

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Representative(s) Alexander offered the following:

Amendment (with title amendment)

On page 16, between lines 29 and 30

insert:

Section 8. 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"
means all emissions units at a plant that processes citrus
fruit to produce single-strength or frozen concentrated juice

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

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

21 (a) Any applicable standard promulgated by the United
22 States Environmental Protection Agency.

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

30 (c) After October 31, 2002, for volatile organic
31 compounds, the level of emissions achievable by a 50-percent

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

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

18 (e) After October 31, 2002, for particulate matter of
19 10 microns or less, the emissions levels, expressed in pounds
20 per million British thermal units of heat input, unless
21 otherwise specified, are established for the following types
22 of new and existing sources:

23 1. Citrus peel dryer, regardless of production
24 capacity: 15 pounds per hour.

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

27 3. Process steam boiler:

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

30 b. New sources fired with fuel oil: 0.10 pounds per
31 million British thermal units.

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

1 7. Biogas flare for anaerobic reactor: not limited.

2 8. Emergency generator: not limited.

3 9. Volatile organic compounds emission control
4 incinerator: not limited.

5 (f) After October 31, 2002, for nitrogen oxides, the
6 emissions levels, expressed in pounds of nitrogen dioxide per
7 million British thermal units of heat produced, unless
8 otherwise specified, are established for the following types
9 of new and existing sources:

10 1. Citrus peel dryer:

11 a. Sources that fire natural gas, propane, biogas, or
12 d-limonene: not limited.

13 b. Sources that fire fuel oil: 0.34 pounds per
14 million British thermal units.

15 2. Process steam boiler:

16 a. New sources with a heat input capacity of 67
17 million British thermal units per hour or less and existing
18 sources regardless of heat input capacity: not limited.

19 b. New sources with a heat input capacity of more than
20 67 million British thermal units per hour: 0.10 pounds per
21 million British thermal units.

22 3. Combustion turbine:

23 a. Existing sources regardless of fuel:

24 (I) Existing combustion turbine of approximately 425
25 million British thermal units per hour heat input capacity:
26 42 parts per million volume dry at 15 percent oxygen.

27 (II) Existing combustion turbines of approximately 50
28 million British thermal units per hour heat input capacity
29 each, constructed prior to July 1999: 168 parts per million
30 volume dry at 15 percent oxygen.

31 (III) Existing combustion turbine of approximately 50

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

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

1 of the facility no later than April 1 of the following year.
2 Emissions shall be determined for each emissions unit by means
3 of recordkeeping, test methods, units, averaging periods, or
4 other statistical conventions which yield reliable data; are
5 consistent with the emissions limit being measured; are
6 representative of the unit's actual performance; and are
7 sufficient to show the actual emissions of the unit.

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

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

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

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

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

1 1. Tests for particulate matter of 10 microns or less
2 may be conducted using United States Environmental Protection
3 Agency Method 5, provided that all measured particulate matter
4 is assumed to be particulate matter of 10 microns or less.
5 Tests for compliance with the particulate matter emission
6 limit of subparagraph (2)(e)2. for the pellet cooler or
7 cooling reel are waived as long as the facility complies with
8 the visible emissions limitation of subparagraph (2)(g)2. If
9 any visible emissions test for the pellet cooler or cooling
10 reel does not demonstrate compliance with the visible
11 emissions limitation of subparagraph (2)(g)2., the emissions
12 unit shall be tested for compliance with the particulate
13 matter emission limit of subparagraph (2)(e)2. within 30 days
14 after the visible emissions test.

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

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

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

28 (j) Measurement of the sulfur content of fuel oil
29 shall be by latest American Society for Testing and Materials
30 methods suitable for determining sulfur content. Sulfur
31 dioxide emissions shall be determined by material balance

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

1 using the sulfur content and amount of the fuel or fuels fired
2 in each emission source, assuming that for each pound of
3 sulfur in the fuel fired, two pounds of sulfur dioxide are
4 emitted.

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

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

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

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

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

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

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

15 2. Excess allowances are those not used for any other
16 regulatory purpose.

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

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

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

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

22 (6) MODIFICATIONS AND NEW CONSTRUCTION.--Any facility
23 authorized to operate under this section that makes any
24 physical change or any change to the method of operation of
25 the facility shall comply with the requirements of this
26 section at all times, except that any facility located in an
27 area designated as a nonattainment area for any pollutant
28 shall also comply with limits established by department rules
29 for all changes which increase emissions of such pollutant,
30 and except that any facility that becomes subject to the
31 federal acid rain program is no longer authorized to construct

1 or operate under this section and must obtain proper
2 department permits.

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

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

13 (9) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No
14 later than February 1, 2000, the department shall submit this
15 act to the United States Environmental Protection Agency as a
16 revision of Florida's state implementation plan and as a
17 revision of Florida's approved state Title V program. If the
18 United States Environmental Protection Agency fails to approve
19 this act as a revision of Florida's state implementation plan
20 within 2 years after submittal, this act shall not apply with
21 respect to construction requirements for facilities subject to
22 regulation under the act, and the facilities subject to
23 regulation thereunder must comply with all construction
24 permitting requirements, including those for prevention of
25 significant deterioration, and must make application for
26 construction permits for any construction or modification at
27 the facility which was not undertaken in compliance with all
28 permitting requirements of the Florida state implementation
29 plan, within 3 months thereafter. If the United States
30 Environmental Protection Agency fails to approve this act as a
31 revision of Florida's approved state Title V program within 2

1 years after submittal, this act shall not apply with respect
2 to operation requirements, and all facilities subject to
3 regulation under the act must immediately comply with all
4 Title V program requirements and must make application for
5 Title V operation permits within 3 months thereafter.

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

8 120.80 Exceptions and special requirements;
9 agencies.--

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

19 Section 10. The Department of Environmental Protection
20 is directed to explore alternatives to traditional methods of
21 regulatory permitting, provided that such alternative methods
22 will not allow a material increase in pollution emissions or
23 discharges. Working with industry, business associations,
24 other government agencies, and interested parties, the
25 department is directed to consider specific limited pilot
26 projects to test new compliance measures. These measures
27 should include, but not be limited to, reducing transaction
28 costs for business and government and providing economic
29 incentives for emissions reductions. The department shall
30 report to the Legislature prior to implementation of a pilot
31 project initiated pursuant to this section.

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

1 Section 11. The introductory paragraph of section
2 403.0872, Florida Statutes, is amended to read:

3 403.0872 Operation permits for major sources of air
4 pollution; annual operation license fee.--Provided that
5 program approval pursuant to 42 U.S.C. s. 7661a has been
6 received from the United States Environmental Protection
7 Agency, beginning January 2, 1995, each major source of air
8 pollution, including electrical power plants certified under
9 s. 403.511, must obtain from the department an operation
10 permit for a major source of air pollution under this section.
11 This operation permit, which is the only department operation
12 permit for a major source of air pollution required for such
13 source; provided, at the applicant's request, the department
14 shall issue a separate Acid Rain permit for a major source of
15 air pollution that is an affected source within the meaning of
16 42 U.S.C. s. 7651a(1). Operation permits for major sources of
17 air pollution, except general permits issued pursuant to s.
18 403.814, must be issued in accordance with the ~~following~~
19 procedures contained in this section and in accordance with
20 chapter 120; however, to the extent that chapter 120 is
21 inconsistent with the provisions of this section, the
22 procedures contained in this section prevail.+

23 Section 12. This act shall take effect July 1, 2000.

24 On page 2, line 25, after the semicolon,

25
26 insert:

27 creating s. 403.08725, F.S.; providing
28 requirements for citrus juice processing
29 facilities with respect to obtaining air
30 pollution, construction, and operations
31 permits; providing definitions; providing

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

1 emissions limits for such facilities; requiring
2 certification of information submitted by
3 citrus juice processing facilities to the
4 Department of Environmental Protection;
5 providing requirements with respect to
6 determination and reporting of facility
7 emissions; requiring the submission of annual
8 operating reports; requiring maintenance of
9 records; providing an affirmative defense to
10 certain enforcement actions; adopting and
11 incorporating specified federal regulations by
12 reference; providing requirements,
13 specifications, and restrictions with respect
14 to air emissions trading; providing for annual
15 emissions fees; providing penalty for failure
16 to pay fees; providing for deposit of fees in
17 the Air Pollution Control Trust Fund; providing
18 requirements with respect to construction of
19 new facilities or modification of existing
20 facilities; providing for the adoption of rules
21 by the department; requiring the department to
22 provide a report to the Legislature; providing
23 for submission of the act to the United States
24 Environmental Protection Agency; providing for
25 applicability of the act and compliance
26 requirements for facilities in the event of
27 federal nonapproval; amending s. 120.80, F.S.;
28 providing an exception to specified rulemaking
29 by the Department of Environmental Protection;
30 directing the department to explore
31 alternatives to traditional methods of

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

1 regulatory permitting and to consider specific
2 limited pilot projects to test new compliance
3 measures; providing reporting requirements;
4 amending s. 403.0872, F.S.; requiring the
5 Department of Environmental Protection to issue
6 a separate acid rain permit for specified major
7 sources of air pollution upon request of the
8 applicant; providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 13. Section 403.08725, Florida Statutes, is
13 created to read:

14 403.08725 Citrus juice processing facilities.--
15 (1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective
16 July 1, 2002, all existing citrus juice processing facilities
17 shall comply with the provisions of this section in lieu of
18 obtaining air pollution, construction, and operation permits,
19 notwithstanding the permit requirements of ss. 403.087(1) and
20 403.0872. For purposes of this section, "existing juice
21 processing facility" means any facility that currently has air
22 pollution construction or operation permits issued by the
23 department with a fruit processing capacity of 2 million boxes
24 per year or more. For purposes of this section, "facility"
25 means all emissions units at a plant that processes citrus
26 fruit to produce single-strength or frozen concentrated juice
27 and other products and byproducts identified by Major Group
28 Standard Industrial Classification Codes 2033, 2037, and 2048
29 which are located within a contiguous area and are owned or
30 operated under common control, along with all emissions units
31 located in the contiguous area and under the same common

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

1 control which directly support the operation of the citrus
2 juice processing function. For purposes of this section,
3 facilities that do not operate a citrus peel dryer are not
4 subject to the requirements of paragraph (2)(c). For purposes
5 of this section, "department" means the Department of
6 Environmental Protection. Notwithstanding any other provision
7 of law to the contrary, for purposes of the permitted emission
8 limits of this section, "new sources" means emissions units
9 constructed or added to a facility on or after July 1, 2000,
10 and "existing sources" means emissions units constructed or
11 modified before July 1, 2000.

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

16 (a) Any applicable standard promulgated by the United
17 States Environmental Protection Agency.

18 (b) Each facility shall comply with the emissions
19 limitations of its Title V permit, and any properly issued and
20 certified valid preconstruction permits, until October 31,
21 2002, at which time the requirements of this section shall
22 supersede the requirements of the permits. Nothing in this
23 paragraph shall preclude the department's authority to
24 evaluate past compliance with all department rules.

25 (c) After October 31, 2002, for volatile organic
26 compounds, the level of emissions achievable by a 50-percent
27 recovery of oil from citrus fruits processed as determined by
28 the methodology described in subparagraph (4)(a)1. One year
29 after EPA approval pursuant to subsection (9), for volatile
30 organic compounds, the level of emissions achievable by a 65
31 percent recovery of oil from citrus fruits processed as

1 determined by the methodology described in subparagraph
2 (4)(a)1.

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

13 (e) After October 31, 2002, for particulate matter of
14 10 microns or less, the emissions levels, expressed in pounds
15 per million British thermal units of heat input, unless
16 otherwise specified, are established for the following types
17 of new and existing sources:

18 1. Citrus peel dryer, regardless of production
19 capacity: 15 pounds per hour.

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

22 3. Process steam boiler:

23 a. Sources fired with natural gas, propane, biogas, or
24 d-limonene: not limited.

25 b. New sources fired with fuel oil: 0.10 pounds per
26 million British thermal units.

27
28 No process steam boiler shall fire any fuel other than natural
29 gas, propane, biogas, d-limonene, or fuel oil. No process
30 steam boiler shall fire used oil.

31 4. Combustion turbine:

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

1 a. Existing sources regardless of fuel: not limited.

2 b. New sources fired with natural gas, propane, or
3 biogas: not limited.

4 c. New sources fired with fuel oil: 0.10 pounds per
5 million British thermal units.

6
7 No combustion turbine shall fire any fuel other than natural
8 gas, propane, biogas, or fuel oil. No combustion turbine
9 shall fire used oil.

10 5. Duct burner:

11 a. New and existing sources fired with natural gas,
12 propane, or biogas: not limited.

13 b. New and existing sources fired with fuel oil: 0.10
14 pounds per million British thermal units.

15
16 No duct burner shall fire any fuel other than natural gas,
17 propane, biogas, or fuel oil. No duct burner shall fire used
18 oil.

19 6. Glass plant furnace: existing sources with a
20 maximum non-cullet material process input rate of 18 tons per
21 hour; hourly emissions limited as determined by the following
22 equation: Emission limit (pounds per hour) = 3.59 x (process
23 rate, tons per hour raised to the 0.62 power). No glass plant
24 furnace shall fire any fuel other than natural gas, propane,
25 biogas, d-limonene, or fuel oil. No glass plant furnace shall
26 fire used oil.

27 7. Biogas flare for anaerobic reactor: not limited.

28 8. Emergency generator: not limited.

29 9. Volatile organic compounds emission control
30 incinerator: not limited.

31 (f) After October 31, 2002, for nitrogen oxides, the

1 emissions levels, expressed in pounds of nitrogen dioxide per
2 million British thermal units of heat produced, unless
3 otherwise specified, are established for the following types
4 of new and existing sources:
5 1. Citrus peel dryer:
6 a. Sources that fire natural gas, propane, biogas, or
7 d-limonene: not limited.
8 b. Sources that fire fuel oil: 0.34 pounds per
9 million British thermal units.
10 2. Process steam boiler:
11 a. New sources with a heat input capacity of 67
12 million British thermal units per hour or less and existing
13 sources regardless of heat input capacity: not limited.
14 b. New sources with a heat input capacity of more than
15 67 million British thermal units per hour: 0.10 pounds per
16 million British thermal units.
17 3. Combustion turbine:
18 a. Existing sources regardless of fuel:
19 (I) Existing combustion turbine of approximately 425
20 million British thermal units per hour heat input capacity:
21 42 parts per million volume dry at 15 percent oxygen.
22 (II) Existing combustion turbines of approximately 50
23 million British thermal units per hour heat input capacity
24 each, constructed prior to July 1999: 168 parts per million
25 volume dry at 15 percent oxygen.
26 (III) Existing combustion turbine of approximately 50
27 million British thermal units per hour heat input capacity,
28 constructed after July 1999: 50 parts per million volume dry
29 at 15 percent oxygen.
30 b. New sources with less than 50 megawatts of
31 mechanically generated electrical capacity, regardless of

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

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

1 7. Biogas flare for anaerobic reactor: 20 percent.

2 8. Emergency generator: 20 percent.

3 9. Lime storage silo: 10 percent.

4 10. Volatile organic compounds emission control
5 incinerator: 5 percent.

6 (3) EMISSIONS DETERMINATION AND REPORTING.--

7 (a) All information submitted to the department by
8 facilities authorized to operate under this section shall be
9 certified as true, accurate, and complete by a responsible
10 official of the facility. For purposes of this section,
11 "responsible official" means that person who would be allowed
12 to certify information and take action under the department's
13 Title V permitting rules.

14 (b) All emissions for which the facility is limited by
15 any standard promulgated by the United States Environmental
16 Protection Agency must be determined and reported by a
17 responsible official of the facility in accordance with the
18 promulgated requirement. Reports required by this section
19 shall be certified and submitted to the department.

20 (c) All emissions units subject to any enhanced
21 monitoring requirement under any regulation promulgated by the
22 United States Environmental Protection Agency must comply with
23 such requirement.

24 (d) All emissions for which the facility is limited by
25 paragraphs (2)(b)-(f) shall be determined on a calendar-year
26 basis and reported to the department by a responsible official
27 of the facility no later than April 1 of the following year.
28 Emissions shall be determined for each emissions unit by means
29 of recordkeeping, test methods, units, averaging periods, or
30 other statistical conventions which yield reliable data; are
31 consistent with the emissions limit being measured; are

1 representative of the unit's actual performance; and are
2 sufficient to show the actual emissions of the unit.

3 (e) Each facility authorized to operate under this
4 section shall submit annual operating reports in accordance
5 with department rules.

6 (f) Each facility shall have a responsible official
7 provide and certify the annual and semiannual statements of
8 compliance required under the department's Title V permitting
9 rules.

10 (g) Each facility shall have a responsible official
11 provide the department with sufficient information to
12 determine compliance with all provisions of this section and
13 all applicable department rules, upon request of the
14 department.

15 (h) Records sufficient to demonstrate compliance with
16 all provisions of this section and all applicable department
17 rules shall be made available and maintained at the facility
18 for a period of 5 years, for inspection by the department
19 during normal business hours.

20 (i) Emission sources subject to limitations for
21 particulate matter, nitrogen oxides, and visible emissions
22 pursuant to paragraphs (2)(e)-(g) shall test emissions
23 annually, except as provided in subparagraphs 1.-4., in
24 accordance with department rules using United States
25 Environmental Protection Agency test methods or other test
26 methods specified by department rule.

27 1. Tests for particulate matter of 10 microns or less
28 may be conducted using United States Environmental Protection
29 Agency Method 5, provided that all measured particulate matter
30 is assumed to be particulate matter of 10 microns or less.
31 Tests for compliance with the particulate matter emission

1 limit of subparagraph (2)(e)2. for the pellet cooler or
2 cooling reel are waived as long as the facility complies with
3 the visible emissions limitation of subparagraph (2)(g)2. If
4 any visible emissions test for the pellet cooler or cooling
5 reel does not demonstrate compliance with the visible
6 emissions limitation of subparagraph (2)(g)2., the emissions
7 unit shall be tested for compliance with the particulate
8 matter emission limit of subparagraph (2)(e)2. within 30 days
9 after the visible emissions test.

10 2. Tests for visible emissions shall be conducted
11 using United States Environmental Protection Agency Method 9.
12 Annual tests for visible emissions are not required for biogas
13 flares, emergency generators, and volatile organic compounds
14 emission control incinerators.

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

17 4. Tests for particulate matter of 10 microns or less
18 for process steam boilers, combustion turbines, and duct
19 burners, and tests for nitrogen oxides for citrus peel dryers,
20 process steam boilers, and duct burners, are not required
21 while firing fuel oil in any calendar year in which these
22 sources did not fire fuel oil for more than 400 hours.

23 (j) Measurement of the sulfur content of fuel oil
24 shall be by latest American Society for Testing and Materials
25 methods suitable for determining sulfur content. Sulfur
26 dioxide emissions shall be determined by material balance
27 using the sulfur content and amount of the fuel or fuels fired
28 in each emission source, assuming that for each pound of
29 sulfur in the fuel fired, two pounds of sulfur dioxide are
30 emitted.

31 (k) A situation arising from sudden and unforeseeable

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

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

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

27 (a) Emissions allowances may be obtained from any
28 other facility authorized to operate under this section,
29 provided such allowances are real, excess, and are not
30 resulting from the shutdown of an emissions unit. Emissions
31 allowances must be obtained for each pollutant the emissions

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

1 limit of which was exceeded in the calendar year. Allowances
2 can be applied on a pollutant-specific basis only. No
3 cross-pollutant trading shall be allowed.

4 1. Real allowances are those created by the difference
5 between the emissions limit imposed by this section and the
6 lower emissions actually measured during the calendar year.
7 Measurement of emissions for allowance purposes shall be
8 determined in the manner described in this subparagraph. For
9 purposes of measuring whether an allowance was created, a
10 single stack test or use of emissions estimates cannot be
11 used. Measurement of recovery of oil from citrus fruits
12 processed shall be by material balance using the measured oil
13 in the incoming fruit, divided into the sum of the oil
14 remaining in juice, the cold press oil recovered, d-limonene
15 recovered, and oil remaining in the dried pellets, expressed
16 as a percentage. Alternatively, the material balance may use
17 the measured oil in the incoming fruit divided into the oil
18 measured remaining in the pressed peel prior to introduction
19 into the feed mill dryers, in which case the decimal result
20 shall be subtracted from the numeral one, and added to the
21 decimal result of the measured oil in the incoming fruit
22 divided into the oil measured remaining in the dried pellets,
23 with the resulting sum expressed as a percentage. Measurement
24 of recovery of oil shall be made each operational day and
25 averaged over the days of facility operation during each
26 calendar year. Facilities may accept wet peel from offsite
27 sources for drying, provided that the facility receives
28 sufficient recorded information from the offsite source to
29 measure available oil and oil recovery at the offsite source,
30 and accounts for those values in determining compliance with
31 the limitation of paragraph (2)(c) and the number of

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

1 allowances that are required to be obtained, if any. Wet peel
2 not processed through the peel dryer shall be excluded from
3 the oil recovery calculations. Methodologies for determining
4 oil contents shall be developed by the Institute of Food and
5 Agricultural Sciences and approved by rule of the department.
6 Other methods of measuring oil recovery or determining oil
7 content may be approved by rule of the department, for trading
8 purposes, provided the methods yield results equivalent to the
9 approved methodologies.

10 2. Excess allowances are those not used for any other
11 regulatory purpose.

12 (b) No facility located in an area designated
13 nonattainment for ozone shall be allowed to acquire allowances
14 of volatile organic compounds. Nothing shall preclude such a
15 facility from trading volatile organic compounds allowances
16 that it might generate to facilities not located in a
17 nonattainment area for ozone.

18 (5) EMISSIONS FEES.--All facilities authorized to
19 operate under this section shall pay annual emissions fees in
20 the same amount to which the facility would be subject under
21 the department's Title V program. For purposes of determining
22 fees until October 31, 2002, emission fees shall be based on
23 the requirements of s. 403.0872. Commencing July 1, 2002, the
24 allowable annual emissions for fee purposes shall be computed
25 as the emissions limits established by this section multiplied
26 by the actual operation rates, heat input, and hours of
27 operation of each new and existing source for the previous
28 calendar year. Actual operation rates, heat input, and hours
29 of operation of each new and existing source shall be
30 documented by making and maintaining records of operation of
31 each source. Fees shall not be based on stack test results. In

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

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

17 (6) MODIFICATIONS AND NEW CONSTRUCTION.--Any facility
18 authorized to operate under this section that makes any
19 physical change or any change to the method of operation of
20 the facility shall comply with the requirements of this
21 section at all times, except that any facility located in an
22 area designated as a nonattainment area for any pollutant
23 shall also comply with limits established by department rules
24 for all changes which increase emissions of such pollutant,
25 and except that any facility that becomes subject to the
26 federal acid rain program is no longer authorized to construct
27 or operate under this section and must obtain proper
28 department permits.

29 (7) RULES.--The department shall adopt rules pursuant
30 to ss. 120.54 and 120.536(1) to implement the provisions of
31 this section. Such rules shall, to the maximum extent

1 practicable, assure compliance with substantive federal Clean
2 Air Act requirements.

3 (8) LEGISLATIVE REVIEW.--By March 2004, the
4 department, after consultation with the citrus industry, shall
5 report to the Legislature concerning the implementation of
6 this section, and shall make recommendations for any changes
7 necessary to improve implementation.

8 (9) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No
9 later than October 1, 2000, the department shall submit this
10 act to the United States Environmental Protection Agency as a
11 revision of Florida's state implementation plan and as a
12 revision of Florida's approved state Title V program. If the
13 United States Environmental Protection Agency fails to approve
14 this act as a revision of Florida's state implementation plan
15 within 2 years after submittal, this act shall not apply with
16 respect to construction requirements for facilities subject to
17 regulation under the act, and the facilities subject to
18 regulation thereunder must comply with all construction
19 permitting requirements, including those for prevention of
20 significant deterioration, and must make application for
21 construction permits for any construction or modification at
22 the facility which was not undertaken in compliance with all
23 permitting requirements of the Florida state implementation
24 plan, within 3 months thereafter. If the United States
25 Environmental Protection Agency fails to approve this act as a
26 revision of Florida's approved state Title V program within 2
27 years after submittal, this act shall not apply with respect
28 to operation requirements, and all facilities subject to
29 regulation under the act must immediately comply with all
30 Title V program requirements and must make application for
31 Title V operation permits within 3 months thereafter.

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

1 Section 14. Subsection (16) is added to section
2 120.80, Florida Statutes, to read:

3 120.80 Exceptions and special requirements;
4 agencies.--

5 (16) DEPARTMENT OF ENVIRONMENTAL
6 PROTECTION.--Notwithstanding the provisions of s.
7 120.54(1)(d), the Department of Environmental Protection, in
8 undertaking rulemaking to establish best available control
9 technology, lowest achievable emissions rate, or case-by-case
10 maximum available control technology for purposes of s.
11 403.08725, shall not adopt the lowest regulatory cost
12 alternative if such adoption would prevent the agency from
13 implementing federal requirements.

14 Section 15. The Department of Environmental Protection
15 is directed to explore alternatives to traditional methods of
16 regulatory permitting, provided that such alternative methods
17 will not allow a material increase in pollution emissions or
18 discharges. Working with industry, business associations,
19 other government agencies, and interested parties, the
20 department is directed to consider specific limited pilot
21 projects to test new compliance measures. These measures
22 should include, but not be limited to, reducing transaction
23 costs for business and government and providing economic
24 incentives for emissions reductions. The department shall
25 report to the Legislature prior to implementation of a pilot
26 project initiated pursuant to this section.

27 Section 16. The introductory paragraph of section
28 403.0872, Florida Statutes, is amended to read:

29 403.0872 Operation permits for major sources of air
30 pollution; annual operation license fee.--Provided that
31 program approval pursuant to 42 U.S.C. s. 7661a has been

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

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

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 2, lines 25-26, delete
23 remove from the title of the bill: all of said lines

24

25 and insert in lieu thereof:

26 Florida Packaging Council; creating s.
27 403.08725, F.S.; providing requirements for
28 citrus juice processing facilities with respect
29 to obtaining air pollution, construction, and
30 operations permits; providing definitions;
31 providing emissions limits for such facilities;

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

1 requiring certification of information
2 submitted by citrus juice processing facilities
3 to the Department of Environmental Protection;
4 providing requirements with respect to
5 determination and reporting of facility
6 emissions; requiring the submission of annual
7 operating reports; requiring maintenance of
8 records; providing an affirmative defense to
9 certain enforcement actions; adopting and
10 incorporating specified federal regulations by
11 reference; providing requirements,
12 specifications, and restrictions with respect
13 to air emissions trading; providing for annual
14 emissions fees; providing penalty for failure
15 to pay fees; providing for deposit of fees in
16 the Air Pollution Control Trust Fund; providing
17 requirements with respect to construction of
18 new facilities or modification of existing
19 facilities; providing for the adoption of rules
20 by the department; requiring the department to
21 provide a report to the Legislature; providing
22 for submission of the act to the United States
23 Environmental Protection Agency; providing for
24 applicability of the act and compliance
25 requirements for facilities in the event of
26 federal nonapproval; amending s. 120.80, F.S.;
27 providing an exception to specified rulemaking
28 by the Department of Environmental Protection;
29 directing the department to explore
30 alternatives to traditional methods of
31 regulatory permitting and to consider specific

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

1 limited pilot projects to test new compliance
2 measures; providing reporting requirements;
3 amending s. 403.0872, F.S.; requiring the
4 Department of Environmental Protection to issue
5 a separate acid rain permit for specified major
6 sources of air pollution upon request of the
7 applicant; providing an effective date.
8 providing requirements for citrus juice
9 processing facilities with respect to obtaining
10 air pollution, construction, and operations
11 permits; providing definitions; providing
12 emissions limits for such facilities; requiring
13 certification of information submitted by
14 citrus juice processing facilities to the
15 Department of Environmental Protection;
16 providing requirements with respect to
17 determination and reporting of facility
18 emissions; requiring the submission of annual
19 operating reports; requiring maintenance of
20 records; providing an affirmative defense to
21 certain enforcement actions; adopting and
22 incorporating specified federal regulations by
23 reference; providing requirements,
24 specifications, and restrictions with respect
25 to air emissions trading; providing for annual
26 emissions fees; providing penalty for failure
27 to pay fees; providing for deposit of fees in
28 the Air Pollution Control Trust Fund; providing
29 requirements with respect to construction of
30 new facilities or modification of existing
31 facilities; providing for the adoption of rules

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

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

20
21
22
23
24
25
26
27
28
29
30
31