

**CHAPTER 62-213
OPERATION PERMITS FOR MAJOR SOURCES OF AIR POLLUTION**

62-213.202 Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For Title V sources with only one responsible official, the permit application form this is may be used to how the Title V source designates the responsible official. However, when a change in responsible official is needed other than at the time of permit application, a Title V Source with only one responsible official shall submit the Responsible Office Notification (DEP Form No. 62-213.202), herein adopted and incorporated by reference (link), to change the responsible official.

(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated on the Responsible Office Notification (DEP Form No. 62-213.202), as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit to the permitting authority a Responsible Official Notification Form (DEP Form No. 62-213.202), 900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C.) designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials and reason(s) for any replacements. Any previously-designated responsible official that is not included in the most recently submitted form will no longer be considered by the permitting authority or compliance authority to be a responsible official. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) Each individual listed on the Responsible Official Notification (DEP Form No. 62-213.202), must meet at least one of the responsible official qualifications listed on the form. The qualifications are based on the definition of "Responsible Official" given at Rule 62-210.200, F.A.C. A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, ~~except that the existing responsible official of any Title V source which had a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., or the next application for Title V permit, permit revision or permit renewal, whichever comes first.~~

(6) The completed Responsible Official Notification (DEP Form No. 62-213.202), may be submitted electronically, but must be submitted to the department's district office or contracted local program office that is the identified permitting authority for the Title V source.

Rulemaking Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.061, 403.0872 FS. History--New 6-2-02, Amended 6-29-11,_____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and subsections 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

1. A facility that commences operation as a Title V source or that otherwise becomes subject to the permitting requirements of Chapter 62-213, F.A.C., must file an application for an operation permit under this chapter at least ninety days before expiration of the source's air construction permit, but no later than 180 days after commencing operation as a Title V source, unless a different application due date is provided at Rule 62-204.800, F.A.C., or an earlier date is provided in the air construction permit. A source that applied for an Electrical Power Plant Siting Certification prior to October 26, 1995, but was not issued the certification as of that date, or a source that was issued an Electrical Power Plant Siting Certification prior to October 26, 1995, but did not commence operation by that date, shall file an application for an operation permit under this chapter no later than 180 days after commencing operation.

2. For purposes of permit renewal, a timely application is one that is submitted 180 days before the expiration of a permit that expires before June 1, 2009, and 225 days before the expiration of a permit that expires on or after June 1, 2009.

3. A Title V source which contains an emissions unit that commences operation or is modified shall submit an application for a

permit revision, or a supplement to a pending application, at least ninety days prior to expiration of the unit's air construction permit, but no later than 180 days after the emissions unit commences operation or commences operation as modified. Any source that contains an emissions unit that has not commenced operation or which has not demonstrated initial compliance with all applicable requirements by the time that the source submits its application for a Title V permit, permit revision, or permit renewal may include such emissions unit in the application, provided the source submits a compliance schedule and methodology, in accordance with paragraph 62-213.420(3)(l), F.A.C.

4. ~~For purposes of the CAIR Part form (DEP form number 62-210.900(1)(b)), a timely application is one that is submitted as follows:~~

a. ~~For a CAIR unit covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.~~

b. ~~For a CAIR unit not covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.~~

e. ~~A CAIR Part form shall be submitted simultaneously with any Title V permit renewal application for a CAIR source.~~

(b) Complete Application.

1. Any applicant for a Title V permit, permit revision or permit renewal must submit an application on DEP form number 62-210.900(1), which must include all the information specified by subsection 62-213.420(3), F.A.C., except that an application for permit revision must contain only that information related to the proposed change(s) from the currently effective Title V permit and any other requirements that become applicable at the time of application. The applicant shall include information concerning fugitive emissions and stack emissions in the application. Each application for permit, permit revision or permit renewal shall be certified by a responsible official in accordance with subsection 62-213.420(4), F.A.C.

2. The application shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program and CAIR Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to subparagraphs 62-213.420(1)(b)3., F.A.C.

3. Should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department, and the Department's completeness review clock shall be restarted upon the Department's receipt of the information. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit application, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

4. All Department requests for additional information shall conform to the requirements of subsections 62-4.055(2), (3), and (4), F.A.C.

5. The Department shall grant requests for additional time to submit supplemental or corrected information as follows:

a. Each source requesting additional time must make a written request prior to the due date for receipt of the information and must specify the number of additional days requested;

b. The Department shall grant up to sixty additional days to any source operating in compliance with the terms and conditions of the source's existing valid permit without the need to show cause;

c. The Department shall grant additional time beyond sixty days or to sources not operating in compliance with existing valid permits only after the source demonstrates good cause. Good cause shall mean any unforeseen situation outside the control of the source such as labor strikes, acts of war, extraordinary or sudden and unexpected acts of nature or accidents beyond the control of the source. If the Department has required, in the request for additional or corrected information, that the source undertake specific testing or investigation, good cause shall also include the requirement to complete any required tests or investigation that cannot be completed within 150 days, so long as the source specifies the expected date of completion in its demonstration of good cause and so long as the estimated time requested is for the work required.

(2) Confidential Information. Whenever an applicant submits information under a claim of confidentiality pursuant to Section 403.111, F.S., the applicant shall also submit a copy of all such information and claim directly to EPA.

(3) Standard Application Form and Required Information. Applications shall be submitted under this chapter on forms provided by the Department and adopted by reference in subsection 62-210.900(1), F.A.C. The information as described on the forms in subsection 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. The application shall specifically include the following information, as detailed in the application form (DEP form number 62-210.900(1)); provided, however, that the information required by paragraphs (g) through (m), below, shall not be required for any emissions unit which is not subject to any unit-specific applicable requirements, except as needed to determine that no applicable requirements exist:

(a) Identifying information;

(b) Description of source's processes and products;

(c) Information, as set forth in this subsection and in the application form number 62-210.900(1), on the emissions of all regulated pollutants which the applicant knows or has reason to believe are being emitted from a source in amounts as set forth in subparagraphs 62-213.420(3)(c)1. through 6., F.A.C. The applicant shall report pollutants for each emissions unit and for source-wide emissions such as fugitive emissions. When pollutants must be quantified, for those pollutants for which no standard test method or published emissions factor is available to the applicant, the applicant shall estimate the emissions and include the basis for the estimate with the emissions information. For purposes of this subsection, regulated pollutant means any pollutant to which an emissions limitation applies in accordance with subparagraph 62-213.420(3)(c)2., F.A.C.; any hazardous air pollutant; and any other regulated air pollutant as specified in Rule 62-210.200, F.A.C., except any pollutant that is regulated solely under 42 U.S.C. s.7412(r). Except as provided in Chapter 62-297, F.A.C., for submittal of compliance test data, nothing in this section shall be construed to require testing of actual emissions for determining estimated or potential emissions for a permit application. All applicants shall report regulated pollutants as set forth in subparagraphs 62-213.420(3)(c)1. through 6., F.A.C.

1. Each Title V source shall identify each regulated pollutant which the applicant knows or has reason to believe the facility emits or has the potential to emit in a major amount. Major source thresholds are as follows:

- a. 100 tons per year for carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds;
- b. 5 tons per year for lead and lead compounds expressed as lead;
- c. 10 tons per year for any hazardous air pollutant;
- d. 25 tons per year for total hazardous air pollutants; and
- e. 100 tons per year for any other regulated pollutant.

2. Those Title V sources which are subject to a numerical emissions limitation under any applicable requirement, or for which a numerical emissions limitation is included in the source's most recent operation permit, shall report and quantify, for each emissions unit subject to the emissions limitation, all emissions of any pollutant to which the limitation applies. The provisions of this rule, subparagraph 62-213.420(3)(c)2., F.A.C., shall not apply to the reporting of radionuclides emissions or asbestos emissions resulting from asbestos removal.

3. Each Title V source that emits or has the potential to emit any pollutant described in paragraphs (a) and (c) of the definition of regulated air pollutant in Rule 62-210.200, F.A.C., shall identify, for each emissions unit, each such pollutant which the applicant knows or has reason to believe would be emitted in an amount equal to or greater than:

- a. 5.0 tons per year for carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and volatile organic compounds; or

b. 500 pounds per year for lead and lead compounds expressed as lead.

4. Each Title V source that emits or has the potential to emit any hazardous air pollutant or total hazardous air pollutants in a major amount as set forth in subparagraph 62-213.420(3)(c)1., F.A.C., or in an amount that would be a major amount but for a limitation on emissions being requested for the first time by the applicant, shall identify, for each emissions unit, each such pollutant which the applicant knows or has reason to believe would be emitted in an amount equal to or greater than:

- a. 1,000 pounds per year for each individual hazardous air pollutant; or
- b. 2,500 pound per year for total hazardous air pollutants.

5. Title V sources which are also subject to the Federal Acid Rain Program shall report all emissions of sulfur dioxide and nitrogen oxides from any affected acid rain unit in accordance with this subsection or the reporting requirements of the Federal Acid Rain Program, whichever are more stringent.

6. Each Title V source that emits or has the potential to emit ammonia in an amount greater than 250 tons per year shall identify each emissions unit that emits or has the potential to emit ammonia in an amount equal to or greater than 12.5 tons per year.

(d) Process and operating information;

(e) Control equipment information;

(f) If requested by the Department, information concerning operations and methodology for the development of periodic monitoring in accordance with subsection 62-213.440(4), F.A.C. Such request must be made within 60 days of the date the application was submitted, except as required by subparagraph 62-213.420(1)(b)3., F.A.C.;

(g) Calculations;

(h) Identification of all applicable requirements and test methods;

(i) Limitations on source operations affecting emissions;

(j) Proposed alternate methods of operation;

(k) Compliance statement;

(l) Compliance schedule and methodology, if applicable;

(m) Reporting and recordkeeping requirements;

(n) A list of emissions units or activities for which a determination of insignificance is requested pursuant to subsection 62-213.430(6), F.A.C., because of size or production rate and any information needed to demonstrate that the units or activities qualify as insignificant under the provisions of subsection 62-213.430(6), F.A.C.

(4) Certification by Responsible Official. In addition to the professional engineering certification required for applications by subsection 62-4.050(3), F.A.C., any application form, report, compliance statement, compliance plan and compliance schedule submitted pursuant to this chapter shall contain a certification signed by a responsible official that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Any responsible official who fails to submit any required information or who has submitted incorrect information shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information.

(5) Acid Rain Part. For those facilities subject to the Federal Acid Rain Program, any applicant that wishes separate processing of the Acid Rain Part of a Title V permit shall request this by application. In such case, the Department shall process separate permit parts for the Acid Rain Part and for the remaining Title V requirements, provided that the expiration dates of both permit parts coincide for the duration of operation of the facility. The Department shall adjust the expiration date of the permit parts to assure that the dates coincide, but in no case shall either permit part duration exceed five years, per the provisions of paragraph 62-213.440(1)(a), F.A.C. There shall be only one Acid Rain Part for each facility. Each such permit part shall be processed as a Title V permit for purposes and requirements of this chapter.

~~(6) CAIR Part Form. For a source subject to the CAIR Program, there shall be included in the Title V permit application a certified CAIR Part form (DEP form number 62-210.900(1)(b)) that contains requirements concerning all CAIR units at the CAIR source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(b)).~~

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10,_____.

62-213.440 Permit Content.

(1) Standard Permit Requirements. Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is the most stringent of the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 CFR 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to subsection 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is added, changed, or deleted during the term of the permit, any such previous condition shall be documented with the permit for the duration of the term and any such new or changed condition shall include a condition effective date.

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

(b) Monitoring and Related Recordkeeping and Reporting Requirements.

1. Each permit shall specify the following requirements with respect to monitoring:

a. Emissions monitoring and analysis procedures or test methods specified by applicable requirements including 40 CFR 64, Compliance Assurance Monitoring, adopted and incorporated by reference at subsection 62-204.800, F.A.C.;

b. Periodic monitoring sufficient to yield reliable data from the relevant time period and that are representative of the source's compliance with the permit, as required by 40 CFR 70.6(a)(3)(i)(B), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Periodic monitoring shall assure use of recordkeeping terms, test methods, units, averaging periods, or other statistical conventions consistent with the applicable requirement, as specified in subsection 62-213.440(4), F.A.C.; and

c. Requirements concerning the use, maintenance, and installation of monitoring equipment or methods.

2. The permit shall incorporate all applicable recordkeeping requirements including:

a. Records of monitoring information that specify the date, place, and time of sampling or measurement and the operating conditions at the time of sampling or measurement, the date(s) analyses were performed, the company or entity that performed the analyses, the analytical techniques or methods used, and the results of such analyses;

b. Retention of records of all monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

3. Each permit shall incorporate reporting requirements as follows:

a. The permittee shall monitor compliance with the terms and conditions of this permit and shall submit reports ~~Submittal of reports of any required monitoring~~ at least every 6 months. 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). All instances of deviations from permit requirements (including conditions in the referenced Appendices) must be clearly identified in such reports; If there are no deviations during the reporting period, the report shall indicate no deviation.

b. Reporting, in accordance with requirements of subsection 62-210.700(5)(6) and Rule 62-4.130, F.A.C., of deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

c. All reports shall be accompanied by a certification by a responsible official, pursuant to subsection 62-213.420(4), F.A.C.

(c) Emission Allowances. The Acid Rain Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. ~~The CAIR Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the CAIR Program.~~ The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program ~~or the CAIR Program~~, provided that such increases do not require a permit revision pursuant to Rule 62-213.400, F.A.C. ~~Each CAIR Part incorporates every allocation, transfer, or deduction of a CAIR NO_x or CAIR NO_x-ozone season allowance to or from the compliance account of the CAIR source covered by the permit, upon recording by the Administrator.~~

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program ~~or the CAIR Program~~.

3. Allowances shall be accounted for under the Federal Acid Rain Program ~~or the CAIR Program~~.

4. ~~Each CAIR Part incorporates the definitions of terms under 40 CFR 96.102, 96.202, and 96.302, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

(d) In addition to the requirements stated above, each Title V permit shall include all of the following:

1. A statement that if any portion of the final permit is invalidated, the remainder of the permit shall remain in effect;

2. Identification of fugitive emissions and source-wide emissions in the same manner as stack emissions, regardless of whether or not the Title V source is specifically listed in paragraph (b) of the definition of major source of air pollution at Rule 62-210.200, F.A.C.

3. A statement that it shall not be a defense for a permittee in an enforcement action that maintaining compliance with any permit condition would necessitate halting of or reduction of the source activity;

4. A statement that any Title V source shall comply with all the terms and conditions of the existing permit until the Department has taken final action on any permit renewal or any requested permit revision, except as provided at subsection 62-213.412(2), F.A.C.

5. A statement that a situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and incorporated by reference;

6. A statement that any permittee may claim confidentiality of any data or other information by complying with subsection 62-213.420(2), F.A.C.

(2) Compliance Requirements. For each applicable requirement for which one or more units within a source is not in compliance at the time of application for any permit, permit renewal or permit revision, and for which that unit has not come into compliance at the date of issuance of the draft permit, the draft permit shall contain:

(a) A provision that the source shall meet measurable and enforceable milestones on no less than a semiannual basis until compliance is achieved and demonstrated to the Department. Each source shall notify the Department in writing, within 15 days after the date specified for completion of each milestone, to include the achievement of compliance, of progress achieved, requirements met, requirements not met, corrective measures adopted and an explanation of any measures not met by the completion date for the milestone or for compliance. All reports shall be accompanied by a certification, signed by a responsible official, in accordance with subsection 62-213.420(4), F.A.C.

(b) A provision requiring the source to be in compliance by the date specified in the permit.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. A provision for assessing or monitoring compliance for each unit within the source;

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, and with Rule 62-214.350, F.A.C., for Acid Rain requirements, ~~and with Rule 62-296.470, F.A.C., for CAIR Program requirements~~. Such statement shall be submitted (postmarked) to the Department and EPA:

a. Annually, within 60 days after the end of each calendar year during which the Title V permit was effective, or more frequently if specified by subsection 62-213.440(2), F.A.C., or by any other applicable requirement; and

b. Within 60 days after submittal of a written agreement for transfer of responsibility as required pursuant to 40 CFR 70.7(d)(1)(iv), adopted and incorporated by reference at Rule 62-204.800, F.A.C., or within 60 days after permanent shutdown of a facility permitted under this chapter; provided that, in either such case, the reporting period shall be the portion of the calendar year the permit was effective up to the date of transfer of responsibility or permanent facility shutdown, as applicable;

3. In lieu of requiring a responsible official to individually identify all applicable requirements and specify times of compliance with, noncompliance with, and deviation from each, a provision that a responsible official may use the Statement of Compliance Form (DEP Form No 62-213.440)~~DEP Form No. 62-213.900(2)~~, herein adopted and incorporated by reference (link) at Rule 62-213.900, F.A.C., as such statement of compliance so long as the responsible official specifically identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

(b) For purposes of the Statement of Compliance required at paragraph 62-213.440(3)(a), F.A.C., a responsible official may treat compliance with all other applicable requirements as a surrogate for compliance with subsection 62-296.320(2), F.A.C., Objectionable Odor Prohibited.

(4) Periodic Monitoring.

(a) Periodic monitoring sufficient to satisfy the requirements of sub-subparagraph 62-213.440(1)(b)1.b., F.A.C., shall assure the use of recordkeeping terms, test methods, units, averaging periods, or other statistical conventions which yield reliable data and are consistent with the applicable requirement, representative of the emissions unit's actual performance, and sufficient to indicate whether the unit remains in compliance. All periodic monitoring data must be retained in accordance with sub-subparagraph 62-213.440(1)(b)2.b., F.A.C. When existing reporting, recordkeeping and testing requirements yield reliable data that are both representative of the unit's actual performance and sufficient to indicate whether the unit remains in compliance with an applicable requirement, additional periodic monitoring shall not be required for that applicable requirement.

(b) Monitoring performed pursuant to any of the following satisfies periodic monitoring for that applicable requirement:

1. Emission limitations or standards proposed and promulgated by the U.S. Environmental Protection Agency after November 15, 1990, pursuant to section 111 or 112 of the Clean Air Act. The emission limitations or standards include:

- a. 40 CFR 60 (New Source Performance Standards and Emission Guidelines for Existing Sources);
- b. 40 CFR 61 (National Emission Standards for Hazardous Air Pollutants); and
- c. 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants);

2. Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the Clean Air Act. The requirements include continuous monitoring system requirements established pursuant to 40 CFR 75;

3. Emission limits or standards for which monitoring requirements are established pursuant to 40 CFR 64 (Compliance Assurance Monitoring);

4. Emission limitations or standards for which a Title V permit specifies a continuous compliance determination method, as defined in 40 CFR 64.1, adopted and incorporated by reference at Rule 62-204.800, F.A.C., unless such compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device; and

~~5. CAIR Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

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~~62-213.900 Forms and Instructions.~~

~~The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or online at www.dep.state.fl.us/air.~~

~~(1) [Reserved].~~

~~(2) Statement of Compliance Form (DEP Form No. 62-213.900(2), Effective 8-1-11) required in Rule 62-213.440, F.A.C. (<http://www.flrules.org/Gateway/reference.asp?No=Ref 00273>).~~

~~(3) Responsible Official Notification Form (DEP Form No. 62-213.900(3), Effective 8-1-11) required in Rule 62-213.202, F.A.C. (<http://www.flrules.org/Gateway/reference.asp?No=Ref 00274>).~~

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23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03, 10-12-08, 6-29-11, 12-31-13, _____.

PRELIMINARY DRAFT