

## Air Operation Permits

Commercial and industrial facilities that are subject to specific air quality regulations or that emit air pollutants in sufficient quantities are required to obtain air operation permits. The air operation permit identifies the applicable conditions established in underlying air construction permits and applicable requirements from the state air regulations identified in the [Florida Administrative Code \(F.A.C.\)](#):

- Chapter 62-204 - General Provisions;
- Chapter 62-210 - General Requirements;
- Chapter 62-213 - Major Source Operation Permits;
- Chapter 62-214 - Federal Acid Rain Program; and
- Chapter 62-296 - State Emission Standards.

The air operation permit will also specify all applicable federal air quality requirements from Title 40 of the Code of Federal Regulations (CFR), including:

- Part 60, New Source Performance Standards (NSPS);
- Part 61, National Emissions Standards for Hazardous Air Pollutants (NESHAP) (regulated by pollutant);
- Part 63, NESHAP (regulated by industrial category); and
- Part 75, Acid Rain Monitoring Provisions.

### Applications

After obtaining the appropriate air construction permit and completing construction and initial testing, the air operation permit process begins with timely submittal of the appropriate:

- [Application form](#) or [electronic form](#), and
- [Fee for minor facility \(Rule 62-4.050, F.A.C.\)](#)

Except for applications to renew a permit for a minor source of air pollution, applications must be sealed by a professional engineer registered in Florida. The application must identify: general facility information; contact information; process equipment; air pollution control equipment; fuels; materials processed; operational restrictions; applicable federal, state and local regulations; emissions standards; work practices; testing and monitoring; records and reports; and other methods of compliance. Air operation permits are valid for terms of no more than five years. An application must be submitted at least 60 days before expiration to renew a minor source permit and at least 225 days before expiration to renew a Title V permit.

Applications must be submitted to the appropriate permitting authority. The Department of Environmental Protection's (DEP) Division of Air Resource Management (Division) processes applications for all major source operation permits for utility power plants, facilities subject to the acid rain program, waste-to-energy facilities, landfills, and other select special projects. The Department's District offices process applications for all air operation permits within the District (including pulp and paper mills, chemical manufacturing plants, sugar mills and county-owned or operated facilities), except for those projects processed by the Division or for which an approved local air program has jurisdiction.

See following webpages for contact information:

- [Division of Air](#)
- [District Offices](#)
- [Local Programs](#)

## **State-Only Air Operation Permits**

The state-only air operation permit is the simplest and most common site-specific operation permit for minor sources of air pollution. It can be used for both “natural minor sources” as well as “synthetic minor sources.” A natural minor source is a facility with potential emissions below all major source thresholds when operating at full capacity year-round. A synthetic minor source is a facility that has accepted operational or emissions limitations that keep potential emissions below all major source thresholds. To obtain a state-only air operation permit as a synthetic minor source, the applicant must have accepted operational or emissions limitations in a previous air construction permit, which are then incorporated into the state-only air operation permit. There is no specific requirement to publish a public notice of intent to issue a permit for state-only air operation permits.

## **Federally Enforceable State Operation Permits**

Federally Enforceable State Operation Permits (FESOP) are facility-wide permits that incorporate all applicable air quality requirements. The primary purpose of a FESOP is to establish the facility as a “synthetic minor” source of air pollution to avoid regulation as a major HAP source and/or a Title V source. Like an air construction permit, a FESOP can establish restrictions to limit potential emissions below major source thresholds. A state-only air operation permit can only identify such restrictions from previous air construction permits; it cannot establish new federally enforceable restrictions since there is no requirement for a public notice. Examples include emissions limits, emissions caps, and operational limitations on production, raw material usage or hours of operation. The FESOP is similar to a minor source air construction permit in that the permit process requires publication of a public notice and provides for a 14-day comment period (unless all other previous minor permits have been publicly noticed).

## **Title V Major Source Air Operation Permits**

The 1990 amendments to the Clean Air Act established a federal operation permit program under Title V of the Act. Florida operates a Title V air operation permit program which is approved by the U.S. Environmental Protection Agency (EPA). These are comprehensive permits that incorporate all applicable air quality requirements including federal, state and local regulations. An applicant must obtain a Title V permit if the facility:

- Is a major stationary source subject to the Prevention of Significant Deterioration (PSD) of air quality program;
- Emits or has the potential to emit 100 tons per year or more of any regulated air pollutant;
- Emits or has the potential to emit 25 tons per year or more of any combination of HAP;
- Emits or has the potential to emit 10 tons per year or more of any single HAP;
- Emits or has the potential to emit 5 tons per year or more of lead;
- Belongs to an industrial category that is required to obtain a Title V permit pursuant to a federal NSPS or NESHAP; or
- Is located in a non-attainment area and designated as a major source based on lower thresholds.

Note that there are no fees for processing Title V major source air operation permits. Title V sources are required to pay annual operating fees based on the facility’s actual emissions of regulated pollutants.

- [Title V fee webpage](#)

The administrative and public notice requirements for Title V permits are slightly different than those that apply to other permit processes. The flowchart on the following page provides a simplified view of these requirements from receipt of a Title V application through issuance of a final Title V air operation permit.

- (1) The permitting authority must determine whether the application is complete within 60 days of receipt of an initial Title V application, and within 30 days of receipt of the last item of information submitted to complete application.
- (2) If the application is deemed incomplete, the applicant has 90 days to submit the requested additional information and may request additional time to respond.
- (3) The permitting authority must make a written permitting decision (issue or deny) within 90 days of receipt of a complete application or from receipt of the last item required to complete the application.
- (4) Affected parties may petition for an administrative hearing within 14 days from the date of “actual notice” or from publication of the Notice of Intent, whichever occurs first.
- (5) Affected parties, federal agencies and the public may provide comments on the draft permit for 30 days after publication. If the draft permit is substantially revised due to public comment, the permitting authority will issue a revised draft permit and require another public notice.
- (6) Hearings are conducted by the Florida Division of Administrative Hearings. The permitting authority cannot issue a final permit until the Administrative Law Judge issues a Recommended Order.
- (7) If the Title V draft permit is not substantially revised and no hearing is requested, a “proposed permit” is sent to EPA Region 4 for review. EPA has 45 days to provide comments or object to the proposed permit.
- (8) If EPA’s comments do not result in substantial changes and EPA does not object to the proposed permit, a final permit is issued. On the rare occasion when EPA objects, the permitting authority facilitates communications between EPA and the applicant to resolve the issue.
- (9) The final permit decision may be appealed to a Florida First District Court of Appeal. A Notice of Appeal must be filed within 30 days of the final permitting decision.

For questions regarding air operation permits, please contact the appropriate permitting authority (Division, District or local air program) for your project.

## Simplified Title V Air Operation Permitting Flow Chart



