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

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

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

403.08725 Citrus juice processing facilities.--

(1) COMPLIANCE REQUIREMENTS; DEFINITIONS.--Effective July
 1, 2002, all existing citrus juice processing facilities shall
 comply with the provisions of this section in lieu of obtaining
 air pollution construction and operation permits,
 notwithstanding the permit requirements of ss. 403.087(1) and
 403.0872. For purposes of this section, "existing juice
 processing facility" means any facility that currently has air



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31 pollution construction or operation permits issued by the
32 department with a fruit processing capacity of 2 million boxes
33 per year or more. For purposes of this section, "facility" means
34 all emissions units at a plant that processes citrus fruit to
35 produce single-strength or frozen concentrated juice and other
36 products and byproducts identified by Major Group Standard
37 Industrial Classification Codes 2033, 2037, and 2048 which are
38 located within a contiguous area and are owned or operated under
39 common control, along with all emissions units located in the
40 contiguous area and under the same common control which directly
41 support the operation of the citrus juice processing function.
42 For purposes of this section, facilities that do not operate a
43 citrus peel dryer are not subject to the requirements of
44 paragraph (2)(c). For purposes of this section, "department"
45 means the Department of Environmental Protection.
46 Notwithstanding any other provision of law to the contrary, for
47 purposes of the permitted emission limits of this section, "new
48 sources" means emissions units constructed or added to a
49 facility on or after July 1, 2002 ~~2000~~, and "existing sources"
50 means emissions units constructed or modified before July 1,
51 2002 ~~2000~~.

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

56 (a) Any applicable standard promulgated by the United
57 States Environmental Protection Agency.

58 (b) Each facility shall comply with the emissions
59 limitations of its Title V permit, and any properly issued and
60 certified valid preconstruction permits, until October 31, 2002,



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61 at which time the requirements of this section shall supersede
62 the requirements of the permits. Nothing in this paragraph shall
63 preclude the department's authority to evaluate past compliance
64 with all department rules.

65 (c) After October 31, 2002, for volatile organic
66 compounds, the level of emissions achievable by a 50 percent
67 recovery of oil from citrus fruits processed as determined by
68 the methodology described in subparagraph (4)(a)1. One year
69 after EPA approval pursuant to subsection (9), for volatile
70 organic compounds, the level of emissions achievable by a 65
71 percent recovery of oil from citrus fruits processed as
72 determined by the methodology described in subparagraph (4)(a)1.

73 (d) After October 31, 2004 ~~2002~~, except as otherwise
74 provided herein, no facility with access to natural gas shall
75 fire fuel oil containing greater than 0.1 ~~0.5~~ percent sulfur by
76 weight or, alternatively, operate without processes that result
77 in the equivalent of the use of such fuel. Those facilities
78 without access to natural gas shall be limited to fuel oil
79 containing no greater than 0.5 ~~±~~ percent sulfur by weight or,
80 alternatively, operate without processes that result in the
81 equivalent of the use of such fuel, except that all new sources
82 at such facilities shall be limited to fuel oil containing no
83 greater than 0.1 percent sulfur by weight or the equivalent of
84 such fuel. In addition, facilities may use fuel oil with no
85 greater than 1.5 percent sulfur by weight for up to 400 hours
86 per calendar year. The use of natural gas is not limited by this
87 paragraph. The use of d-limonene as a fuel is not limited by
88 this paragraph. No source shall fire any fuel other than fuel
89 oil, natural gas, ethanol, propane, d-limonene, or biogas. No
90 source shall fire used oil.



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

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

100 1. Citrus peel dryer, regardless of production capacity:
 101 15 pounds per hour.

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

104 3. Process steam boiler:

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

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

110
 111 ~~No process steam boiler shall fire any fuel other than natural~~
 112 ~~gas, propane, ethanol, biogas, d-limonene, or fuel oil. No~~
 113 ~~process steam boiler shall fire used oil.~~

114 4. Combustion turbine:

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

116 b. New sources fired with natural gas, propane, ethanol,
 117 ~~or~~ biogas, or d-limonene: not limited.

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

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

124 5. Duct burner:

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

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

129
 130 ~~No duct burner shall fire any fuel other than natural gas,~~
 131 ~~propane, biogas, or fuel oil. No duct burner shall fire used~~
 132 ~~oil.~~

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

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

142 8. Emergency generator: not limited.

143 9. Volatile organic compounds emission control
 144 incinerator: not limited.

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

150 1. Citrus peel dryer:



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- 151 a. Sources that fire natural gas, propane, ethanol,
152 biogas, or d-limonene: not limited.
- 153 b. Sources that fire fuel oil: 0.34 pounds per million
154 British thermal units.
- 155 2. Process steam boiler:
- 156 a. New sources with a heat input capacity of 67 million
157 British thermal units per hour or less and existing sources
158 regardless of heat input capacity: not limited.
- 159 b. New sources with a heat input capacity of more than 67
160 million British thermal units per hour: 0.10 pounds per million
161 British thermal units.
- 162 3. Combustion turbine:
- 163 a. Existing sources regardless of fuel:
- 164 (I) Existing combustion turbine of approximately 425
165 million British thermal units per hour heat input capacity: 42
166 parts per million volume dry at 15 percent oxygen.
- 167 (II) Existing combustion turbines of approximately 50
168 million British thermal units per hour heat input capacity each,
169 constructed prior to July 1999: 168 parts per million volume dry
170 at 15 percent oxygen.
- 171 (III) Existing combustion turbine of approximately 50
172 million British thermal units per hour heat input capacity,
173 constructed after July 1999: 50 parts per million volume dry at
174 15 percent oxygen.
- 175 b. New sources with less than 50 megawatts of mechanically
176 generated electrical capacity, regardless of fuel: 25 parts per
177 million volume dry at 15 percent oxygen.
- 178 c. New sources with greater than or equal to 50 megawatts
179 of mechanically generated electrical capacity, regardless of
180 fuel: 3.5 parts per million volume dry at 15 percent oxygen.



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- 181 4. Duct burner:
- 182 a. Existing sources fired with natural gas, propane, or
- 183 biogas: not limited.
- 184 b. Sources fired with fuel oil: 0.20 pounds per million
- 185 British thermal units.
- 186 5. Glass plant furnace:
- 187 a. Existing sources regardless of production capacity: not
- 188 limited.
- 189 b. New sources firing gaseous fuels or fuel oil,
- 190 regardless of production capacity: 5.5 pounds per ton of glass
- 191 produced.
- 192 6. Biogas flare for anaerobic reactor: not limited.
- 193 7. Emergency generator: not limited.
- 194 8. Volatile organic compound emission control incinerator:
- 195 not limited.
- 196 (h)(g) After October 31, 2004 ~~2002~~, for visible emissions,
- 197 the levels of visible emissions at all times during operation,
- 198 expressed as a percent of opacity, are established for the
- 199 following types of emission sources:
- 200 1. Citrus peel dryer: 20 percent.
- 201 2. Pellet cooler or cooling reel: 5 percent.
- 202 3. Process steam boiler: 20 percent.
- 203 4. Combustion turbine: 10 percent.
- 204 5. Duct burner: limited to the visible emissions limit of
- 205 the associated combustion turbine.
- 206 6. Glass plant furnace: 20 percent.
- 207 7. Biogas flare for anaerobic reactor: 20 percent.
- 208 8. Emergency generator: 20 percent.
- 209 9. Lime storage silo: 10 percent.



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210 10. Volatile organic compounds emission control
211 incinerator: 5 percent.

212 (i) The department may develop, with the cooperation of
213 the Florida Citrus Processors Association, management practices
214 for the prevention or minimization of any other pollutant that
215 is specifically regulated under the Clean Air Act but not
216 specifically addressed by this section. To the greatest
217 practicable extent, considering the unique characteristics of
218 each facility, after these management practices have been
219 developed, each source that is subject to this section must
220 either comply with such generic practices or obtain approval
221 from the department for the use of modified practices that are
222 uniquely tailored to the facility. Such management practices
223 must be developed before the United States Environmental
224 Protection Agency issues its final approval of the program
225 developed under this section. The department shall adopt such
226 practices by rule when practicable.

227 (7) RULES.--The department shall adopt rules pursuant to
228 ss. 120.536(1) and 120.54 to implement the provisions of this
229 section. Such rules shall, to the maximum extent practicable,
230 assure compliance with substantive federal Clean Air Act
231 requirements. The department shall require the registration of
232 facilities and shall provide for such participation by the
233 public and the United States Environmental Protection Agency as
234 is required by Title V of the Clean Air Act.

235 (8) LEGISLATIVE REVIEW.--By March 2007 ~~2004~~, the
236 department, after consultation with the citrus industry, shall
237 report to the Legislature concerning the implementation of this
238 section, and shall make recommendations for any changes
239 necessary to improve implementation.



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240 (10) ADDITIONAL EMISSIONS LIMITS AND EXPIRATION OF THIS
241 PROGRAM.--

242 (a)1. No later than June 15 of each calendar year, each
243 citrus processing facility subject to this section shall provide
244 the total facility fruit throughput, in standard box
245 measurement, for the previous June 1 through May 31 period, to
246 the Florida Citrus Processors Association. The facility's
247 responsible official must certify such information as true,
248 complete, and correct. By June 30 of each calendar year, the
249 Florida Citrus Processors Association shall provide to the
250 department the aggregate fruit throughput for all facilities
251 that are subject to this section. In addition, for purposes of
252 assuring compliance with this section, the Florida Citrus
253 Processors Association shall provide the department with
254 throughput information for individual facilities upon request of
255 the department.

256 2. On July 31 following the close of a production year
257 (June 1 through May 31) during which the industrywide fruit
258 throughput exceeds 350 million boxes, the terms and conditions
259 of paragraphs (1)-(4) and (6) shall expire and all facilities
260 subject to those provisions shall become subject to all then-
261 existing department air-permitting requirements for the
262 construction and operation of major air-pollution sources and
263 all generally applicable air-pollution-limiting department
264 rules. Such facilities shall apply for individual Title V
265 permits on or before July 30 of that year, and all facility
266 emissions limits and unit emissions limits effective as of July
267 30 of that year shall continue to be the effective limits for
268 such units and facilities until changed through normal
269 department air-pollution preconstruction permit processes. Each



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270 facility's fruit throughput is limited to the actual throughput
271 of the most recent production year (October 1 through May 31)
272 unless the throughput level is changed through normal department
273 air-pollution preconstruction permit processes. Any throughput
274 increase above such a throughput level is considered to be a
275 relaxation of a restriction on pollutant-emitting capacity and
276 is subject to Rule 62-212.400(2)(g), Florida Administrative
277 Code.

278 3. If a facility makes timely application for a Title V
279 permit in accordance with this section and provides information
280 to make the application complete in accordance with department
281 rules, that facility is not considered to be operating without a
282 permit during the processing of the Title V permit if the
283 facility continues to provide the department with all Title V
284 compliance reports and monitoring reports required by 40 C.F.R.
285 part 70 during that period.

286 (b)1. The department shall, 3 and 6 years after the full
287 implementation of this regulatory program, evaluate the program
288 to determine if it is successful. The evaluation must address
289 the consolidation of the industry to date and the related
290 changes of emissions units and emissions and modeling of the
291 effects of such emissions changes, and must be reported to the
292 United States Environmental Protection Agency's Region 4 office,
293 with a copy to the Florida Citrus Processors Association and the
294 federal Class I area land management agencies. The department,
295 in consultation with the United States Environmental Protection
296 Agency, shall determine the success of the program by a
297 comparison of industrywide aggregate air emissions increases and
298 reductions resulting from regulation under this program versus
299 emissions increases and reductions that would have resulted from



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300 regulation under the federal new source review program during
301 each 3-year evaluation period. During the evaluation period, the
302 department shall track new sources added to citrus facilities
303 and estimate the emissions limitations that would have resulted
304 from the federal new source review regulations in effect at the
305 time of the addition of each source. As used in this paragraph,
306 the term "regulations in effect" means those regulations that
307 the United States Environmental Protection Agency has published
308 in the Federal Register as a final regulation.

309 2. If, at the end of each evaluation period, the
310 comparison of emissions increases and decreases shows that this
311 program results in an overall emissions benefit that is
312 consistent with the intention of the program and is protective
313 of air quality, this regulatory program shall be considered
314 successful. For purposes of this review, the target emissions
315 increases and decreases for this program are:

316 a. This program is intended to significantly reduce
317 allowable and actual emissions of volatile organic compounds and
318 sulfur dioxide.

319 b. This program is intended to reduce allowable emissions
320 of particulate matter.

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

323 d. This program is intended to result in an overall
324 emissions benefit that is equal to or better than the benefit
325 that would have resulted from regulation under the federal new
326 source review program, considering the industrywide aggregate of
327 regulated air emissions.

328 3. If this program is not considered successful, on July
329 31 following the date of completion of the evaluation, the terms



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330 and conditions of paragraphs (1)-(4) and (6) shall expire, and
331 all facilities subject to such provisions shall become subject
332 to all then-existing department air-permitting requirements for
333 construction and operation of major air pollution sources and
334 all generally applicable air pollution-limiting department
335 rules. Such facilities must apply for individual Title V permits
336 on or before July 31 of that year, and all facility emissions
337 limits and unit emissions limits effective as of July 30 of that
338 year shall continue to be the effective limits for such units
339 and facilities, with the exception of any emissions limits
340 required under paragraph (10)(c), unless changed through normal
341 department air-pollution preconstruction permit processes.

342 4. If a facility makes timely application for a Title V
343 permit in accordance with this section, and provides information
344 to make such an application complete in accordance with
345 department rules, that facility is not considered to be
346 operating without a permit during the processing of the Title V
347 permit if the facility continues to provide the department with
348 all Title V compliance reports and monitoring reports required
349 by 40 C.F.R. part 70 during that period.

350 (c) If the program is not considered successful, the
351 department shall identify each air pollutant, PM10, NOx, SO2,
352 and VOC, for which the industrywide emissions increases are
353 greater than would have resulted under the federal new source
354 review program and shall quantify the extent to which such
355 emissions exceed such levels. For each pollutant so identified,
356 the facilities subject to this section shall individually or
357 collectively reduce industrywide emissions of such pollutants to
358 the levels equivalent to those that would have resulted under
359 the federal new source review program. This may be done by



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360 reducing emissions at one or more emissions units operated
 361 within the industry, or by making reductions of such pollutants
 362 elsewhere within the peninsular portion of this state, as long
 363 as such reductions are real, accurately quantifiable,
 364 practically enforceable, and not required or used for any other
 365 air-quality purposes. If emissions reductions are taken at
 366 emissions units operated within the industry, each applicable
 367 facility shall receive emissions limits at such units in Title V
 368 permits in addition to limits that would result under paragraph
 369 (10)(b).

370 Section 2. Any change in the salary of an employee of the
 371 Department of Citrus which is at or above \$100,000 annually must
 372 be approved by the full membership of the Florida Citrus
 373 Commission at the meeting of the commission in July 2003, or at
 374 the first subsequent meeting, and before any subsequent salary
 375 adjustment is made.

376 Section 3. The Department of Citrus shall, at the end of
 377 each fiscal year, publish an annual travel report that states,
 378 for each staff member of the Department of Citrus and each
 379 member of the Florida Citrus Commission who has traveled during
 380 that year, the name of the person, the person's position title,
 381 the date on which a claim for reimbursement was submitted, the
 382 dates of travel, the destinations, the purpose of the travel,
 383 and all expenditures that resulted from the travel.

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