

By the Committees on Appropriations Subcommittee on General Government; Agriculture; and Senator Alexander

309-2333-03

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; postponing the date by which  
11          certain actions must be accomplished; providing  
12          specific contents of rules adopted by the  
13          department; providing additional emissions  
14          limits; providing for the expiration of the  
15          program created under this section; providing  
16          prerequisites to salary adjustments for certain  
17          employees of the Department of Citrus;  
18          requiring the Department of Citrus to publish  
19          an annual travel report; providing requirements  
20          for the contents of that report; repealing s.  
21          581.1845, F.S., relating to citrus canker  
22          eradication and compensation to homeowners;  
23          providing an effective date.

24

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

26

27           Section 1. Subsections (1), (2), (5), (7), and (8) of  
28          section 403.08725, Florida Statutes, are amended, and  
29          subsection (10) is added to that section, to read:

30

403.08725 Citrus juice processing facilities.--

31

1           (1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective  
2 July 1, 2002, all existing citrus juice processing facilities  
3 shall comply with the provisions of this section in lieu of  
4 obtaining air pollution construction and operation permits,  
5 notwithstanding the permit requirements of ss. 403.087(1) and  
6 403.0872. For purposes of this section, "existing juice  
7 processing facility" means any facility that currently has air  
8 pollution construction or operation permits issued by the  
9 department with a fruit processing capacity of 2 million boxes  
10 per year or more. For purposes of this section, "facility"  
11 means all emissions units at a plant that processes citrus  
12 fruit to produce single-strength or frozen concentrated juice  
13 and other products and byproducts identified by Major Group  
14 Standard Industrial Classification Codes 2033, 2037, and 2048  
15 which are located within a contiguous area and are owned or  
16 operated under common control, along with all emissions units  
17 located in the contiguous area and under the same common  
18 control which directly support the operation of the citrus  
19 juice processing function. For purposes of this section,  
20 facilities that do not operate a citrus peel dryer are not  
21 subject to the requirements of paragraph (2)(c). For purposes  
22 of this section, "department" means the Department of  
23 Environmental Protection. Notwithstanding any other provision  
24 of law to the contrary, for purposes of the permitted emission  
25 limits of this section, "new sources" means emissions units  
26 constructed or added to a facility on or after July 1, 2002  
27 ~~2000~~, and "existing sources" means emissions units constructed  
28 or modified before July 1, 2002 ~~2000~~.

29           (2) PERMITTED EMISSIONS LIMITS.--All facilities  
30 authorized to construct and operate under this section shall  
31

1 operate within the most stringent of the emissions limits set  
2 forth in paragraphs (a)-(g) for each new and existing source:

3 (a) Any applicable standard promulgated by the United  
4 States Environmental Protection Agency.

5 (b) Each facility shall comply with the emissions  
6 limitations of its Title V permit, and any properly issued and  
7 certified valid preconstruction permits, until October 31,  
8 2002, at which time the requirements of this section shall  
9 supersede the requirements of the permits. Nothing in this  
10 paragraph shall preclude the department's authority to  
11 evaluate past compliance with all department rules.

12 (c) After October 31, 2004 ~~2002~~, for volatile organic  
13 compounds, the level of emissions achievable by a 50 percent  
14 recovery of oil from citrus fruits processed as determined by  
15 the methodology described in subparagraph (4)(a)1. One year  
16 after EPA approval pursuant to subsection (9), for volatile  
17 organic compounds, the level of emissions achievable by a 65  
18 percent recovery of oil from citrus fruits processed as  
19 determined by the methodology described in subparagraph  
20 (4)(a)1.

21 (d) After October 31, 2004 ~~2002~~, ~~except as otherwise~~  
22 ~~provided herein,~~ no facility shall fire fuel oil containing  
23 greater than 0.1 ~~0.5~~ percent sulfur by weight. ~~Those~~  
24 ~~facilities without access to natural gas shall be limited to~~  
25 ~~fuel oil containing no greater than 1 percent sulfur by~~  
26 ~~weight.~~ No source shall fire any fuel other than fuel oil,  
27 natural gas, ethanol, propane, d-limonene, or biogas. No  
28 source shall fire used oil. ~~In addition, facilities may use~~  
29 ~~fuel oil with no greater than 1.5 percent sulfur by weight for~~  
30 ~~up to 400 hours per calendar year. The use of natural gas is~~  
31

1 ~~not limited by this paragraph. The use of d-limonene as a fuel~~  
2 ~~is not limited by this paragraph.~~

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.

10

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, 2004 ~~2002~~, for nitrogen  
27 oxides, the emissions levels, expressed in pounds of nitrogen  
28 dioxide per million British thermal units of heat produced,  
29 unless otherwise specified, are established for the following  
30 types 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. Such  
6 management practices must be developed before the United  
7 States Environmental Protection Agency issues its final  
8 approval of the program under this section. Once such  
9 management practices are developed, each source subject to  
10 this section shall comply with such practices. The department  
11 shall adopt such practices by rule when practicable.

12           (5) EMISSIONS FEES.--All facilities authorized to  
13 operate under this section shall pay annual emissions fees in  
14 the same amount to which the facility would be subject under  
15 the department's Title V program. For purposes of determining  
16 fees until October 31, 2004 ~~2002~~, emission fees shall be based  
17 on the requirements of s. 403.0872. Commencing July 1, 2004  
18 ~~2002~~, the allowable annual emissions for fee purposes shall be  
19 computed as the emissions limits established by this section  
20 multiplied by the actual operation rates, heat input, and  
21 hours of operation of each new and existing source for the  
22 previous calendar year. Actual operation rates, heat input,  
23 and hours of operation of each new and existing source shall  
24 be documented by making and maintaining records of operation  
25 of each source. Fees shall not be based on stack test results.  
26 In the event that adequate records of actual operation rates  
27 and heat input are not maintained, actual operation shall be  
28 assumed to occur at the source's maximum capacity during hours  
29 of actual operation, if adequately documented. In the event  
30 that adequate records of hours of operation are not  
31 maintained, the source shall be assumed to have operated from



1 January 1 through May 31 and October 1 through December 31 of  
2 the previous calendar year. All such annual emissions fees  
3 shall be due and payable April 1 for the preceding calendar  
4 year. Failure to pay fees shall result in penalties and  
5 interest in the same manner and to the same extent as failure  
6 to pay fees under the department's Title V program. For  
7 purposes of determining actual emissions for fee purposes, any  
8 allowances traded away shall be deducted and any allowances  
9 acquired shall be included. All fees shall be deposited into  
10 the Air Pollution Control Trust Fund.

11 (7) RULES.--The department shall adopt rules pursuant  
12 to ss. 120.536(1) and 120.54 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. The department shall require the  
16 registration of facilities and shall provide for such  
17 participation by the public and the United States  
18 Environmental Protection Agency as is required by Title V of  
19 the Clean Air Act.

20 (8) LEGISLATIVE REVIEW.--By March 2007 ~~2004~~, the  
21 department, after consultation with the citrus industry, shall  
22 report to the Legislature concerning the implementation of  
23 this section, and shall make recommendations for any changes  
24 necessary to improve implementation.

25 (10) ADDITIONAL EMISSIONS LIMITS AND EXPIRATION OF  
26 THIS PROGRAM.--

27 (a)1. No later than June 15 of each calendar year,  
28 each citrus processing facility subject to this section shall  
29 provide the total facility fruit throughput, in standard box  
30 measurement, for the previous June 1 through May 31 period, to  
31 the Florida Citrus Processors Association. The facility's

1 responsible official must certify such information as true,  
2 complete, and correct. By June 30 of each calendar year, the  
3 Florida Citrus Processors Association shall provide to the  
4 department the aggregate fruit throughput for all facilities  
5 that are subject to this section. In addition, for purposes of  
6 assuring compliance with this section, the Florida Citrus  
7 Processors Association shall provide the department with  
8 throughput information for individual facilities upon request  
9 of the department.

10 2. On July 31 following the close of a production year  
11 (June 1 through May 31) during which the industrywide fruit  
12 throughput exceeds 350 million boxes, the terms and conditions  
13 of paragraphs (1)-(4) and (6) shall expire and all facilities  
14 subject to those provisions shall become subject to all  
15 then-existing department air-permitting requirements for the  
16 construction and operation of major air-pollution sources and  
17 all generally applicable air-pollution-limiting department  
18 rules. Such facilities shall apply for individual Title V  
19 permits on or before July 31 of that year, and all facility  
20 emissions limits and unit emissions limits effective as of  
21 July 30 of that year shall continue to be the effective limits  
22 for such units and facilities unless changed through normal  
23 department air-pollution preconstruction permit processes.  
24 Each facility's fruit throughput is limited to the actual  
25 throughput of the most recent production year (June 1 through  
26 May 31) unless the throughput level is changed through normal  
27 department air-pollution preconstruction permit processes. Any  
28 throughput increase above such a throughput level is  
29 considered to be a relaxation of a restriction on  
30 pollutant-emitting capacity and is subject to Rule  
31 62-212.400(2)(g), Florida Administrative Code.

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

9           (b)1. The department shall, 3 and 6 years after the  
10 full implementation of this regulatory program, evaluate the  
11 program to determine if it is successful. The evaluation must  
12 address the consolidation of the industry to date and the  
13 related changes of emissions units and emissions and modeling  
14 of the impacts of such emissions changes, and must be reported  
15 to the United States Environmental Protection Agency's Region  
16 4 office, with a copy to the Florida Citrus Processors  
17 Association and the federal Class I area land management  
18 agencies. The department, in consultation with the United  
19 States Environmental Protection Agency, shall determine the  
20 success of the program by a comparison of industrywide  
21 aggregate air emissions increases and reductions resulting  
22 from regulation under this program versus emissions increases  
23 and reductions that would have resulted from regulation under  
24 the federal new source review program during each 3-year  
25 evaluation period. During the evaluation period, the  
26 department shall track new sources added to citrus facilities  
27 and estimate the emissions limitations that would have  
28 resulted from the federal new source review regulations in  
29 effect at the time of the addition of each source. As used in  
30 this paragraph, the term "regulations in effect" means those  
31 regulations that the United States Environmental Protection

1 Agency has published in the Federal Register as a final  
2 regulation.

3 2. If, at the end of each evaluation period, the  
4 comparison of emissions increases and decreases shows that  
5 this program results in an overall emissions benefit that is  
6 consistent with the intention of the program and is protective  
7 of air quality, this regulatory program shall be considered  
8 successful. For purposes of this review, the target emissions  
9 increases and decreases for this program are:

10 a. This program is intended to significantly reduce  
11 allowable and actual emissions of volatile organic compounds  
12 and sulfur dioxide.

13 b. This program is intended to reduce allowable  
14 emissions of particulate matter.

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

17 d. This program is intended to result in an overall  
18 emissions benefit that is equal to or better than the benefit  
19 that would have resulted from regulation under the federal new  
20 source review program, considering the industrywide aggregate  
21 of regulated air emissions.

22 3. If this program is not considered successful, on  
23 July 31 following the date of completion of the evaluation,  
24 the terms and conditions of paragraphs (1)-(4) and (6) shall  
25 expire, and all facilities subject to such provisions shall  
26 become subject to all then-existing department air-permitting  
27 requirements for construction and operation of major air  
28 pollution sources and all generally applicable air  
29 pollution-limiting department rules. Such facilities must  
30 apply for individual Title V permits on or before July 31 of  
31 that year, and all facility emissions limits and unit

1 emissions limits effective as of July 30 of that year shall  
2 continue to be the effective limits for such units and  
3 facilities, with the exception of any emissions limits  
4 required under paragraph (10)(c), unless changed through  
5 normal department air-pollution preconstruction permit  
6 processes.

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

15 (c) If the program is not considered successful, the  
16 department shall identify each air pollutant, PM10, NOx, SO2  
17 and VOC, for which the industrywide emissions increases are  
18 greater than would have resulted under the federal new source  
19 review program and shall quantify the extent to which such  
20 emissions exceed such levels. For each pollutant so  
21 identified, the facilities subject to this section shall  
22 individually reduce emissions of such pollutants to the levels  
23 equivalent to those that would have resulted under the federal  
24 new source review program. This may be done by reducing  
25 emissions at one or more emissions units operated within the  
26 industry, or by making reductions of such pollutants elsewhere  
27 within the peninsular portion of this state, as long as such  
28 reductions are real, accurately quantifiable, practically  
29 enforceable, and not required or used for any other  
30 air-quality purposes. If emissions reductions are taken at  
31 emissions units operated within the industry, each applicable

1 facility shall receive emissions limits at such units in Title  
2 V permits in addition to limits that would result under  
3 paragraph (10)(b).

4 Section 2. Any change in the salary of an employee of  
5 the Department of Citrus which is at or above \$100,000  
6 annually must be approved by the full membership of the  
7 Florida Citrus Commission at the meeting of the commission in  
8 July 2003, or at the first subsequent meeting, and before any  
9 subsequent salary adjustment is made.

10 Section 3. The Department of Citrus shall, at the end  
11 of each fiscal year, publish an annual travel report that  
12 states, for each staff member of the Department of Citrus and  
13 each member of the Florida Citrus Commission who has traveled  
14 during that year, the name of the person, the person's  
15 position title, the date on which a claim for reimbursement  
16 was submitted, the dates of travel, the destinations, the  
17 purpose of the travel, and all expenditures that resulted from  
18 the travel.

19 Section 4. Section 581.1845, Florida Statutes, is  
20 repealed.

21 Section 5. This act shall take effect upon becoming a  
22 law.

23  
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25 COMMITTEE SUBSTITUTE FOR  
26 CS for SB 1300

27 The Committee Substitute revises and conforms statutory  
28 deadlines to the United States Environmental Protection Agency  
approval process and schedules;

29 Repeals section 581.1845, Florida Statutes, to eliminate the  
30 Citrus Canker Compensation Program.

31