

Bill No. SB 1896

Amendment No. 1

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

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

.
.
.
.
.
.

The Committee on Natural Resources recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 403.08725, Florida Statutes, is created to read:

403.08725 Citrus juice processing facilities.--

(1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective July 1, 2002, all 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 two million boxes per year or more. For purposes of this section, "facility" means all emissions units at a plant that processes

Bill No. SB 1896Amendment No. 1

1 citrus fruit to produce single-strength or frozen concentrated
2 juice and other products and byproducts identified by Major
3 Group Standard Industrial Classification Codes 2033, 2037, and
4 2048 which are located within a contiguous area and are owned
5 or operated under common control, along with all emissions
6 units located in the contiguous area and under the same common
7 control which directly support the operation of the citrus
8 juice processing function. For purposes of this section,
9 facilities that do not operate a citrus peel dryer are not
10 subject to the requirements of paragraph (2)(c). For purposes
11 of this section, "department" means the Department of
12 Environmental Protection. For purposes of the permitted
13 emission limits of this section, "new sources" means emissions
14 units constructed or added to a facility on or after July 1,
15 2000, and "existing sources" means emissions units constructed
16 or 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 currently valid preconstruction permits until October 31,
26 2002, at which time the requirements of this section shall
27 supersede the requirements of the permit. Nothing in this
28 paragraph precludes the department's authority to evaluate
29 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

Bill No. SB 1896Amendment No. 1

1 recovery of oil from citrus fruits processed must be
2 determined by the methodology described in sub-subparagraph
3 (4)(a)1. One year after EPA approval pursuant to paragraph (9)
4 of this section, for volatile organic compounds, the level of
5 emissions achievable by a 65 percent recovery of oil from
6 citrus fruits processed must be determined by the methodology
7 described in subparagraph (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
16 paragraph. The use of d-limonene as a fuel is not limited by
17 this 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, biogas, or
29 d-limonene: not limited.

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

Bill No. SB 1896

Amendment No. 1

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

No process steam boiler shall fire any fuel other than natural gas, propane, biogas, or fuel oil. No process steam boiler shall fire used oil.

4. Combustion turbine:

a. Existing sources regardless of fuel: not limited.

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

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

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

5. Duct burner:

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

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

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

6. Glass plant furnace: Existing sources with a maximum non-cullet material process input rate of 18 tons per hour, hourly emissions limited as determined by the following equation: emission limit (pounds per hour) = 3.59 X process rate (tons per hour raised to the .62 power).

No glass plant furnace shall fire any fuel other than natural gas, propane, biogas, d-limonene, or fuel oil. No glass plant

Bill No. SB 1896

Amendment No. 1

1 furnace shall fire used oil.

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

3 8. Emergency generator: not limited.

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

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

11 1. Citrus peel dryer:

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

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

16 2. Process steam boiler:

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

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

23 3. Combustion turbine:

24 a. Existing sources regardless of fuel:

25 (I) Existing combustion turbine of approximately 425
26 million British thermal units per hour heat input capacity:
27 42 parts per million volume dry at 15 percent oxygen.

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

Bill No. SB 1896Amendment No. 1

1 (III) Existing combustion turbine of approximately 50
2 million British thermal units per hour heat input capacity,
3 constructed after July 1999: 50 parts per million volume dry
4 at 15 percent oxygen.

5 b. New sources with less than 50 megawatts of
6 mechanically generated electrical capacity, regardless of
7 fuel: 25 parts per million volume dry at 15 percent oxygen.

8 c. New sources with greater than or equal to 50
9 megawatts of mechanically generated electrical capacity,
10 regardless of fuel: 3.5 parts per million volume dry at 15
11 percent oxygen.

12 4. Duct burner:

13 a. Sources fired with natural gas, propane, or biogas:
14 not limited.

15 b. Sources fired with fuel oil: 0.20 pounds per
16 million British thermal units.

17 5. Glass plant furnace:

18 a. Existing sources regardless of production capacity:
19 not limited.

20 b. New sources firing gaseous fuels or fuel oil,
21 regardless of production capacity: 5.5 pounds per ton of
22 glass produced.

23 6. Biogas flare for anaerobic reactor: not limited.

24 7. Emergency generator: not limited.

25 8. Volatile organic compound emission control
26 incinerator: not limited.

27 (g) After October 31, 2002, for visible emissions, the
28 levels of visible emissions at all times during operation,
29 expressed as a percent of opacity, are established for the
30 following types of emission sources:

31 1. Citrus peel dryer: 20 percent.

Bill No. SB 1896Amendment No. 1

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

Bill No. SB 1896Amendment No. 1

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

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

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

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

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

26 (i) Emission sources subject to limitations for
27 particulate matter, nitrogen oxides, and visible emissions
28 pursuant to paragraphs (2)(e)-(g) shall test emissions
29 annually, except as provided in subparagraphs 1.-3., in
30 accordance with department rules using United States
31 Environmental Protection Agency test methods, or other test

Bill No. SB 1896Amendment No. 1

1 methods specified by department rule.

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

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

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

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

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

Bill No. SB 1896Amendment No. 1

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

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

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

Bill No. SB 1896Amendment No. 1

1 limitations of paragraphs (4)(a) and (b).

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

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

Bill No. SB 1896Amendment No. 1

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

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

18 3. Prior to the sale of any earned emission credits
19 pursuant to this subsection, the facility shall submit
20 appropriate information to the department regarding the number
21 of emission credits earned by the facility and potentially
22 available for sale. Within 30 days of the sale of any
23 available emission credits, the facility shall notify the
24 department of such transaction so that a record may be
25 maintained against the number of credits available for sale.

26 (b) No facility located in an area designated
27 nonattainment for ozone shall be allowed to acquire allowances
28 of volatile organic compounds. Nothing shall preclude such a
29 facility from trading volatile organic compounds allowances
30 that it might generate to facilities not located in a
31 nonattainment area for ozone.

Bill No. SB 1896Amendment No. 1

1 (5) EMISSIONS FEES.--All facilities authorized to
2 operate under this section shall pay annual emissions fees in
3 the same amount to which the facility would be subject under
4 the department's Title V program. For purposes of determining
5 fees until October 31, 2002, emission fees shall be based on
6 the requirements of s. 403.0872. Commencing October 31, 2002,
7 the allowable annual emissions for fee purposes shall be
8 computed as the emissions limits established by this section
9 multiplied by the actual operation rates, heat input, and
10 hours of operation of each new and existing source for the
11 previous calendar year. Actual operation rates, heat input,
12 and hours of operation of each new and existing source shall
13 be documented by making and maintaining records of operation
14 of each source. Fees shall not be based on stack test results.
15 In the event that adequate records of actual operation rates
16 and heat input are not maintained, actual operation shall be
17 assumed to occur during hours of actual operation, if
18 adequately documented. In the event that adequate records of
19 hours of operation are not maintained, the source shall be
20 assumed to have operated from January 1 through May 31 and
21 October 1 through December 31 of the previous calendar year.
22 All such annual emissions fees shall be due and payable April
23 1 for the preceding calendar year. Failure to pay fees shall
24 result in penalties and interest in the same manner and to the
25 same extent as failure to pay fees under the department's
26 Title V program. For purposes of determining actual emissions
27 for fee purposes, any allowances traded away shall be deducted
28 and any allowances acquired shall be included. All fees shall
29 be deposited into the Air Pollution Control Trust Fund.

30 (6) MODIFICATIONS AND NEW CONSTRUCTION.--Any facility
31 authorized to operate under this section which makes any

Bill No. SB 1896Amendment No. 1

1 physical change or any change to the method of operation of
2 the facility shall comply with the requirements of this
3 section at all times, except that any facility located in an
4 area designated as a nonattainment area for any pollutant
5 shall also comply with limits established by department rules
6 for all changes which increase emissions of such pollutant,
7 and except that any facility that becomes subject to the
8 federal acid rain program is no longer authorized to construct
9 or operate under this section and must obtain proper
10 department permits.

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

16 (8) LEGISLATIVE REVIEW.--By March 2004, the
17 department, after consultation with the citrus industry, shall
18 report to the Legislature concerning the implementation of
19 this section, and shall make recommendations for any changes
20 necessary to improve implementation.

21 (9) ENVIRONMENTAL PROTECTION AGENCY APPROVAL.--No
22 later than October 1, 2000, the department shall submit
23 section 403.08725, Florida Statutes, as created by this act,
24 to the United States Environmental Protection Agency as a
25 revision of Florida's state implementation plan and as a
26 revision of Florida's approved state Title V program. If the
27 United States Environmental Protection Agency fails to approve
28 section 403.08725, Florida Statutes, as created by this act,
29 as a revision of Florida's state implementation plan within 2
30 years after submittal, section 403.08725, Florida Statutes, as
31 created by this act, shall not apply with respect to

Bill No. SB 1896Amendment No. 1

1 construction requirements for facilities subject to regulation
2 under the act, and the facilities subject to regulation
3 thereunder must comply with all construction permitting
4 requirements, including those for prevention of significant
5 deterioration, and must make application for construction
6 permits for any construction or modification at the facility
7 which was not undertaken in compliance with all permitting
8 requirements of the Florida state implementation plan, within
9 3 months thereafter. If the United States Environmental
10 Protection Agency fails to approve section 403.08725, Florida
11 Statutes, as created by this act, as a revision of Florida's
12 approved state Title V program within 2 years after submittal,
13 section 403.08725, Florida Statutes, as created by this act,
14 shall not apply with respect to operation requirements, and
15 all facilities subject to regulation under the act must
16 immediately comply with all Title V program requirements and
17 must make application for Title V operation permits within 3
18 months thereafter.

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

21 120.80 Exceptions and special requirements;
22 agencies.--

23 (16) DEPARTMENT OF ENVIRONMENTAL
24 PROTECTION.--Notwithstanding the provisions of s.
25 120.54(1)(d), the Department of Environmental Protection, in
26 undertaking rulemaking to establish best available control
27 technology, lowest achievable emissions rate, or case-by-case
28 maximum available control technology for purposes of s.
29 403.08725, shall not adopt the lowest regulatory cost
30 alternative if such would prevent the agency from implementing
31 federal requirements.

Bill No. SB 1896Amendment No. 1

1 Department of Environmental Protection;
2 providing requirements with respect to
3 determination and reporting of facility
4 emissions; requiring the submission of annual
5 operating reports; requiring maintenance of
6 records; providing requirements,
7 specifications, and restrictions with respect
8 to air emissions trading; providing for annual
9 emissions fees; providing penalty for failure
10 to pay fees; providing for deposit of fees in
11 the Air Pollution Control Trust Fund; providing
12 requirements with respect to construction of
13 new facilities or modification of existing
14 facilities; providing for the adoption of rules
15 by the department; requiring the department to
16 provide a report to the Legislature; providing
17 for submission of the act to the United States
18 Environmental Protection Agency; providing for
19 applicability of the act and compliance
20 requirements for facilities in the event of
21 federal nonapproval; amending s. 120.80, F.S.;
22 prohibiting the Department of Environmental
23 Protection from adopting by rule the lowest
24 regulatory cost alternative in establishing
25 best available technology under certain
26 circumstances; directing the department to
27 explore alternatives to traditional methods of
28 regulatory permitting and to consider specific
29 limited pilot projects to test new compliance
30 measures; providing reporting requirements;
31 providing an effective date.