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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; providing an
21 effective date.

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

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

28 403.08725 Citrus juice processing facilities.--
29 (1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective
30 July 1, 2002, all existing citrus juice processing facilities
31 shall comply with the provisions of this section in lieu of

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

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

30 (a) Any applicable standard promulgated by the United
31 States Environmental Protection Agency.

1 (b) Each facility shall comply with the emissions
2 limitations of its Title V permit, and any properly issued and
3 certified valid preconstruction permits, until October 31,
4 2002, at which time the requirements of this section shall
5 supersede the requirements of the permits. Nothing in this
6 paragraph shall preclude the department's authority to
7 evaluate past compliance with all department rules.

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

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

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

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

8 1. Citrus peel dryer, regardless of production
9 capacity: 15 pounds per hour.

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

12 3. Process steam boiler:

13 a. Sources fired with natural gas, ethanol, propane,
14 ~~ethanol, biogas,~~ or d-limonene and existing sources fired with
15 fuel oil: not limited.

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

18
19 ~~No process steam boiler shall fire any fuel other than natural~~
20 ~~gas, propane, ethanol, biogas, d-limonene, or fuel oil. No~~
21 ~~process steam boiler shall fire used oil.~~

22 4. Combustion turbine:

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

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

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

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

1 5. Duct burner:

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

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

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

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

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

19 8. Emergency generator: not limited.

20 9. Volatile organic compounds emission control
21 incinerator: not limited.

22 (g)(f) After October 31, 2004 ~~2002~~, for nitrogen
23 oxides, the emissions levels, expressed in pounds of nitrogen
24 dioxide per million British thermal units of heat produced,
25 unless otherwise specified, are established for the following
26 types of new and existing sources:

27 1. Citrus peel dryer:

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

30 b. Sources that fire fuel oil: 0.34 pounds per million
31 British thermal units.

- 1 2. Process steam boiler:
- 2 a. New sources with a heat input capacity of 67
- 3 million British thermal units per hour or less and existing
- 4 sources regardless of heat input capacity: not limited.
- 5 b. New sources with a heat input capacity of more than
- 6 67 million British thermal units per hour: 0.10 pounds per
- 7 million British thermal units.
- 8 3. Combustion turbine:
- 9 a. Existing sources regardless of fuel:
- 10 (I) Existing combustion turbine of approximately 425
- 11 million British thermal units per hour heat input capacity: 42
- 12 parts per million volume dry at 15 percent oxygen.
- 13 (II) Existing combustion turbines of approximately 50
- 14 million British thermal units per hour heat input capacity
- 15 each, constructed prior to July 1999: 168 parts per million
- 16 volume dry at 15 percent oxygen.
- 17 (III) Existing combustion turbine of approximately 50
- 18 million British thermal units per hour heat input capacity,
- 19 constructed after July 1999: 50 parts per million volume dry
- 20 at 15 percent oxygen.
- 21 b. New sources with less than 50 megawatts of
- 22 mechanically generated electrical capacity, regardless of
- 23 fuel: 25 parts per million volume dry at 15 percent oxygen.
- 24 c. New sources with greater than or equal to 50
- 25 megawatts of mechanically generated electrical capacity,
- 26 regardless of fuel: 3.5 parts per million volume dry at 15
- 27 percent oxygen.
- 28 4. Duct burner:
- 29 a. Existing sources fired with natural gas, propane,
- 30 or biogas: not limited.
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1 b. Sources fired with fuel oil: 0.20 pounds per
2 million British thermal units.

3 5. Glass plant furnace:

4 a. Existing sources regardless of production capacity:
5 not limited.

6 b. New sources firing gaseous fuels or fuel oil,
7 regardless of production capacity: 5.5 pounds per ton of glass
8 produced.

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

10 7. Emergency generator: not limited.

11 8. Volatile organic compound emission control
12 incinerator: not limited.

13 ~~(h)(g)~~ After October 31, 2004 ~~2002~~, for visible
14 emissions, the levels of visible emissions at all times during
15 operation, expressed as a percent of opacity, are established
16 for the following types of emission sources:

17 1. Citrus peel dryer: 20 percent.

18 2. Pellet cooler or cooling reel: 5 percent.

19 3. Process steam boiler: 20 percent.

20 4. Combustion turbine: 10 percent.

21 5. Duct burner: limited to the visible emissions limit
22 of the associated combustion turbine.

23 6. Glass plant furnace: 20 percent.

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

25 8. Emergency generator: 20 percent.

26 9. Lime storage silo: 10 percent.

27 10. Volatile organic compounds emission control
28 incinerator: 5 percent.

29 (i) The department may develop, with the cooperation
30 of the Florida Citrus Processors association, management
31 practices for the prevention or minimization of any other

1 pollutant that is specifically regulated under the Clean Air
2 Act but not specifically addressed by this section. Such
3 management practices must be developed before the United
4 States Environmental Protection Agency issues its final
5 approval of the program under this section. Once such
6 management practices are developed, each source subject to
7 this section shall comply with such practices. The department
8 shall adopt such practices by rule when practicable.

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

1 year. Failure to pay fees shall result in penalties and
2 interest in the same manner and to the same extent as failure
3 to pay fees under the department's Title V program. For
4 purposes of determining actual emissions for fee purposes, any
5 allowances traded away shall be deducted and any allowances
6 acquired shall be included. All fees shall be deposited into
7 the Air Pollution Control Trust Fund.

8 (7) RULES.--The department shall adopt rules pursuant
9 to ss. 120.536(1) and 120.54 to implement the provisions of
10 this section. Such rules shall, to the maximum extent
11 practicable, assure compliance with substantive federal Clean
12 Air Act requirements. The department shall require the
13 registration of facilities and shall provide for such
14 participation by the public and the United States
15 Environmental Protection Agency as is required by Title V of
16 the Clean Air Act.

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

22 (10) ADDITIONAL EMISSIONS LIMITS AND EXPIRATION OF
23 THIS PROGRAM.--

24 (a)1. No later than June 15 of each calendar year,
25 each citrus processing facility subject to this section shall
26 provide the total facility fruit throughput, in standard box
27 measurement, for the previous June 1 through May 31 period, to
28 the Florida Citrus Processors Association. The facility's
29 responsible official must certify such information as true,
30 complete, and correct. By June 30 of each calendar year, the
31 Florida Citrus Processors Association shall provide to the

1 department the aggregate fruit throughput for all facilities
2 that are subject to this section. In addition, for purposes of
3 assuring compliance with this section, the Florida Citrus
4 Processors Association shall provide the department with
5 throughput information for individual facilities upon request
6 of the department.

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

29 3. If a facility makes timely application for a Title
30 V permit in accordance with this section and provides
31 information to make the application complete in accordance

1 with department rules, that facility is not considered to be
2 operating without a permit during the processing of the Title
3 V permit if the facility continues to provide the department
4 with all Title V compliance reports and monitoring reports
5 required by 40 C.F.R. part 70 during that period.

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

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

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

11 b. This program is intended to reduce allowable
12 emissions of particulate matter.

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

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

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

1 facilities, with the exception of any emissions limits
2 required under paragraph (10)(c), unless changed through
3 normal department air-pollution preconstruction permit
4 processes.

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

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

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1 V permits in addition to limits that would result under
2 paragraph (10)(b).

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

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

18 Section 4. This act shall take effect upon becoming a
19 law.

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