

By the Committee on Agriculture; and Senator Alexander

303-2057-03

1                                   A bill to be entitled  
 2           An act relating to citrus; amending s.  
 3           403.08725, F.S.; redefining the terms "new  
 4           sources" and "existing sources"; amending  
 5           permitted emissions limits; providing for the  
 6           Department of Environmental Protection to  
 7           develop, by a specified deadline, management  
 8           practices to prevent or minimize certain  
 9           pollutants that are not specifically named in  
 10          this section; providing specific contents of  
 11          rules adopted by the department; providing  
 12          additional emissions limits; providing for the  
 13          expiration of the program created under this  
 14          section; providing prerequisites to salary  
 15          adjustments for certain employees of the  
 16          Department of Citrus; requiring the Department  
 17          of Citrus to publish an annual travel report;  
 18          providing requirements for the contents of that  
 19          report; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Subsections (1), (2), (7), and (8) of  
 24          section 403.08725, Florida Statutes, are amended, and  
 25          subsection (10) is added to that section, to read:  
 26                   403.08725 Citrus juice processing facilities.--  
 27                   (1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective  
 28          July 1, 2002, all existing citrus juice processing facilities  
 29          shall comply with the provisions of this section in lieu of  
 30          obtaining air pollution construction and operation permits,  
 31          notwithstanding the permit requirements of ss. 403.087(1) and

1 403.0872. For purposes of this section, "existing juice  
2 processing facility" means any facility that currently has air  
3 pollution construction or operation permits issued by the  
4 department with a fruit processing capacity of 2 million boxes  
5 per year or more. For purposes of this section, "facility"  
6 means all emissions units at a plant that processes citrus  
7 fruit to produce single-strength or frozen concentrated juice  
8 and other products and byproducts identified by Major Group  
9 Standard Industrial Classification Codes 2033, 2037, and 2048  
10 which are located within a contiguous area and are owned or  
11 operated under common control, along with all emissions units  
12 located in the contiguous area and under the same common  
13 control which directly support the operation of the citrus  
14 juice processing function. For purposes of this section,  
15 facilities that do not operate a citrus peel dryer are not  
16 subject to the requirements of paragraph (2)(c). For purposes  
17 of this section, "department" means the Department of  
18 Environmental Protection. Notwithstanding any other provision  
19 of law to the contrary, for purposes of the permitted emission  
20 limits of this section, "new sources" means emissions units  
21 constructed or added to a facility on or after July 1, 2002  
22 ~~2000~~, and "existing sources" means emissions units constructed  
23 or modified before July 1, 2002 ~~2000~~.

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

28 (a) Any applicable standard promulgated by the United  
29 States Environmental Protection Agency.

30 (b) Each facility shall comply with the emissions  
31 limitations of its Title V permit, and any properly issued and

1 certified valid preconstruction permits, until October 31,  
2 2002, at which time the requirements of this section shall  
3 supersede the requirements of the permits. Nothing in this  
4 paragraph shall preclude the department's authority to  
5 evaluate past compliance with all department rules.

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

15 (d) After October 31, ~~2004~~ 2002, except as otherwise  
16 provided herein, no facility with access to natural gas shall  
17 fire fuel oil containing greater than 0.1 ~~0.5~~ percent sulfur  
18 by weight or, alternatively, operate without processes that  
19 result in the equivalent of the use of such fuel. Those  
20 facilities without access to natural gas shall be limited to  
21 fuel oil containing no greater than 0.5 ~~±~~ percent sulfur by  
22 weight or, alternatively, operate without processes that  
23 result in the equivalent of the use of such fuel, except that  
24 all new sources at such facilities shall be limited to fuel  
25 oil containing no greater than 0.1 percent sulfur by weight or  
26 the equivalent of such fuel. In addition, facilities may use  
27 fuel oil with no greater than 1.5 percent sulfur by weight for  
28 up to 400 hours per calendar year. The use of natural gas is  
29 not limited by this paragraph. The use of d-limonene as a fuel  
30 is not limited by this paragraph. No source shall fire any  
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1 fuel other than fuel oil, natural gas, ethanol, propane,  
2 d-limonene, or biogas. No source shall fire used oil.

3 (e) All new boilers and coolers must have a stack  
4 height of at least 2.5 times the height of adjacent buildings,  
5 and no more than 65 meters, measured from the ground-level  
6 elevation at the base of the stack.

7 (f)(e) After October 31, 2004 ~~2002~~, for particulate  
8 matter of 10 microns or less, the emissions levels, expressed  
9 in pounds per million British thermal units of heat input,  
10 unless otherwise specified, are established for the following  
11 types of new and existing sources:

12 1. Citrus peel dryer, regardless of production  
13 capacity: 15 pounds per hour.

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

16 3. Process steam boiler:

17 a. Sources fired with natural gas, ethanol, propane,  
18 ethanol, biogas, or d-limonene and existing sources fired with  
19 fuel oil: not limited.

20 b. New sources fired with fuel oil: 0.05 ~~0.10~~ pounds  
21 per million British thermal units.

22  
23 ~~No process steam boiler shall fire any fuel other than natural~~  
24 ~~gas, propane, ethanol, biogas, d-limonene, or fuel oil. No~~  
25 ~~process steam boiler shall fire used oil.~~

26 4. Combustion turbine:

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

28 b. New sources fired with natural gas, propane,  
29 ethanol, or biogas, or d-limonene: not limited.

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

1  
2 ~~No combustion turbine shall fire any fuel other than natural~~  
3 ~~gas, propane, biogas, or fuel oil. No combustion turbine shall~~  
4 ~~fire used oil.~~

5           5. Duct burner:

6           a. New and existing sources fired with natural gas,  
7 ethanol, propane, or biogas, or d-limonene: not limited.

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

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

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

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

23           8. Emergency generator: not limited.

24           9. Volatile organic compounds emission control  
25 incinerator: not limited.

26           (g)~~(f)~~ After October 31, 2002, for nitrogen oxides,  
27 the emissions levels, expressed in pounds of nitrogen dioxide  
28 per million British thermal units of heat produced, unless  
29 otherwise specified, are established for the following types  
30 of new and existing sources:

31           1. Citrus peel dryer:

- 1           a. Sources that fire natural gas, propane, ethanol,  
2 biogas, or d-limonene: not limited.
- 3           b. Sources that fire fuel oil: 0.34 pounds per million  
4 British thermal units.
- 5           2. Process steam boiler:
- 6           a. New sources with a heat input capacity of 67  
7 million British thermal units per hour or less and existing  
8 sources regardless of heat input capacity: not limited.
- 9           b. New sources with a heat input capacity of more than  
10 67 million British thermal units per hour: 0.10 pounds per  
11 million British thermal units.
- 12           3. Combustion turbine:
- 13           a. Existing sources regardless of fuel:
- 14           (I) Existing combustion turbine of approximately 425  
15 million British thermal units per hour heat input capacity: 42  
16 parts per million volume dry at 15 percent oxygen.
- 17           (II) Existing combustion turbines of approximately 50  
18 million British thermal units per hour heat input capacity  
19 each, constructed prior to July 1999: 168 parts per million  
20 volume dry at 15 percent oxygen.
- 21           (III) Existing combustion turbine of approximately 50  
22 million British thermal units per hour heat input capacity,  
23 constructed after July 1999: 50 parts per million volume dry  
24 at 15 percent oxygen.
- 25           b. New sources with less than 50 megawatts of  
26 mechanically generated electrical capacity, regardless of  
27 fuel: 25 parts per million volume dry at 15 percent oxygen.
- 28           c. New sources with greater than or equal to 50  
29 megawatts of mechanically generated electrical capacity,  
30 regardless of fuel: 3.5 parts per million volume dry at 15  
31 percent oxygen.

- 1           4. Duct burner:
- 2           a. Existing sources fired with natural gas, propane,
- 3 or biogas: not limited.
- 4           b. Sources fired with fuel oil: 0.20 pounds per
- 5 million British thermal units.
- 6           5. Glass plant furnace:
- 7           a. Existing sources regardless of production capacity:
- 8 not limited.
- 9           b. New sources firing gaseous fuels or fuel oil,
- 10 regardless of production capacity: 5.5 pounds per ton of glass
- 11 produced.
- 12           6. Biogas flare for anaerobic reactor: not limited.
- 13           7. Emergency generator: not limited.
- 14           8. Volatile organic compound emission control
- 15 incinerator: not limited.
- 16           (h)~~(g)~~ After October 31, 2004 ~~2002~~, for visible
- 17 emissions, the levels of visible emissions at all times during
- 18 operation, expressed as a percent of opacity, are established
- 19 for the following types of emission sources:
- 20           1. Citrus peel dryer: 20 percent.
- 21           2. Pellet cooler or cooling reel: 5 percent.
- 22           3. Process steam boiler: 20 percent.
- 23           4. Combustion turbine: 10 percent.
- 24           5. Duct burner: limited to the visible emissions limit
- 25 of the associated combustion turbine.
- 26           6. Glass plant furnace: 20 percent.
- 27           7. Biogas flare for anaerobic reactor: 20 percent.
- 28           8. Emergency generator: 20 percent.
- 29           9. Lime storage silo: 10 percent.
- 30           10. Volatile organic compounds emission control
- 31 incinerator: 5 percent.

1           (i) The department may develop, with the cooperation  
2 of the Florida Citrus Processors association, management  
3 practices for the prevention or minimization of any other  
4 pollutant that is specifically regulated under the Clean Air  
5 Act but not specifically addressed by this section. To the  
6 greatest practicable extent, considering the unique  
7 characteristics of each facility, after these management  
8 practices have been developed, each source that is subject to  
9 this section must either comply with such generic practices or  
10 obtain approval from the department for the use of modified  
11 practices that are uniquely tailored to the facility. Such  
12 management practices must be developed before the United  
13 States Environmental Protection Agency issues its final  
14 approval of the program developed under this section. The  
15 department shall adopt such practices by rule when  
16 practicable.

17           (7) RULES.--The department shall adopt rules pursuant  
18 to ss. 120.536(1) and 120.54 to implement the provisions of  
19 this section. Such rules shall, to the maximum extent  
20 practicable, assure compliance with substantive federal Clean  
21 Air Act requirements. The department shall require the  
22 registration of facilities and shall provide for such  
23 participation by the public and the United States  
24 Environmental Protection Agency as is required by Title V of  
25 the Clean Air Act.

26           (8) LEGISLATIVE REVIEW.--By March 2007 ~~2004~~, the  
27 department, after consultation with the citrus industry, shall  
28 report to the Legislature concerning the implementation of  
29 this section, and shall make recommendations for any changes  
30 necessary to improve implementation.

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1           (10) ADDITIONAL EMISSIONS LIMITS AND EXPIRATION OF  
2 THIS PROGRAM.--

3           (a)1. No later than June 15 of each calendar year,  
4 each citrus processing facility subject to this section shall  
5 provide the total facility fruit throughput, in standard box  
6 measurement, for the previous June 1 through May 31 period, to  
7 the Florida Citrus Processors Association. The facility's  
8 responsible official must certify such information as true,  
9 complete, and correct. By June 30 of each calendar year, the  
10 Florida Citrus Processors Association shall provide to the  
11 department the aggregate fruit throughput for all facilities  
12 that are subject to this section. In addition, for purposes of  
13 assuring compliance with this section, the Florida Citrus  
14 Processors Association shall provide the department with  
15 throughput information for individual facilities upon request  
16 of the department.

17           2. On July 31 following the close of a production year  
18 (June 1 through May 31) during which the industrywide fruit  
19 throughput exceeds 350 million boxes, the terms and conditions  
20 of paragraphs (1)-(4) and (6) shall expire and all facilities  
21 subject to those provisions shall become subject to all  
22 then-existing department air-permitting requirements for the  
23 construction and operation of major air-pollution sources and  
24 all generally applicable air-pollution-limiting department  
25 rules. Such facilities shall apply for individual Title V  
26 permits on or before July 30 of that year, and all facility  
27 emissions limits and unit emissions limits effective as of  
28 July 30 of that year shall continue to be the effective limits  
29 for such units and facilities until changed through normal  
30 department air-pollution preconstruction permit processes.  
31 Each facility's fruit throughput is limited to the actual

1 throughput of the most recent production year (October 1  
2 through May 31) unless the throughput level is changed through  
3 normal department air-pollution preconstruction permit  
4 processes. Any throughput increase above such a throughput  
5 level is considered to be a relaxation of a restriction on  
6 pollutant-emitting capacity and is subject to Rule  
7 62-212.400(2)(g), Florida Administrative Code.

8 3. If a facility makes timely application for a Title  
9 V permit in accordance with this section and provides  
10 information to make the application complete in accordance  
11 with department rules, that facility is not considered to be  
12 operating without a permit during the processing of the Title  
13 V permit if the facility continues to provide the department  
14 with all Title V compliance reports and monitoring reports  
15 required by 40 C.F.R. part 70 during that period.

16 (b)1. The department shall, 3 and 6 years after the  
17 full implementation of this regulatory program, evaluate the  
18 program to determine if it is successful. The evaluation must  
19 address the consolidation of the industry to date and the  
20 related changes of emissions units and emissions and modeling  
21 of the effects of such emissions changes, and must be reported  
22 to the United States Environmental Protection Agency's Region  
23 4 office, with a copy to the Florida Citrus Processors  
24 Association and the federal Class I area land management  
25 agencies. The department, in consultation with the United  
26 States Environmental Protection Agency, shall determine the  
27 success of the program by a comparison of industrywide  
28 aggregate air emissions increases and reductions resulting  
29 from regulation under this program versus emissions increases  
30 and reductions that would have resulted from regulation under  
31 the federal new source review program during each 3-year

1 evaluation period. During the evaluation period, the  
2 department shall track new sources added to citrus facilities  
3 and estimate the emissions limitations that would have  
4 resulted from the federal new source review regulations in  
5 effect at the time of the addition of each source. As used in  
6 this paragraph, the term "regulations in effect" means those  
7 regulations that the United States Environmental Protection  
8 Agency has published in the Federal Register as a final  
9 regulation.

10 2. If, at the end of each evaluation period, the  
11 comparison of emissions increases and decreases shows that  
12 this program results in an overall emissions benefit that is  
13 consistent with the intention of the program and is protective  
14 of air quality, this regulatory program shall be considered  
15 successful. For purposes of this review, the target emissions  
16 increases and decreases for this program are:

17 a. This program is intended to significantly reduce  
18 allowable and actual emissions of volatile organic compounds  
19 and sulfur dioxide.

20 b. This program is intended to reduce allowable  
21 emissions of particulate matter.

22 c. This program is not intended to reduce actual  
23 emissions of carbon monoxide or nitrogen oxides.

24 d. This program is intended to result in an overall  
25 emissions benefit that is equal to or better than the benefit  
26 that would have resulted from regulation under the federal new  
27 source review program, considering the industrywide aggregate  
28 of regulated air emissions.

29 3. If this program is not considered successful, on  
30 July 31 following the date of completion of the evaluation,  
31 the terms and conditions of paragraphs (1)-(4) and (6) shall

1 expire, and all facilities subject to such provisions shall  
2 become subject to all then-existing department air-permitting  
3 requirements for construction and operation of major air  
4 pollution sources and all generally applicable air  
5 pollution-limiting department rules. Such facilities must  
6 apply for individual Title V permits on or before July 31 of  
7 that year, and all facility emissions limits and unit  
8 emissions limits effective as of July 30 of that year shall  
9 continue to be the effective limits for such units and  
10 facilities, with the exception of any emissions limits  
11 required under paragraph (10)(c), unless changed through  
12 normal department air-pollution preconstruction permit  
13 processes.

14 4. If a facility makes timely application for a Title  
15 V permit in accordance with this section, and provides  
16 information to make such an application complete in accordance  
17 with department rules, that facility is not considered to be  
18 operating without a permit during the processing of the Title  
19 V permit if the facility continues to provide the department  
20 with all Title V compliance reports and monitoring reports  
21 required by 40 C.F.R. part 70 during that period.

22 (c) If the program is not considered successful, the  
23 department shall identify each air pollutant, PM10, NOx, SO2  
24 and VOC, for which the industrywide emissions increases are  
25 greater than would have resulted under the federal new source  
26 review program and shall quantify the extent to which such  
27 emissions exceed such levels. For each pollutant so  
28 identified, the facilities subject to this section shall  
29 individually or collectively reduce industrywide emissions of  
30 such pollutants to the levels equivalent to those that would  
31 have resulted under the federal new source review program.

1 This may be done by reducing emissions at one or more  
2 emissions units operated within the industry, or by making  
3 reductions of such pollutants elsewhere within the peninsular  
4 portion of this state, as long as such reductions are real,  
5 accurately quantifiable, practically enforceable, and not  
6 required or used for any other air-quality purposes. If  
7 emissions reductions are taken at emissions units operated  
8 within the industry, each applicable facility shall receive  
9 emissions limits at such units in Title V permits in addition  
10 to limits that would result under paragraph (10)(b).

11       Section 2. Any change in the salary of an employee of  
12 the Department of Citrus which is at or above \$100,000  
13 annually must be approved by the full membership of the  
14 Florida Citrus Commission at the meeting of the commission in  
15 July 2003, or at the first subsequent meeting, and before any  
16 subsequent salary adjustment is made.

17       Section 3. The Department of Citrus shall, at the end  
18 of each fiscal year, publish an annual travel report that  
19 states, for each staff member of the Department of Citrus and  
20 each member of the Florida Citrus Commission who has traveled  
21 during that year, the name of the person, the person's  
22 position title, the date on which a claim for reimbursement  
23 was submitted, the dates of travel, the destinations, the  
24 purpose of the travel, and all expenditures that resulted from  
25 the travel.

26       Section 4. This act shall take effect upon becoming a  
27 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1300

4 Committee Substitute for SB 1300 is different from Senate Bill  
5 1300 in that it:

- 6 1. Revises and conforms statutory deadlines to the US  
7 Environmental Protection Agency approval process and  
8 schedules;
- 9 2. Lowers the limitation on sulfur content in fuel used by  
10 citrus processors;
- 11 3. Authorizes the Department of Environmental Protection to  
12 develop management practices for Clean Air Act pollutants  
13 not otherwise regulated by this program;
- 14 4. Provides for evaluation and potential sunset of this  
15 program;
- 16 5. Requires any change in the salary of an employee of the  
17 Department of Citrus which is at or above \$100,000  
18 annually to be approved by the full membership of the  
19 Citrus Commission; and
- 20 6. Requires the Department of Citrus to publish an annual  
21 travel report that provides specific information for each  
22 staff member of the department and each member of the  
23 commission who has traveled during that year.

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