect the following emissions units.

EU No.	Description
004	Sulfuric Acid Plant #10
005	Sulfuric Acid Plant #11

## SECTION 1. ADMINISTRATIVE REQUIREMENTS

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1. Permitting Authority: The permitting authority for this project is the Permit Review Section in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Permit Review Section mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department's Southwest District Office at: 13051 Telecom Pkwy North, Temple Terrace, Florida 33637.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); and Appendix D (Common Testing Requirements).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown 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. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed, and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Construction and Expiration: The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(3) & (4), 62-4.080 & 62-210.300(1), F.A.C.] [Rule 62-212.400(12), F.A.C.]
8. Application for Title V Permit: This permit authorizes construction of the permitted emissions units and initial operation to determine compliance with Department rules. A Title V air operation permit is required for regular operation of the permitted emissions unit. The permittee shall apply for a Title V air operation permit at least 90 days prior to expiration of this permit, but no later than 180 days after commencing operation. To apply for a Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.050 and Chapter 62-213, F.A.C.]

**NOTE: The DRAFT watermark on this page of Air Permit No 1050055-37-AC was left in the final permit in error. It is a typographical mistake. This is the final permit issued to Mosaic Fertilizer, LLC, on September 22, 2022.**

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### A. SAP Nos. 10 and 11 (EU 004 and 005)

This section of the permit addresses the following emissions units.

EU No.	Description
004	Sulfuric Acid Plant #10
005	Sulfuric Acid Plant #11

Each sulfuric acid plant has a design production rate of 3,000 tons per day of sulfuric acid (100% H<sub>2</sub>SO<sub>4</sub> basis). These plants utilize the double absorption process and sulfuric acid mist emissions are controlled by high efficiency mist eliminators.

*{Permitting Note: These emissions units are regulated under 40 CFR 60, Subpart A, NSPS General Provisions, and Subpart H, Standards of Performance for Sulfuric Acid Plants, both of which are adopted and incorporated by reference in Rule 62-204.800(8), F.A.C.; Rule 62-296.402, F.A.C., Sulfuric Acid Plants; Rule 62-296.406, F.A.C., Fossil Fuel Steam Generators with Less Than 250 MMBtu/Hour Heat Input, New and Existing Units; and Rule 62-212.400(BACT), F.A.C., under Permit No. 1050055-010-AC (PSD-FL-235). These plants are considered "new" under Rule 62-296.402, F.A.C.}*

#### PREVIOUS APPLICABLE REQUIREMENTS

1. **Effect on Other Permits:** The conditions of this permit supplement all previously issued air construction and operation permits for these emissions units. Unless otherwise specified, these conditions are in addition to all other applicable permit conditions and regulations. [Rule 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.]

#### PERMITTED CAPACITIES

2. **Permitted Capacities:** The permitted capacities of the SAPs shall remain the same. [Application No. 1050057-037-AC; and Rule 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.]

#### AUTHORIZATION

3. **Authorization:** The permittee is authorized to perform the work listed below:
  - a. Replace the Drying Acid Tower at SAP 10;
  - b. Evaluate conditions of the SAP 10 converter catalysts and change and or augment catalysts as needed; and
  - c. General maintenance, repair, and replacement of ducts, pumps, vessels, and other ancillary equipment as determined by turnaround inspections may be performed as part of the SAP 10 Turnaround.

[Applicant Request; and, Rule 62-210.200, Definitions - Potential to Emit.]

#### SO<sub>2</sub> EMISSION LIMIT

4. **SO<sub>2</sub> Emission Limit:** Effective April 1, 2023, the following SO<sub>2</sub> emission cap applies to the SAP Nos. 10 and 11: 750 lb SO<sub>2</sub>/hr on 24-hour block averaging period (6:00 a.m. to 6:00 a.m.). The 24-hour block average (6:00 a.m. to 6:00 a.m.) does not include hours when both SAPs are not operating.

[Rule 62-4.030, *General Prohibition*, F.A.C.; and, Rule 62-4.210, *Construction Permits*, F.A.C.]

#### COMPLIANCE REQUIREMENTS

5. **Initial Compliance:** These emission units shall use certified SO<sub>2</sub> CEMS data to demonstrate initial compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 4** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 1050055-037-AC.]
6. **Recordkeeping:** The permittee shall keep records of the initial compliance demonstration. The records shall include the SO<sub>2</sub> CEMS data along with the sulfuric acid production rate (TPH, tons per hour) during the demonstration. Any reports shall be prepared in accordance with the applicable requirements specified in



**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

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**A. SAP Nos. 10 and 11 (EU 004 and 005)**

Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(10), F.A.C.; and Application No. 1050055-038-AC.]

7. Ongoing Compliance: The permittee shall use certified SO<sub>2</sub> CEMS data to demonstrate continuous compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 4** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 1050055-037-AC.]

## Appendix A-3 Nutrien White Springs Agricultural Chemicals



# FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Shawn Hamilton  
Secretary

### FPERMITTEE

White Springs Agricultural Chemicals, Inc.  
15843 Southeast 78<sup>th</sup> Street  
White Springs, Florida 32096

Authorized Representative:  
Jeffrey Joyce, General Manager

Air Permit No. 0470002-132-AC  
Permit Expires: December 31, 2022  
Minor Air Construction Permit  
Suwannee River and Swift Creek Complex  
SO<sub>2</sub> Cap SAP E and F

### PROJECT

This is the final air construction permit, which establishes a pound per hour (lb/hr) sulfur dioxide (SO<sub>2</sub>) emission cap on Sulfuric Acid Plant (SAP) E and F at the White Springs Agricultural Chemicals, Inc. Suwannee River and Swift Creek Complex. The Suwannee River and Swift Creek Complex is an existing phosphate fertilizer production facility categorized under Standard Industrial Classification No. 2874. The existing facility is in Hamilton County at 15843 Southeast 78<sup>th</sup> Street in White Springs, Florida. The UTM coordinates are Zone 17, 328.3 kilometers (km) East and 3,368.8 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

### STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

A handwritten signature in black ink that reads "David Lyle Read".

Digitally signed by David Lyle Read  
Date: 2022.09.22 13:28:50 -04'00'

David Lyle Read, P.E., Environmental Administrator  
Permit Review Section  
Division of Air Resource Management

FINAL PERMIT

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Construction Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Jeffrey Joyce, White Springs Agricultural: [jeffrey.joyce@nutrien.com](mailto:jeffrey.joyce@nutrien.com)

Mr. Keith Knelle, White Springs Agricultural: [keith.knelle@nutrien.com](mailto:keith.knelle@nutrien.com)

Mr. Stan Posey, White Springs Agricultural: [Stan.Posey@nutrien.com](mailto:Stan.Posey@nutrien.com)

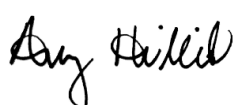
Ms. Veronica N. Sgro, P.E., Koogler and Associates, Inc.: [svsgro@kooglerassociates.com](mailto:svsgro@kooglerassociates.com)

DEP Northeast District Office: [DEP\\_NED@dep.state.fl.us](mailto:DEP_NED@dep.state.fl.us)

Ms. Amy Hilliard, DEP PRS: [Amy.Hilliard@FloridaDEP.gov](mailto:Amy.Hilliard@FloridaDEP.gov)

Clerk Stamp

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



Digitally signed by Amy Hilliard  
Date: 2022.09.22 15:01:43 -04'00'

**SECTION 1. GENERAL INFORMATION**

**FACILITY DESCRIPTION**

The Suwannee River and Swift Creek Complex (SRSCC) processes phosphate rock to produce several products. The facility consists of two phosphoric acid plants, one monocal/dical process, two monoammonium/diammonium phosphate (MAP/DAP) plants, one Storage and Shipping building, one screening/shipping building, two sulfuric acid plants, two phosphoric acid filters, three superphosphoric acid plants, one green superphosphoric plant, and one acid clarification plant. The facility also has storage silos associated with the Swift Creek Mine.

The existing facility consists of the following emissions units (EU).

EU No.	Brief Description
004	"X"-Train (Monocal/Dical process)
008	"Y" Train-#1 MAP/DAP Plant
010	#1 Storage and Shipping Building
015	Granular Product Shipping and Screening Facility
020	"B" Phosphoric Acid Plant
032	"Z"-Train #2 MAP/DAP
034	South Phosphoric Acid Filter
035	North Phosphoric Acid Filter
036	"B" Superphosphoric Acid Plant
039	"C" Auxiliary Boiler
040	"D" Auxiliary Boiler
054	Molten Sulfur System
061	Green Superphosphoric Plant
066	"E" Sulfuric Acid Plant
067	"F" Sulfuric Acid Plant
068	"E" Auxiliary Boiler
069	"D" Phosphoric Acid Plant
070	"C" and "D" Superphosphoric Acid Plants
071	Acid Clarification Plant
072	Molten Sulfur System for "E" & "F" Sulfuric Acid Plants
075	Relocatable Concrete Batch Plant
076	13 Emergency Engines
077	Emergency Rental Boiler
079	Natural Gas 230 MMBtu/hour Auxiliary Boiler
080	Two 4.25 MMBtu/hour Boilers
081 & 082	Gypsum Dewatering Stack and Cooling Ponds
083	50 MMBtu/hour Boiler for Micronutrient Process

**PROPOSED PROJECT**

The proposed project will impose a sulfur dioxide (SO<sub>2</sub>) emission cap on Sulfuric Acid Plant (SAP) E and F at the Suwannee River and Swift Creek Complex.

This project will affect the following emissions units.

EU No.	Description
066	"E" Sulfuric Acid Plant
067	"F" Sulfuric Acid Plant

**FACILITY REGULATORY CLASSIFICATION**

- The facility is a major source of hazardous air pollutants (HAP).
- The facility does not operate units subject to the acid rain provisions of the Clean Air Act (CAA).

## SECTION 1. GENERAL INFORMATION

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- The facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400(PSD), F.A.C.
- The facility operates units subject to the New Source Performance Standards (NSPS) of Title 40 Part 60 of the Code of Federal Regulations (40 CFR 60).
- The facility operates units subject to the National Emissions Standards of Hazardous Air Pollutants (NESHAP) of 40 CFR 63.

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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1. Permitting Authority: The permitting authority for this project is the Permit Review Section in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Permit Review Section mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Department's Northeast District Office at: 8800 Baymeadows Way W, Jacksonville, Florida 32256.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); and Appendix D (Common Testing Requirements).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown 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. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed, and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Construction and Expiration: The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(3) & (4), 62-4.080 & 62-210.300(1), F.A.C.]  
[Rule 62-212.400(12), F.A.C.]

### SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS

#### A. SAP Nos. 10 and 11 (EU 004 and 005)

This section of the permit addresses the following emissions units.

EU No.	Description
066	"E" Sulfuric Acid Plant
067	"F" Sulfuric Acid Plant

The "E" Sulfuric Acid Plant utilizes the double absorption process to produce sulfuric acid and to control sulfur dioxide (SO<sub>2</sub>) emissions. This emissions unit uses Brinks mist eliminators to control sulfuric acid mist (SAM) emissions. The Drying Tower is an all-alloy tower, and this unit has a single Heat Exchanger (as per the changes in Permit No. 0470002-065-AC). The plant is a 2750 tons per day of sulfuric acid plant (100% H<sub>2</sub>SO<sub>4</sub> basis).

The "F" Sulfuric Acid Plant utilizes the double absorption process to produce sulfuric acid and to control sulfur dioxide (SO<sub>2</sub>) emissions. This emissions unit uses Brinks mist eliminators to control sulfuric acid mist (SAM) emissions. The plant is a 2750 tons per day of sulfuric acid plant (100% H<sub>2</sub>SO<sub>4</sub> basis).

*{Permitting Notes: Bothe these emissions units are regulated under: NSPS 40 CFR 60, Subpart H, Standards of Performance for Sulfuric Acid Plants, adopted and incorporated by reference in Rule 62-204.800(8)(b), F.A.C.; Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD) [PSD-FL-082]; Rule 296.402, F.A.C., Sulfuric Acid Plants; and, the Federal U.S. EPA Consent Decree, No. 14-707-BAJ-SCR entered between White Springs Agricultural Chemicals, Inc. and the U.S. Environmental Protection Agency (U.S. EPA).}*

#### PREVIOUS APPLICABLE REQUIREMENTS

1. **Effect on Other Permits:** The conditions of this permit supplement all previously issued air construction and operation permits for these emissions units. Unless otherwise specified, these conditions are in addition to all other applicable permit conditions and regulations. [Rule 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.]

#### PERMITTED CAPACITIES

2. **Permitted Capacities:** The permitted capacities of the SAPs shall remain the same. [Application No. 0470002-132-AC; and Rule 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.]

#### SO<sub>2</sub> EMISSION LIMIT

3. **SO<sub>2</sub> Emission Limit:** Effective January 1, 2023, the following SO<sub>2</sub> emission cap applies to the combined CEMs-measured emissions from SAP E and SAP F: 840 lb/hr on 24-hour block averaging period (6:00 a.m. to 6:00 a.m.). The 24-hour block average (6:00 a.m. to 6:00 a.m.) does not include hours when both SAPs are not operating.  
[Rule 62-4.030, *General Prohibition*, F.A.C.; and, Rule 62-4.210, *Construction Permits*, F.A.C.; and Application No. 0470002-132-AC.]

#### COMPLIANCE REQUIREMENTS

4. **Initial Compliance:** These emission units shall use certified SO<sub>2</sub> CEMS data to demonstrate initial compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 3** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 0470002-132-AC.]
5. **Recordkeeping:** The permittee shall keep records of the initial and ongoing compliance demonstrations. The records shall include the SO<sub>2</sub> CEMS data along with the sulfuric acid production rate (TPH, tons per hour). Any reports shall be prepared in accordance with the applicable requirements specified in Appendix D (Common Testing Requirements) of this permit. [Rule 62-297.310(10), F.A.C.; and Application No. 0470002-132-AC.]
6. **Ongoing Compliance:** The permittee shall use certified SO<sub>2</sub> CEMS data to demonstrate continuous compliance with the SO<sub>2</sub> emission cap given in **Specific Condition 3** of this subsection. [Rules 62-4.070(1) & (3), *Reasonable Assurance*, F.A.C.; and Application No. 0470002-132-AC.]

## Appendix A-4 Tampa Electric Company



### FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Shawn Hamilton  
Secretary

#### FPERMITTEE

Tampa Electric Company  
9995 State Route 37 South  
Mulberry, Florida 33860-0775

Authorized Representative:  
Mr. Jack Prestwood, Director – Polk Power Station

Air Permit No. 1050233-050-AC  
Permit Expires: December 31, 2022  
Minor Air Construction Permit  
Polk Power Station  
New SO<sub>2</sub> Limit - Sulfuric Acid Plant (SAP)

#### PROJECT

This is the final air construction permit, which imposes at 48.0 pounds per hour sulfur dioxide (SO<sub>2</sub>) emission limit on the Sulfuric Acid Plant (Emission Unit (EU) 004) that applies at all times, including periods of startup, shutdown, and malfunction. The proposed work will be conducted at the existing Polk Power Station, which is an electrical generating plant categorized under Standard Industrial Classification No. 4911. The existing facility is in Polk County at 9995 State Route 37 South, Mulberry, Florida. The UTM coordinates are Zone 17, 402.45 kilometers (km) East, and 3067.35 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

#### STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

A handwritten signature in black ink that reads "David Lyle Read".

Digitally signed by David Lyle Read  
Date: 2022.09.21 07:55:43 -04'00'

David Lyle Read, P.E., Environmental Administrator  
Permitting Review Section  
Division of Air Resource Management



FINAL PERMIT

---

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Construction Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Jack Prestwood, Tampa Electric Company ([jprestwood@tecoenergy.com](mailto:jprestwood@tecoenergy.com))  
Kristy Apostol, P.E., Tampa Electric Company ([kapostol@tecoenergy.com](mailto:kapostol@tecoenergy.com))  
Byron Burrows, P.E., Tampa Electric Company ([btburrows@tecoenergy.com](mailto:btburrows@tecoenergy.com))  
EPA Region 4 NSR/PSD ([NSRsubmittals@epa.gov](mailto:NSRsubmittals@epa.gov))  
DEP Siting Office ([SCO@dep.state.fl.us](mailto:SCO@dep.state.fl.us))  
DEP Southwest District Air Permitting ([SWD\\_Air\\_Permitting@dep.state.fl.us](mailto:SWD_Air_Permitting@dep.state.fl.us))  
DEP Southwest District Compliance ([SWD\\_Air@dep.state.fl.us](mailto:SWD_Air@dep.state.fl.us))  
Ms. Elizabeth Walker, DEP OPC: [Elizabeth.Walker@FloridaDEP.gov](mailto:Elizabeth.Walker@FloridaDEP.gov)

Clerk Stamp

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



Digitally signed by Amy Hilliard  
Date: 2022.09.21 10:32:06 -04'00'

## SECTION 1. GENERAL INFORMATION

### FACILITY DESCRIPTION

The Polk Power Station (PPS) consists of five power generation units; however, this permit only addresses Unit 1, the integrated gasification combined cycle (IGCC) plant. Unit 1 consists of a nominal 260 megawatt (MW) solid fuel-based integrated gasification and combined cycle (IGCC) plant including: a nominal 192 MW (gross) syngas and natural gas (used for startup, backup and augmentation) fired General Electric (GE) 7FA combined cycle combustion turbine (CCCT) designated as Emission Unit (EU) 001; a heat recovery steam generator (HRSG); a nominal 133 MW (gross) steam turbine-electrical generator (STEG); a solid fuel handling system designated as EU 005; an entrained flow solid fuel gasification system designated as EU 006; an oxygen plant; a synthesis gas (syngas) cleanup and sulfur recovery system; and a sulfuric acid plant (SAP) designated as EU 004.

Approximately 65 MW are consumed by the oxygen plant and process auxiliary equipment which is the difference between net and gross power production. The startup fuel for the SAP and solid fuel gasifier is natural gas. Natural gas is used as the startup, augmentation and backup fuel for the CCCT.

The below table list the regulated EU at the PPS.

EU No.	Brief Description
001	260 MW Combined Cycle Gas Turbine No. 1
004	Sulfuric Acid Plant
005	Solid Fuel Handling System
006	Solid Fuel Gasification System
007	Existing Emergency Equipment
018	500 kW Emergency Generator Diesel Engine
019	Mechanical Draft Cooling Tower – consisting of six cells with six individual exhaust fans
020	Unit 2H Nominal 165 MW Combustion Turbine and Duct-Fired Heat Recovery Steam Generator
021	Unit 3H Nominal 165 MW Combustion Turbine and Duct-Fired Heat Recovery Steam Generator
022	Unit 4H Nominal 165 MW Combustion Turbine and Duct-Fired Heat Recovery Steam Generator
023	Unit 5H Nominal 165 MW Combustion Turbine and Duct-Fired Heat Recovery Steam Generator

### PROPOSED PROJECT

The purpose of the project is to establish a continuous SO<sub>2</sub> emission limit of 48.0 pounds per hour (lbs/hr) applicable to the Sulfuric Acid Plant (EU 004) that applies at all times, including periods of startup, shutdown, and malfunction. The project also stipulates testing, monitoring, recordkeeping and reporting requirements.

The following EU that will be affected by the project.

EU No.	Brief Description
004	Sulfuric Acid Plant

### FACILITY REGULATORY CLASSIFICATION

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility operates units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.
- The facility is a major stationary source in accordance with Rule 62-212.400, F.A.C. for the PSD of Air Quality.
- The facility operates units subject to the New Source Performance Standards (NSPS) of Title 40 Part 60 of the Code of Federal Regulations (40 CFR 60).

**SECTION 1. GENERAL INFORMATION**

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- The facility operates units subject to the National Emissions Standards of Hazardous Air Pollutants (NESHAP) of 40 CFR 63.

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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1. Permitting Authority: The permitting authority for this project is the Permitting Review Section in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Permitting Review Section mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Air Resource Section of the Department's Southwest District Office at: 13051 North Telecom Parkway, Temple Terrace, Florida 33637. The telephone number is 813/632-7600 and the fax number is 813/632-7665.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); and Appendix D (Common Testing Requirements).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown 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. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Construction and Expiration: The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(3) & (4), 62-4.080 & 62-210.300(1), F.A.C.]

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**A. Sulfuric Acid Plant (EU 004)**

This section of the permit addresses the following emissions unit.

EU No.	Brief Description
004	Sulfuric Acid Plant

The sulfuric acid plant (SAP) removes sulfur from the syngas stream before it is combusted in the CCCT. The SAP takes a sulfur gas stream from the solid fuel gasification plant's hot gas cleanup or cold gas cleanup systems and converts it to sulfuric acid using the double contact process. The SAP currently has a 15 MMBtu/hr, pipeline quality natural gas fired, hydrogen sulfide (H<sub>2</sub>S) to SO<sub>2</sub> conversion furnace which vents to the atmosphere only during warm-up; and a 9.0 MMBtu/hr, pipeline quality natural gas fired, non-contact SO<sub>2</sub> to sulfur trioxide (SO<sub>3</sub>) converter preheater which is vented to the atmosphere. This SAP is a double contact absorption plant with a maximum production rate of 299 tons per day (TPD) and 109,135 TPY of 100% H<sub>2</sub>SO<sub>4</sub> (sulfuric acid). The stack parameters are: height, 199 feet; diameter, 2.5 feet; exit temperature, 180 degrees °F; and the stack gas flow rate is approximately 17,660 acfm.

**SO<sub>2</sub> EMISSION LIMIT**

1. Established SO<sub>2</sub> Emission Limit: Effective January 1, 2023, the permittee shall not allow the discharge into the atmosphere from the Sulfuric Acid Plant of any gases which contain SO<sub>2</sub>, in excess of 48.0 pounds (lb) per hour, based on six-hour average, with compliance shown by stack test. This emission standard applies at all times, including periods of startup, shutdown, and malfunction. [Application No. 1050233-050-AC and Rules 62-210.200(PTE) and 62-296.402(1)(SIP), F.A.C.]

**SO<sub>2</sub> EMISSION TESTING AND MONITORING**

2. Test Methods. The test method for sulfur dioxide emission limit given in **Specific Condition 1** of this subsection shall be EPA Method 6C, incorporated and adopted by reference in Chapter 62-297, F.A.C., and shall include six 1-hour runs. [Application No. 1050233-050-AC]

**RECORDKEEPING AND REPORTING**

3. Recordkeeping: The permittee shall meet the following recordkeeping requirements:
  - (a) For the SO<sub>2</sub> emissions rate, you must keep records for and results of the performance tests.
  - (b) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.

[Application No. 1050233-050-AC]

4. Reporting: If the Sulfuric Acid Plant was not in compliance with the emissions standard the following information must be reported within one (1) business day to the Department:
  - (a) Time period;
  - (b) SO<sub>2</sub> emission rates (lb/hour);
  - (c) Reasons for noncompliance with the emissions standard; and
  - (d) Description of corrective actions taken.

[Application No. 1050233-050-AC; Rule 62-4.160, F.A.C.]

## Appendix A-5 Trademark Nitrogen



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

## PERMITTEE

Trademark Nitrogen, Inc.  
1216 Old Hopewell Road  
Tampa, FL 33619

Authorized Representative:  
Matthew Parsons-Cohrs, Facility Engineer

Air Permit No. 0570025-016-AC  
Permit Expires: December 31, 2023  
Minor Air Construction Permit  
Trademark Nitrogen Plant  
New NO<sub>x</sub> Emission Limit

## PROJECT

This is the final air construction permit, which establishes a new nitrogen oxide (NO<sub>x</sub>) emission limit on the Nitric Acid Plant. The proposed work will be conducted at the existing Trademark Nitrogen Plant, which is a nitrogen fertilizer production plant (Standard Industrial Classification No. 2873). This existing facility is in Hillsborough County at 1216 Old Hopewell Road in Tampa, Florida. The UTM coordinates are Zone 17, 367.3 kilometers (km) East, and 3092.6 km North.

This final permit is organized into the following sections: Section 1 (General Information); Section 2 (Administrative Requirements); Section 3 (Emissions Unit Specific Conditions); and Section 4 (Appendices). Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit. As noted in the Final Determination provided with this final permit, only minor changes and clarifications were made to the draft permit.

## STATEMENT OF BASIS

This air pollution construction permit is issued under the provisions of: Chapter 403 of the Florida Statutes (F.S.) and Chapters 62-4, 62-204, 62-210, 62-212, 62-296 and 62-297 of the Florida Administrative Code (F.A.C.). The permittee is authorized to conduct the proposed work in accordance with the conditions of this permit. This project is subject to the general preconstruction review requirements in Rule 62-212.300, F.A.C. and is not subject to the preconstruction review requirements for major stationary sources in Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.

Upon issuance of this final permit, 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 30 days after this order is filed with the clerk of the Department.

Executed in Tallahassee, Florida

Digitally signed by David Lyle Read  
Date: 2022.09.20 11:01:24 -04'00'

David Lyle Read, P.E., Environmental Administrator  
Permit Review Section  
Division of Air Resource Management

FINAL PERMIT

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CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Construction Permit package was sent by electronic mail, or a link to these documents made available electronically on a publicly accessible server, with received receipt requested before the close of business on the date indicated below to the following persons.

Mr. Matthew Parsons-Cohrs, Trademark Nitrogen, Inc.: [mparsonscohrs@trademarknitrogen.com](mailto:mparsonscohrs@trademarknitrogen.com))

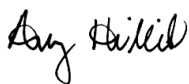
Ms. Diana M. Lee, P.E., EPCHC: [lee@epchc.org](mailto:lee@epchc.org)

Ms. Melissa Madden, DEP SWD Office: [Melissa.Madden@FloridaDEP.gov](mailto:Melissa.Madden@FloridaDEP.gov)

Ms. Amy Hilliard, DEP PRS: [Amy.Hilliard@FloridaDEP.gov](mailto:Amy.Hilliard@FloridaDEP.gov)

Clerk Stamp

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



Digitally signed by Amy Hilliard  
Date: 2022.09.20 16:18:13 -04'00'



## SECTION 1. GENERAL INFORMATION

### FACILITY DESCRIPTION

Trademark Nitrogen is a nitrogen fertilizer production plant, which is comprised of a nitric acid plant and an ammonium nitrate plant. The nitric acid plant operation consists of compressing and heating atmospheric air and mixing the air with hot ammonia. The mixture is passed through a catalyst to produce nitrogen oxides (NO<sub>x</sub>). The nitrogen oxides are then passed through a series of heat exchangers, coolers, and through a primary absorber where the oxides are absorbed in water to produce nitric acid. The remaining oxides are passed through a secondary absorber, which acts as a control device to reduce NO<sub>x</sub> emissions, prior to the Selective Catalytic Reduction (SCR) unit that further reduces NO<sub>x</sub>.

The ammonium nitrate plant produces ammonium nitrate (NH<sub>4</sub>NO<sub>3</sub>) by neutralizing the nitric acid that is produced onsite with ammonia. The nitric acid is sprayed downward from a nozzle within the neutralizer while the anhydrous ammonia is sprayed upward, which causes mixing to take place. An approximately 76% NH<sub>4</sub>NO<sub>3</sub> liquid solution product is produced.

The facility also operates the following sources which are exempt from permitting pursuant to Rule 62-210.300(3)(b) F.A.C.: a urea handling operation; a magnesium nitrate solutions plant with a magnesium oxide silo; a bulk storage warehouse with railcar unloading of urea; and a truck loading and a bagging machine located in the warehouse.

Also, the facility has categorically exempt sources that include: a 6.7 MMBtu/hr Orr & Steamboiler natural gas fired boiler and 4.5 MMBtu/hr natural gas fired Kemco Systems, Inc., water heater, which are exempt pursuant to Rule 62-210.300(3)(a)34 F.A.C. The facility also operates a 350 kW, diesel fuel fired, Kohler emergency generator, which is categorically exempt in accordance with Rule 62-210.300(3)(a)35, F.A.C. However, the engine remains subject to 40 CFR 60, Subpart IIII - *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* because it was manufactured after April 1, 2006.

In addition to the above sources, the facility receives and loads various liquid fertilizers and liquid products used in the manufacture of liquid fertilizer. The products are stored in 92 tanks and include products such as liquid ammonium nitrate, nitric acid, various liquid fertilizer solutions, safety oil, scrap water, phosphoric acid, and anhydrous ammonia. The truck loading rack and the tanks are not considered significant sources of emissions since they handle liquid products that are not significant sources of regulated emissions.

The existing facility consists of the following emissions units (EU).

EU No.	Emission Unit Description
001	Nitric Acid Plant with Two Absorption Towers and SCR
002	Ammonium Nitrate Plant

### PROPOSED PROJECT

This permitting action will establish a NO<sub>x</sub> emission limit on the Nitric Acid Plant. In particular, the Nitric Acid Plant shall meet a NO<sub>x</sub> emission limit, expressed as NO<sub>2</sub>, of 2.60 pounds (lb) per ton of nitric acid produced on a 30 consecutive operating days basis. This emission standard will apply at all times, including period of startup, shutdown, or malfunction.

This project will modify the following emissions units.

EU No.	Emission Unit Description
001	Nitric Acid Plant

### FACILITY REGULATORY CLASSIFICATION

- The facility is not a major source of hazardous air pollutants (HAP).
- The facility does not operate units subject to the acid rain provisions of the Clean Air Act (CAA).
- The facility is not a Title V major source of air pollution in accordance with Chapter 62-213, F.A.C.

**SECTION 1. GENERAL INFORMATION**

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- The facility is not a major stationary source in accordance with Rule 62-212.400, F.A.C. for the Prevention of Significant Deterioration (PSD) of Air Quality.
- The facility does operate units subject to the New Source Performance Standards (NSPS) of Title 40 Part 60 of the Code of Federal Regulations (40 CFR 60).

## SECTION 2. ADMINISTRATIVE REQUIREMENTS

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1. Permitting Authority: The permitting authority for this project is the Permit Review Section in the Division of Air Resource Management of the Department of Environmental Protection (Department). The Permit Review Section mailing address is 2600 Blair Stone Road (MS #5505), Tallahassee, Florida 32399-2400.
2. Compliance Authority: All documents related to compliance activities such as reports, tests, and notifications shall be submitted to the Environmental Protection Commission of Hillsborough County (EPCHC) at: 3629 Queen Palm Dr., Tampa, Florida 33619. The Permitting Authority's telephone number is (813) 627-2600.
3. Appendices: The following Appendices are attached as a part of this permit: Appendix A (Citation Formats and Glossary of Common Terms); Appendix B (General Conditions); Appendix C (Common Conditions); Appendix D (Common Testing Requirements); and Appendix E (NSPS Subpart G - Standards of Performance for Nitric Acid Plants).
4. Applicable Regulations, Forms and Application Procedures: Unless otherwise specified in this permit, the construction and operation of the subject emissions units shall be in accordance with the capacities and specifications stated in the application. The facility is subject to all applicable provisions of: Chapter 403, F.S.; and Chapters 62-4, 62-204, 62-210, 62-212, 62-213, 62-296 and 62-297, F.A.C. Issuance of this permit does not relieve the permittee from compliance with any applicable federal, state, or local permitting or regulations.
5. New or Additional Conditions: For good cause shown 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. [Rule 62-4.080, F.A.C.]
6. Modifications: The permittee shall notify the Compliance Authority upon commencement of construction. No new emissions unit shall be constructed and no existing emissions unit shall be modified without obtaining an air construction permit from the Department. Such permit shall be obtained prior to beginning construction or modification. [Rules 62-210.300(1) and 62-212.300(1)(a), F.A.C.]
7. Construction and Expiration: The expiration date shown on the first page of this permit provides time to complete the physical construction activities authorized by this permit, complete any necessary compliance testing, and obtain an operation permit. Notwithstanding this expiration date, all specific emissions limitations and operating requirements established by this permit shall remain in effect until the facility or emissions unit is permanently shut down. For good cause, the permittee may request that a permit be extended. Pursuant to Rule 62-4.080(3), F.A.C., such a request shall be submitted to the Permitting Authority in writing before the permit expires. [Rules 62-4.070(3) & (4), 62-4.080 & 62-210.300(1), F.A.C.]
8. Application for Air Operating Permit: Subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, and either within 60 days of demonstration of compliance with the conditions of such air construction permit, or within 60 days of expiration of such an air construction permit, whichever occurs first, the owner or operator of such facility or emissions unit shall obtain an initial air operation permit or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter and Chapter 62-4, F.A.C. When the application for an initial air operation permit or revision of an existing air operation permit is timely and sufficient, this permit shall remain in effect until the initial or revision application has been finally acted upon by the Department. To apply for a non-Title V operation permit, the applicant shall submit the appropriate application form, compliance test results, and such additional information as the Department may by law require. The application shall be submitted to the appropriate Permitting Authority with copies to the Compliance Authority. [Rules 62-4.030, 62-4.070(3), and Chapter 62-210, F.A.C.]

**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

**A. Nitric Acid Plant (EU 001)**

This section of the permit addresses the following emissions unit.

EU No.	Emission Unit Description
001	Nitric Acid Plant

The nitric acid plant consists of two absorption towers (primary and secondary) that operate in series. The process consists of compressing and heating atmospheric air and mixing the air with hot ammonia. The mixture is passed through a catalyst to produce nitrogen oxides (NO<sub>x</sub>). The NO<sub>x</sub> is then passed through a series of heat exchangers, coolers, and through a primary absorber where the oxides are absorbed in water to produce nitric acid. The remaining oxides are passed through the secondary absorber acting as a control device to reduce NO<sub>x</sub> emissions prior to the Selective Catalytic Reduction (SCR) unit. The SCR unit converts NO<sub>x</sub> to N<sub>2</sub> and H<sub>2</sub>O by mixing the tail gas with a small amount of ammonia then passing the mixture over a catalyst before being discharged out the stack. The following is a more detailed description of the nitric acid plant operation.

*{Permitting Note: NO<sub>x</sub> emissions are controlled by process operating conditions and/or use of a Selective Catalytic Reduction (SCR) NO<sub>x</sub> abatement device. Startup, shutdown and malfunction allowance is three hours based on 40 CFR 60, Subpart G. This emissions unit is regulated under applicable portions of 40 CFR 60, Subpart A; and 40 CFR 60, Subpart G – Standards of Performance for Nitric Acid Plants, adopted and incorporated by reference into this permit.}*

**NO<sub>x</sub> AND VE EMISSION LIMITS**

- 1. New and Current NO<sub>x</sub> Emission Limits and VE Standard:** The below table contains the current and new NO<sub>x</sub> emission limits and current visible emission (VE, Opacity) standard to which the EU is subject along with the effective date of each limit (new NO<sub>x</sub> emission limit is yellow highlight):

Pollutant	Emission Limit	Compliance Method	Basis	Effective Date
NO <sub>x</sub>	3.0 lb/ton of 100% HNO <sub>3</sub> produced <sup>1,3</sup>	CEMS	3-hour	Effective Now
	2.60 lb/ton of 100% HNO <sub>3</sub> produced <sup>2,3</sup>	CEMS	30-operating day average (See <b>Specific Condition 5</b> )	January 1, 2023
VE	10 percent opacity	EPA Method 9	---	Effective Now

1. Excludes startup, shutdown, and malfunction.  
 2. Applicable at all times, including period of startup, shutdown and malfunction.  
 3. Expressed as NO<sub>2</sub>.

[Application No. 0570025-016-AC; and Rule 62-210.200(PTE) F.A.C; Excess Emissions SIP.]

**NO<sub>x</sub> EMISSION TESTING AND MONITORING**

- 2. General Emissions Monitoring Requirements:** The permittee shall install and operate a NO<sub>x</sub> CEMS that meets the emissions monitoring requirements of 40 CFR § 60.73. The permittee shall determine the hourly NO<sub>x</sub> emissions rate in pounds per ton of nitric acid production (tons/hr) shall calculate emissions in units of the applicable emissions limit (lb/ton of 100 percent acid produced). The permittee shall operate the monitoring system and report emissions during all operating periods including unit startup and shutdown, and malfunction. [Application No. 0570025-016-AC and 40 CFR § 60.73 and Rule 62-210.200(PTE), F.A.C.]
- 3. NO<sub>x</sub> CEMS:** The permittee shall operate and maintain the NO<sub>x</sub> CEMS to measure gas concentration and subsequently determine mass emissions in accordance with 40 CFR § 60.73 (see Appendix E). [Application No. 0570025-016-AC and 40 CFR § 60.73 and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

**EMISSIONS CALCULATIONS**

- 4. Thirty Operating Day Rolling Average Emissions Rate:** The 30-operating day emission rate shall be calculated based on 30 consecutive operating days with the production being expressed as 100 percent nitric

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**SECTION 3. EMISSIONS UNIT SPECIFIC CONDITIONS**

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**A. Nitric Acid Plant (EU 001)**

acid. Compliance is determined by first summing the total pounds of NO<sub>x</sub> emitted from the Nitric Acid Plant during an operating day and the previous 29 operating days; second, sum the total nitric acid production in tons during the operating day and the previous 29 operating days; and third, divide the total number of pounds of NO<sub>x</sub> emitted during the 30 operating days by the production during the 30 operating days. An operating day is defined as any day (midnight to midnight) when the Nitric Acid Plant is operating. The permittee shall calculate the 30-operating day rolling average emissions rate in units of the applicable emissions standard (lb NO<sub>x</sub>/ton 100 percent acid produced) at the end of each operating day using all of the quality assured hourly average CEMS data for the previous 30 operating days.

[Application No. 0570025-016-AC and Rules 62-4.070(3) and 62-210.200(PTE), F.A.C.]

**RECORDKEEPING AND REPORTING**

5. **Recordkeeping:** The permittee shall meet the following recordkeeping requirements:
- (a) For the NO<sub>x</sub> emissions rate, you must keep records for and results of the performance evaluations of the continuous emissions monitoring systems.
  - (b) You must maintain records of the following information for each day and for each 30 operating day period:
    - (1) Hours of operation.
    - (2) Production rate of nitric acid, expressed as 100 percent nitric acid.
    - (3) Daily and 30 operating day average NO<sub>x</sub> emissions rate values.
  - (c) You must maintain records of the following time periods:
    - (1) Times when you were not in compliance with the emissions standards.
    - (2) Times when the pollutant concentration exceeded full span of the NO<sub>x</sub> monitoring equipment.
  - (d) You must maintain records of the reasons for any periods of noncompliance and description of corrective actions taken.
  - (e) You must maintain records of any modifications to CEMS which could affect the ability of the CEMS to comply with applicable performance specifications.

[Application No. 0570025-016-AC]

6. **Reporting:** For each 30 operating day period where you were not in compliance with the emissions standard the following information must be reported within one (1) business day to the Department:
- (a) Time period;
  - (b) NO<sub>x</sub> emission rates (lb/ton of acid produced);
  - (c) Reasons for noncompliance with the emissions standard; and
  - (d) Description of corrective actions taken.

[Application No. 0570025-016-AC; Rule 62-4.160, F.A.C.]

