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Bill No. CS/HB 1425, 2nd Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Alexander offered the following:

Amendment (with title amendment)

On page 24, line 18, through page 55, line 8, of the bill

remove from the bill: all of said lines

and insert in lieu thereof :

Section 10. Section 403.08725, Florida Statutes, is created to read:

403.08725 Citrus juice processing facilities.--

(1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective July 1, 2002, all existing citrus juice processing facilities shall comply with the provisions of this section in lieu of obtaining air pollution construction and operation permits, notwithstanding the permit requirements of ss. 403.087(1) and 403.0872. For purposes of this section, "existing juice processing facility" means any facility that currently has air pollution construction or operation permits issued by the department with a fruit processing capacity of 2 million boxes per year or more. For purposes of this section, "facility"

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1 means all emissions units at a plant that processes citrus
2 fruit to produce single-strength or frozen concentrated juice
3 and other products and byproducts identified by Major Group
4 Standard Industrial Classification Codes 2033, 2037, and 2048
5 which are located within a contiguous area and are owned or
6 operated under common control, along with all emissions units
7 located in the contiguous area and under the same common
8 control which directly support the operation of the citrus
9 juice processing function. For purposes of this section,
10 facilities that do not operate a citrus peel dryer are not
11 subject to the requirements of paragraph (2)(c). For purposes
12 of this section, "department" means the Department of
13 Environmental Protection. Notwithstanding any other provision
14 of law to the contrary, for purposes of the permitted emission
15 limits of this section, "new sources" means emissions units
16 constructed or added to a facility on or after July 1, 2000,
17 and "existing sources" means emissions units constructed or
18 modified before July 1, 2000.

19 (2) PERMITTED EMISSIONS LIMITS.--All facilities
20 authorized to construct and operate under this section shall
21 operate within the most stringent of the emissions limits set
22 forth in paragraphs (a)-(g) for each new and existing source:

23 (a) Any applicable standard promulgated by the United
24 States Environmental Protection Agency.

25 (b) Each facility shall comply with the emissions
26 limitations of its Title V permit, and any properly issued and
27 certified valid preconstruction permits, until October 31,
28 2002, at which time the requirements of this section shall
29 supersede the requirements of the permits. Nothing in this
30 paragraph shall preclude the department's authority to
31 evaluate past compliance with all department rules.

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1 (c) After October 31, 2002, for volatile organic
2 compounds, the level of emissions achievable by a 50-percent
3 recovery of oil from citrus fruits processed as determined by
4 the methodology described in subparagraph (4)(a)1. One year
5 after EPA approval pursuant to subsection (9), for volatile
6 organic compounds, the level of emissions achievable by a 65
7 percent recovery of oil from citrus fruits processed as
8 determined by the methodology described in subparagraph
9 (4)(a)1.

10 (d) After October 31, 2002, except as otherwise
11 provided herein, no facility shall fire fuel oil containing
12 greater than 0.5 percent sulfur by weight. Those facilities
13 without access to natural gas shall be limited to fuel oil
14 containing no greater than 1 percent sulfur by weight. In
15 addition, facilities may use fuel oil with no greater than 1.5
16 percent sulfur by weight for up to 400 hours per calendar
17 year. The use of natural gas is not limited by this paragraph.
18 The use of d-limonene as a fuel is not limited by this
19 paragraph.

20 (e) After October 31, 2002, for particulate matter of
21 10 microns or less, the emissions levels, expressed in pounds
22 per million British thermal units of heat input, unless
23 otherwise specified, are established for the following types
24 of new and existing sources:

25 1. Citrus peel dryer, regardless of production
26 capacity: 15 pounds per hour.

27 2. Pellet cooler or cooling reel, regardless of
28 production capacity: 5 pounds per hour.

29 3. Process steam boiler:

30 a. Sources fired with natural gas, propane, ethanol,
31 biogas, or d-limonene: not limited.

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1 b. New sources fired with fuel oil: 0.10 pounds per
2 million British thermal units.
3
4 No process steam boiler shall fire any fuel other than natural
5 gas, propane, ethanol, biogas, d-limonene, or fuel oil. No
6 process steam boiler shall fire used oil.
7 4. Combustion turbine:
8 a. Existing sources regardless of fuel: not limited.
9 b. New sources fired with natural gas, propane, or
10 biogas: not limited.
11 c. New sources fired with fuel oil: 0.10 pounds per
12 million British thermal units.
13
14 No combustion turbine shall fire any fuel other than natural
15 gas, propane, biogas, or fuel oil. No combustion turbine
16 shall fire used oil.
17 5. Duct burner:
18 a. New and existing sources fired with natural gas,
19 propane, or biogas: not limited.
20 b. New and existing sources fired with fuel oil: 0.10
21 pounds per million British thermal units.
22
23 No duct burner shall fire any fuel other than natural gas,
24 propane, biogas, or fuel oil. No duct burner shall fire used
25 oil.
26 6. Glass plant furnace: existing sources with a
27 maximum non-cullet material process input rate of 18 tons per
28 hour; hourly emissions limited as determined by the following
29 equation: Emission limit (pounds per hour) = 3.59 x (process
30 rate, tons per hour raised to the 0.62 power). No glass plant
31 furnace shall fire any fuel other than natural gas, propane,

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1 biogas, d-limonene, or fuel oil. No glass plant furnace shall
2 fire used oil.
3 7. Biogas flare for anaerobic reactor: not limited.
4 8. Emergency generator: not limited.
5 9. Volatile organic compounds emission control
6 incinerator: not limited.
7 (f) After October 31, 2002, for nitrogen oxides, the
8 emissions levels, expressed in pounds of nitrogen dioxide per
9 million British thermal units of heat produced, unless
10 otherwise specified, are established for the following types
11 of new and existing sources:
12 1. Citrus peel dryer:
13 a. Sources that fire natural gas, propane, ethanol,
14 biogas, or d-limonene: not limited.
15 b. Sources that fire fuel oil: 0.34 pounds per
16 million British thermal units.
17 2. Process steam boiler:
18 a. New sources with a heat input capacity of 67
19 million British thermal units per hour or less and existing
20 sources regardless of heat input capacity: not limited.
21 b. New sources with a heat input capacity of more than
22 67 million British thermal units per hour: 0.10 pounds per
23 million British thermal units.
24 3. Combustion turbine:
25 a. Existing sources regardless of fuel:
26 (I) Existing combustion turbine of approximately 425
27 million British thermal units per hour heat input capacity:
28 42 parts per million volume dry at 15 percent oxygen.
29 (II) Existing combustion turbines of approximately 50
30 million British thermal units per hour heat input capacity
31 each, constructed prior to July 1999: 168 parts per million

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- 1 volume dry at 15 percent oxygen.
- 2 (III) Existing combustion turbine of approximately 50
- 3 million British thermal units per hour heat input capacity,
- 4 constructed after July 1999: 50 parts per million volume dry
- 5 at 15 percent oxygen.
- 6 b. New sources with less than 50 megawatts of
- 7 mechanically generated electrical capacity, regardless of
- 8 fuel: 25 parts per million volume dry at 15 percent oxygen.
- 9 c. New sources with greater than or equal to 50
- 10 megawatts of mechanically generated electrical capacity,
- 11 regardless of fuel: 3.5 parts per million volume dry at 15
- 12 percent oxygen.
- 13 4. Duct burner:
- 14 a. Existing sources fired with natural gas, propane,
- 15 or biogas: not limited.
- 16 b. Sources fired with fuel oil: 0.20 pounds per
- 17 million British thermal units.
- 18 5. Glass plant furnace:
- 19 a. Existing sources regardless of production capacity:
- 20 not limited.
- 21 b. New sources firing gaseous fuels or fuel oil,
- 22 regardless of production capacity: 5.5 pounds per ton of
- 23 glass produced.
- 24 6. Biogas flare for anaerobic reactor: not limited.
- 25 7. Emergency generator: not limited.
- 26 8. Volatile organic compound emission control
- 27 incinerator: not limited.
- 28 (g) After October 31, 2002, for visible emissions, the
- 29 levels of visible emissions at all times during operation,
- 30 expressed as a percent of opacity, are established for the
- 31 following types of emission sources:

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- 1 1. Citrus peel dryer: 20 percent.
- 2 2. Pellet cooler or cooling reel: 5 percent.
- 3 3. Process steam boiler: 20 percent.
- 4 4. Combustion turbine: 10 percent.
- 5 5. Duct burner: limited to the visible emissions
- 6 limit of the associated combustion turbine.
- 7 6. Glass plant furnace: 20 percent.
- 8 7. Biogas flare for anaerobic reactor: 20 percent.
- 9 8. Emergency generator: 20 percent.
- 10 9. Lime storage silo: 10 percent.
- 11 10. Volatile organic compounds emission control
- 12 incinerator: 5 percent.
- 13 (3) EMISSIONS DETERMINATION AND REPORTING.--
- 14 (a) All information submitted to the department by
- 15 facilities authorized to operate under this section shall be
- 16 certified as true, accurate, and complete by a responsible
- 17 official of the facility. For purposes of this section,
- 18 "responsible official" means that person who would be allowed
- 19 to certify information and take action under the department's
- 20 Title V permitting rules.
- 21 (b) All emissions for which the facility is limited by
- 22 any standard promulgated by the United States Environmental
- 23 Protection Agency must be determined and reported by a
- 24 responsible official of the facility in accordance with the
- 25 promulgated requirement. Reports required by this section
- 26 shall be certified and submitted to the department.
- 27 (c) All emissions units subject to any enhanced
- 28 monitoring requirement under any regulation promulgated by the
- 29 United States Environmental Protection Agency must comply with
- 30 such requirement.
- 31 (d) All emissions for which the facility is limited by

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1 paragraphs (2)(b)-(f) shall be determined on a calendar-year
2 basis and reported to the department by a responsible official
3 of the facility no later than April 1 of the following year.
4 Emissions shall be determined for each emissions unit by means
5 of recordkeeping, test methods, units, averaging periods, or
6 other statistical conventions which yield reliable data; are
7 consistent with the emissions limit being measured; are
8 representative of the unit's actual performance; and are
9 sufficient to show the actual emissions of the unit.

10 (e) Each facility authorized to operate under this
11 section shall submit annual operating reports in accordance
12 with department rules.

13 (f) Each facility shall have a responsible official
14 provide and certify the annual and semiannual statements of
15 compliance required under the department's Title V permitting
16 rules.

17 (g) Each facility shall have a responsible official
18 provide the department with sufficient information to
19 determine compliance with all provisions of this section and
20 all applicable department rules, upon request of the
21 department.

22 (h) Records sufficient to demonstrate compliance with
23 all provisions of this section and all applicable department
24 rules shall be made available and maintained at the facility
25 for a period of 5 years, for inspection by the department
26 during normal business hours.

27 (i) Emission sources subject to limitations for
28 particulate matter, nitrogen oxides, and visible emissions
29 pursuant to paragraphs (2)(e)-(g) shall test emissions
30 annually, except as provided in subparagraphs 1.-4., in
31 accordance with department rules using United States

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1 Environmental Protection Agency test methods or other test
2 methods specified by department rule.

3 1. Tests for particulate matter of 10 microns or less
4 may be conducted using United States Environmental Protection
5 Agency Method 5, provided that all measured particulate matter
6 is assumed to be particulate matter of 10 microns or less.

7 Tests for compliance with the particulate matter emission
8 limit of subparagraph (2)(e)2. for the pellet cooler or
9 cooling reel are waived as long as the facility complies with
10 the visible emissions limitation of subparagraph (2)(g)2. If
11 any visible emissions test for the pellet cooler or cooling
12 reel does not demonstrate compliance with the visible
13 emissions limitation of subparagraph (2)(g)2., the emissions
14 unit shall be tested for compliance with the particulate
15 matter emission limit of subparagraph (2)(e)2. within 30 days
16 after the visible emissions test.

17 2. Tests for visible emissions shall be conducted
18 using United States Environmental Protection Agency Method 9.
19 Annual tests for visible emissions are not required for biogas
20 flares, emergency generators, and volatile organic compounds
21 emission control incinerators.

22 3. Tests for nitrogen oxides shall be conducted using
23 Environmental Protection Agency Method 7E.

24 4. Tests for particulate matter of 10 microns or less
25 for process steam boilers, combustion turbines, and duct
26 burners, and tests for nitrogen oxides for citrus peel dryers,
27 process steam boilers, and duct burners, are not required
28 while firing fuel oil in any calendar year in which these
29 sources did not fire fuel oil for more than 400 hours.

30 (j) Measurement of the sulfur content of fuel oil
31 shall be by latest American Society for Testing and Materials

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1 methods suitable for determining sulfur content. Sulfur
2 dioxide emissions shall be determined by material balance
3 using the sulfur content and amount of the fuel or fuels fired
4 in each emission source, assuming that for each pound of
5 sulfur in the fuel fired, two pounds of sulfur dioxide are
6 emitted.

7 (k) A situation arising from sudden and unforeseeable
8 events beyond the control of the source which causes a
9 technology-based emissions limitation to be exceeded because
10 of unavoidable increases in emissions attributable to the
11 situation and which requires immediate corrective action to
12 restore normal operation shall be an affirmative defense to an
13 enforcement action in accordance with the provisions and
14 requirements of 40 CFR 70.6(g)(2) and (3), hereby adopted and
15 incorporated by reference as the law of this state. It shall
16 not be a defense for a permittee in an enforcement action that
17 maintaining compliance with any permit condition would
18 necessitate halting of or reduction of the source activity.

19 (4) EMISSIONS TRADING.--If the facility is limited by
20 the emission limit listed in paragraph (2)(c) for any such
21 limit which the facility exceeded during the calendar year,
22 the facility must obtain, no later than March 1 of the
23 reporting year, sufficient allowances, generated in the same
24 calendar year in which the limit was exceeded, to meet all
25 limits exceeded. Any facility which fails to meet the limit
26 and fails to secure sufficient allowances that equal or exceed
27 the emissions resulting from such failure to meet the limit
28 shall be subject to enforcement in the same manner and to the
29 same extent as if the facility had violated a permit
30 condition. For purposes of this section, an "allowance" means
31 a credit equal to emissions of 1 ton per year of a pollutant

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1 listed in paragraph (2)(c), subject to the particular
2 limitations of paragraphs (a) and (b).

3 (a) Emissions allowances may be obtained from any
4 other facility authorized to operate under this section,
5 provided such allowances are real, excess, and are not
6 resulting from the shutdown of an emissions unit. Emissions
7 allowances must be obtained for each pollutant the emissions
8 limit of which was exceeded in the calendar year. Allowances
9 can be applied on a pollutant-specific basis only. No
10 cross-pollutant trading shall be allowed.

11 1. Real allowances are those created by the difference
12 between the emissions limit imposed by this section and the
13 lower emissions actually measured during the calendar year.
14 Measurement of emissions for allowance purposes shall be
15 determined in the manner described in this subparagraph. For
16 purposes of measuring whether an allowance was created, a
17 single stack test or use of emissions estimates cannot be
18 used. Measurement of recovery of oil from citrus fruits
19 processed shall be by material balance using the measured oil
20 in the incoming fruit, divided into the sum of the oil
21 remaining in juice, the cold press oil recovered, d-limonene
22 recovered, and oil remaining in the dried pellets, expressed
23 as a percentage. Alternatively, the material balance may use
24 the measured oil in the incoming fruit divided into the oil
25 measured remaining in the pressed peel prior to introduction
26 into the feed mill dryers, in which case the decimal result
27 shall be subtracted from the numeral one, and added to the
28 decimal result of the measured oil in the incoming fruit
29 divided into the oil measured remaining in the dried pellets,
30 with the resulting sum expressed as a percentage. Measurement
31 of recovery of oil shall be made each operational day and

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1 averaged over the days of facility operation during each
2 calendar year. Facilities may accept wet peel from offsite
3 sources for drying, provided that the facility receives
4 sufficient recorded information from the offsite source to
5 measure available oil and oil recovery at the offsite source,
6 and accounts for those values in determining compliance with
7 the limitation of paragraph (2)(c) and the number of
8 allowances that are required to be obtained, if any. Wet peel
9 not processed through the peel dryer shall be excluded from
10 the oil recovery calculations. Methodologies for determining
11 oil contents shall be developed by the Institute of Food and
12 Agricultural Sciences and approved by rule of the department.
13 Other methods of measuring oil recovery or determining oil
14 content may be approved by rule of the department, for trading
15 purposes, provided the methods yield results equivalent to the
16 approved methodologies.

17 2. Excess allowances are those not used for any other
18 regulatory purpose.

19 (b) No facility located in an area designated
20 nonattainment for ozone shall be allowed to acquire allowances
21 of volatile organic compounds. Nothing shall preclude such a
22 facility from trading volatile organic compounds allowances
23 that it might generate to facilities not located in a
24 nonattainment area for ozone.

25 (5) EMISSIONS FEES.--All facilities authorized to
26 operate under this section shall pay annual emissions fees in
27 the same amount to which the facility would be subject under
28 the department's Title V program. For purposes of determining
29 fees until October 31, 2002, emission fees shall be based on
30 the requirements of s. 403.0872. Commencing July 1, 2002, the
31 allowable annual emissions for fee purposes shall be computed

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1 as the emissions limits established by this section multiplied
2 by the actual operation rates, heat input, and hours of
3 operation of each new and existing source for the previous
4 calendar year. Actual operation rates, heat input, and hours
5 of operation of each new and existing source shall be
6 documented by making and maintaining records of operation of
7 each source. Fees shall not be based on stack test results. In
8 the event that adequate records of actual operation rates and
9 heat input are not maintained, actual operation shall be
10 assumed to occur at the source's maximum capacity during hours
11 of actual operation, if adequately documented. In the event
12 that adequate records of hours of operation are not
13 maintained, the source shall be assumed to have operated from
14 January 1 through May 31 and October 1 through December 31 of
15 the previous calendar year. All such annual emissions fees
16 shall be due and payable April 1 for the preceding calendar
17 year. Failure to pay fees shall result in penalties and
18 interest in the same manner and to the same extent as failure
19 to pay fees under the department's Title V program. For
20 purposes of determining actual emissions for fee purposes, any
21 allowances traded away shall be deducted and any allowances
22 acquired shall be included. All fees shall be deposited into
23 the Air Pollution Control Trust Fund.

24 (6) MODIFICATIONS AND NEW CONSTRUCTION.--Any facility
25 authorized to operate under this section that makes any
26 physical change or any change to the method of operation of
27 the facility shall comply with the requirements of this
28 section at all times, except that any facility located in an
29 area designated as a nonattainment area for any pollutant
30 shall also comply with limits established by department rules
31 for all changes which increase emissions of such pollutant,

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1 and except that any facility that becomes subject to the
2 federal acid rain program is no longer authorized to construct
3 or operate under this section and must obtain proper
4 department permits.

5 (7) RULES.--The department shall adopt rules pursuant
6 to ss. 120.54 and 120.536(1) to implement the provisions of
7 this section. Such rules shall, to the maximum extent
8 practicable, assure compliance with substantive federal Clean
9 Air Act requirements.

10 (8) LEGISLATIVE REVIEW.--By March 2004, the
11 department, after consultation with the citrus industry, shall
12 report to the Legislature concerning the implementation of
13 this section, and shall make recommendations for any changes
14 necessary to improve implementation.

15 (9) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No
16 later than February 1, 2001, the department shall submit this
17 act to the United States Environmental Protection Agency as a
18 revision of Florida's state implementation plan and as a
19 revision of Florida's approved state Title V program. If the
20 United States Environmental Protection Agency fails to approve
21 this act as a revision of Florida's state implementation plan
22 within 2 years after submittal, this act shall not apply with
23 respect to construction requirements for facilities subject to
24 regulation under the act, and the facilities subject to
25 regulation thereunder must comply with all construction
26 permitting requirements, including those for prevention of
27 significant deterioration, and must make application for
28 construction permits for any construction or modification at
29 the facility which was not undertaken in compliance with all
30 permitting requirements of the Florida state implementation
31 plan, within 3 months thereafter. If the United States

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1 Environmental Protection Agency fails to approve this act as a
2 revision of Florida's approved state Title V program within 2
3 years after submittal, this act shall not apply with respect
4 to operation requirements, and all facilities subject to
5 regulation under the act must immediately comply with all
6 Title V program requirements and must make application for
7 Title V operation permits within 3 months thereafter.

8 Section 11. Subsection (16) is added to section
9 120.80, Florida Statutes, to read:

10 120.80 Exceptions and special requirements;
11 agencies.--

12 (16) DEPARTMENT OF ENVIRONMENTAL
13 PROTECTION.--Notwithstanding the provisions of s.
14 120.54(1)(d), the Department of Environmental Protection, in
15 undertaking rulemaking to establish best available control
16 technology, lowest achievable emissions rate, or case-by-case
17 maximum available control technology for purposes of s.
18 403.08725, shall not adopt the lowest regulatory cost
19 alternative if such adoption would prevent the agency from
20 implementing federal requirements.

21 Section 12. The Department of Environmental Protection
22 is directed to explore alternatives to traditional methods of
23 regulatory permitting, provided that such alternative methods
24 will not allow a material increase in pollution emissions or
25 discharges. Working with industry, business associations,
26 other government agencies, and interested parties, the
27 department is directed to consider specific limited pilot
28 projects to test new compliance measures. These measures
29 should include, but not be limited to, reducing transaction
30 costs for business and government and providing economic
31 incentives for emissions reductions. The department shall

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1 report to the Legislature prior to implementation of a pilot
2 project initiated pursuant to this section.

3 Section 13. The introductory paragraph of section
4 403.0872, Florida Statutes, is amended to read:

5 403.0872 Operation permits for major sources of air
6 pollution; annual operation license fee.--Provided that
7 program approval pursuant to 42 U.S.C. s. 7661a has been
8 received from the United States Environmental Protection
9 Agency, beginning January 2, 1995, each major source of air
10 pollution, including electrical power plants certified under
11 s. 403.511, must obtain from the department an operation
12 permit for a major source of air pollution under this section.
13 This operation permit, which is the only department operation
14 permit for a major source of air pollution required for such
15 source; provided, at the applicant's request, the department
16 shall issue a separate Acid Rain permit for a major source of
17 air pollution that is an affected source within the meaning of
18 42 U.S.C. s. 7651a(1). Operation permits for major sources of
19 air pollution, except general permits issued pursuant to s.
20 403.814, must be issued in accordance with the ~~following~~
21 procedures contained in this section and in accordance with
22 chapter 120; however, to the extent that chapter 120 is
23 inconsistent with the provisions of this section, the
24 procedures contained in this section prevail.†

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26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 3, line 4, through page 7, line 10,
30 remove all of said lines

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1 and insert:

2 Council; creating s. 403.08725, F.S.; providing
3 requirements for citrus juice processing
4 facilities with respect to obtaining air
5 pollution, construction, and operations
6 permits; providing definitions; providing
7 emissions limits for such facilities; requiring
8 certification of information submitted by
9 citrus juice processing facilities to the
10 Department of Environmental Protection;
11 providing requirements with respect to
12 determination and reporting of facility
13 emissions; requiring the submission of annual
14 operating reports; requiring maintenance of
15 records; providing an affirmative defense to
16 certain enforcement actions; adopting and
17 incorporating specified federal regulations by
18 reference; providing requirements,
19 specifications, and restrictions with respect
20 to air emissions trading; providing for annual
21 emissions fees; providing penalty for failure
22 to pay fees; providing for deposit of fees in
23 the Air Pollution Control Trust Fund; providing
24 requirements with respect to construction of
25 new facilities or modification of existing
26 facilities; providing for the adoption of rules
27 by the department; requiring the department to
28 provide a report to the Legislature; providing
29 for submission of the act to the United States
30 Environmental Protection Agency; providing for
31 applicability of the act and compliance

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1 requirements for facilities in the event of
 2 federal nonapproval; amending s. 120.80, F.S.;
 3 providing an exception to specified rulemaking
 4 by the Department of Environmental Protection;
 5 directing the department to explore
 6 alternatives to traditional methods of
 7 regulatory permitting and to consider specific
 8 limited pilot projects to test new compliance
 9 measures; providing reporting requirements;
 10 amending s. 403.0872, F.S.; requiring the
 11 Department of Environmental Protection to issue
 12 a separate acid rain permit for specified major
 13 sources of air pollution upon request of the
 14 applicant; providing an effective date.

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