



CHAMBER ACTION

The Committee on Natural Resources recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

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; postponing the date by which certain actions must be accomplished; 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:



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Section 1. Subsections (1), (2), (5), (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 pollution construction or operation permits issued by the department with a fruit processing capacity of 2 million boxes per year or more. For purposes of this section, "facility" means all emissions units at a plant that processes citrus fruit to produce single-strength or frozen concentrated juice and other products and byproducts identified by Major Group Standard Industrial Classification Codes 2033, 2037, and 2048 which are located within a contiguous area and are owned or operated under common control, along with all emissions units located in the contiguous area and under the same common control which directly support the operation of the citrus juice processing function. For purposes of this section, facilities that do not operate a citrus peel dryer are not subject to the requirements of paragraph (2)(c). For purposes of this section, "department" means the Department of Environmental Protection. Notwithstanding any other provision of law to the contrary, for



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57 | purposes of the permitted emission limits of this section, "new  
58 | sources" means emissions units constructed or added to a  
59 | facility on or after July 1, 2002 ~~2000~~, and "existing sources"  
60 | means emissions units constructed or modified before July 1,  
61 | 2002 ~~2000~~.

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

66 | (a) Any applicable standard promulgated by the United  
67 | States Environmental Protection Agency.

68 | (b) Each facility shall comply with the emissions  
69 | limitations of its Title V permit, and any properly issued and  
70 | certified valid preconstruction permits, until October 31, 2002,  
71 | at which time the requirements of this section shall supersede  
72 | the requirements of the permits. Nothing in this paragraph shall  
73 | preclude the department's authority to evaluate past compliance  
74 | with all department rules.

75 | (c) After October 31, 2004 ~~2002~~, for volatile organic  
76 | compounds, the level of emissions achievable by a 50 percent  
77 | recovery of oil from citrus fruits processed as determined by  
78 | the methodology described in subparagraph (4)(a)1. One year  
79 | after EPA approval pursuant to subsection (9), for volatile  
80 | organic compounds, the level of emissions achievable by a 65  
81 | percent recovery of oil from citrus fruits processed as  
82 | determined by the methodology described in subparagraph (4)(a)1.

83 | (d) After October 31, 2004 ~~2002~~, ~~except as otherwise~~  
84 | ~~provided herein~~, no facility shall fire fuel oil containing



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85 greater than 0.1 ~~0.5~~ percent sulfur by weight. No source shall  
86 fire any fuel other than fuel oil, natural gas, ethanol,  
87 propane, d-limonene, or biogas. No source shall fire used oil.  
88 ~~Those facilities without access to natural gas shall be limited~~  
89 ~~to fuel oil containing no greater than 1 percent sulfur by~~  
90 ~~weight. In addition, facilities may use fuel oil with no greater~~  
91 ~~than 1.5 percent sulfur by weight for up to 400 hours per~~  
92 ~~calendar year. The use of natural gas is not limited by this~~  
93 ~~paragraph. The use of d-limonene as a fuel is not limited by~~  
94 ~~this paragraph.~~

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

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

104 1. Citrus peel dryer, regardless of production capacity:  
105 15 pounds per hour.

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

108 3. Process steam boiler:

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



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

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115 ~~No process steam boiler shall fire any fuel other than natural~~  
116 ~~gas, propane, ethanol, biogas, d-limonene, or fuel oil. No~~  
117 ~~process steam boiler shall fire used oil.~~

118           4. Combustion turbine:

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

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

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

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

128           5. Duct burner:

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

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

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

137           6. Glass plant furnace: existing sources with a maximum  
138 noncullet material process input rate of 18 tons per hour;  
139 hourly emissions limited as determined by the following



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140 equation: Emission limit (pounds per hour) = 3.59 x (process  
141 rate, tons per hour raised to the 0.62 power). ~~No glass plant~~  
142 ~~furnace shall fire any fuel other than natural gas, propane,~~  
143 ~~biogas, d-limonene, or fuel oil. No glass plant furnace shall~~  
144 ~~fire used oil.~~

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

146 8. Emergency generator: not limited.

147 9. Volatile organic compounds emission control  
148 incinerator: not limited.

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

154 1. Citrus peel dryer:

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

157 b. Sources that fire fuel oil: 0.34 pounds per million  
158 British thermal units.

159 2. Process steam boiler:

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

163 b. New sources with a heat input capacity of more than 67  
164 million British thermal units per hour: 0.10 pounds per million  
165 British thermal units.

166 3. Combustion turbine:

167 a. Existing sources regardless of fuel:



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

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

175 (III) Existing combustion turbine of approximately 50  
176 million British thermal units per hour heat input capacity,  
177 constructed after July 1999: 50 parts per million volume dry at  
178 15 percent oxygen.

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

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

185 4. Duct burner:

186 a. Existing sources fired with natural gas, propane, or  
187 biogas: not limited.

188 b. Sources fired with fuel oil: 0.20 pounds per million  
189 British thermal units.

190 5. Glass plant furnace:

191 a. Existing sources regardless of production capacity: not  
192 limited.

193 b. New sources firing gaseous fuels or fuel oil,  
194 regardless of production capacity: 5.5 pounds per ton of glass  
195 produced.



- 196 6. Biogas flare for anaerobic reactor: not limited.
- 197 7. Emergency generator: not limited.
- 198 8. Volatile organic compound emission control incinerator:
- 199 not limited.

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

- 204 1. Citrus peel dryer: 20 percent.
- 205 2. Pellet cooler or cooling reel: 5 percent.
- 206 3. Process steam boiler: 20 percent.
- 207 4. Combustion turbine: 10 percent.
- 208 5. Duct burner: limited to the visible emissions limit of
- 209 the associated combustion turbine.
- 210 6. Glass plant furnace: 20 percent.
- 211 7. Biogas flare for anaerobic reactor: 20 percent.
- 212 8. Emergency generator: 20 percent.
- 213 9. Lime storage silo: 10 percent.
- 214 10. Volatile organic compounds emission control
- 215 incinerator: 5 percent.

216 (i) The department may develop, with the cooperation of  
 217 the Florida Citrus Processors Association, management practices  
 218 for the prevention or minimization of any other pollutant that  
 219 is specifically regulated under the Clean Air Act but not  
 220 specifically addressed by this section. Such management  
 221 practices must be developed before the United States  
 222 Environmental Protection Agency issues its final approval of the  
 223 program under this section. Once such management practices are





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224 developed, each source subject to this section shall comply with  
225 such practices. The department shall adopt such practices by  
226 rule when practicable.

227 (5) EMISSIONS FEES.--All facilities authorized to operate  
228 under this section shall pay annual emissions fees in the same  
229 amount to which the facility would be subject under the  
230 department's Title V program. For purposes of determining fees  
231 until October 31, 2004 ~~2002~~, emission fees shall be based on the  
232 requirements of s. 403.0872. Commencing July 1, 2004 ~~2002~~, the  
233 allowable annual emissions for fee purposes shall be computed as  
234 the emissions limits established by this section multiplied by  
235 the actual operation rates, heat input, and hours of operation  
236 of each new and existing source for the previous calendar year.  
237 Actual operation rates, heat input, and hours of operation of  
238 each new and existing source shall be documented by making and  
239 maintaining records of operation of each source. Fees shall not  
240 be based on stack test results. In the event that adequate  
241 records of actual operation rates and heat input are not  
242 maintained, actual operation shall be assumed to occur at the  
243 source's maximum capacity during hours of actual operation, if  
244 adequately documented. In the event that adequate records of  
245 hours of operation are not maintained, the source shall be  
246 assumed to have operated from January 1 through May 31 and  
247 October 1 through December 31 of the previous calendar year. All  
248 such annual emissions fees shall be due and payable April 1 for  
249 the preceding calendar year. Failure to pay fees shall result in  
250 penalties and interest in the same manner and to the same extent  
251 as failure to pay fees under the department's Title V program.



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252 For purposes of determining actual emissions for fee purposes,  
253 any allowances traded away shall be deducted and any allowances  
254 acquired shall be included. All fees shall be deposited into the  
255 Air Pollution Control Trust Fund.

256 (7) RULES.--The department shall adopt rules pursuant to  
257 ss. 120.536(1) and 120.54 to implement the provisions of this  
258 section. Such rules shall, to the maximum extent practicable,  
259 assure compliance with substantive federal Clean Air Act  
260 requirements. The department shall require the registration of  
261 facilities and shall provide for such participation by the  
262 public and the United States Environmental Protection Agency as  
263 is required by Title V of the Clean Air Act.

264 (8) LEGISLATIVE REVIEW.--By March 2007 ~~2004~~, the  
265 department, after consultation with the citrus industry, shall  
266 report to the Legislature concerning the implementation of this  
267 section, and shall make recommendations for any changes  
268 necessary to improve implementation.

269 (10) ADDITIONAL EMISSIONS LIMITS AND EXPIRATION OF THIS  
270 PROGRAM.--

271 (a)1. No later than June 15 of each calendar year, each  
272 citrus processing facility subject to this section shall provide  
273 the total facility fruit throughput, in standard box  
274 measurement, for the previous June 1 through May 31 period, to  
275 the Florida Citrus Processors Association. The facility's  
276 responsible official must certify such information as true,  
277 complete, and correct. By June 30 of each calendar year, the  
278 Florida Citrus Processors Association shall provide to the  
279 department the aggregate fruit throughput for all facilities



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280 that are subject to this section. In addition, for purposes of  
281 ensuring compliance with this section, the Florida Citrus  
282 Processors Association shall provide the department with  
283 throughput information for individual facilities upon request of  
284 the department.

285 2. On July 31 following the close of a production year,  
286 June 1 through May 31, during which the industrywide fruit  
287 throughput exceeds 350 million boxes, the terms and conditions  
288 of subsections (1)-(4) and (6) shall expire and all facilities  
289 subject to those provisions shall become subject to all then-  
290 existing department air permitting requirements for the  
291 construction and operation of major air pollution sources and  
292 all generally applicable air-pollution-limiting department  
293 rules. Such facilities shall apply for individual Title V  
294 permits on or before July 31 of that year, and all facility  
295 emissions limits and unit emissions limits effective as of July  
296 30 of that year shall continue to be the effective limits for  
297 such units and facilities unless changed through normal  
298 department air pollution preconstruction permit processes. Each  
299 facility's fruit throughput is limited to the actual throughput  
300 of the most recent production year, June 1 through May 31,  
301 unless the throughput level is changed through normal department  
302 air pollution preconstruction permit processes. Any throughput  
303 increase above such a throughput level is considered to be a  
304 relaxation of a restriction on pollutant-emitting capacity and  
305 is subject to Rule 62-212.400(2)(g), Florida Administrative  
306 Code.



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307        3. If a facility makes timely application for a Title V  
308 permit in accordance with this section and provides information  
309 to make the application complete in accordance with department  
310 rules, that facility is not considered to be operating without a  
311 permit during the processing of the Title V permit if the  
312 facility continues to provide the department with all Title V  
313 compliance reports and monitoring reports required by 40 C.F.R.  
314 part 70 during that period.

315        (b)1. The department shall, 3 and 6 years after the full  
316 implementation of this regulatory program, evaluate the program  
317 to determine if it is successful. The evaluation must address  
318 the consolidation of the industry to date and the related  
319 changes of emissions units and emissions and modeling of the  
320 impacts of such emissions changes, and must be reported to the  
321 United States Environmental Protection Agency's Region 4 office,  
322 with a copy to the Florida Citrus Processors Association and the  
323 federal Class I area land management agencies. The department,  
324 in consultation with the United States Environmental Protection  
325 Agency, shall determine the success of the program by a  
326 comparison of industrywide aggregate air emissions increases and  
327 reductions resulting from regulation under this program versus  
328 emissions increases and reductions that would have resulted from  
329 regulation under the federal new source review program during  
330 each 3-year evaluation period. During the evaluation period, the  
331 department shall track new sources added to citrus facilities  
332 and estimate the emissions limitations that would have resulted  
333 from the federal new source review regulations in effect at the  
334 time of the addition of each source. As used in this paragraph,



335 the term "regulations in effect" means those regulations that  
336 the United States Environmental Protection Agency has published  
337 in the Federal Register as a final regulation.

338 2. If, at the end of each evaluation period, the  
339 comparison of emissions increases and decreases shows that this  
340 program results in an overall emissions benefit that is  
341 consistent with the intention of the program and is protective  
342 of air quality, this regulatory program shall be considered  
343 successful. For purposes of this review, the target emissions  
344 increases and decreases for this program are:

345 a. To significantly reduce allowable and actual emissions  
346 of volatile organic compounds and sulfur dioxide.

347 b. To reduce allowable emissions of particulate matter.

348 c. To result in an overall emissions benefit that is equal  
349 to or better than the benefit that would have resulted from  
350 regulation under the federal new source review program,  
351 considering the industrywide aggregate of regulated air  
352 emissions.

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354 This program is not intended to reduce actual emissions of  
355 carbon monoxide or nitrogen oxides.

356 3. If this program is not considered successful, on July  
357 31 following the date of completion of the evaluation, the terms  
358 and conditions of subsections (1)-(4) and (6) shall expire, and  
359 all facilities subject to such provisions shall become subject  
360 to all then-existing department air permitting requirements for  
361 construction and operation of major air pollution sources and  
362 all generally applicable air-pollution-limiting department



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363 rules. Such facilities must apply for individual Title V permits  
364 on or before July 31 of that year, and all facility emissions  
365 limits and unit emissions limits effective as of July 30 of that  
366 year shall continue to be the effective limits for such units  
367 and facilities, with the exception of any emissions limits  
368 required under paragraph (c), unless changed through normal  
369 department air pollution preconstruction permit processes.

370 4. If a facility makes timely application for a Title V  
371 permit in accordance with this section, and provides information  
372 to make such an application complete in accordance with  
373 department rules, that facility is not considered to be  
374 operating without a permit during the processing of the Title V  
375 permit if the facility continues to provide the department with  
376 all Title V compliance reports and monitoring reports required  
377 by 40 C.F.R. part 70 during that period.

378 (c) If the program is not considered successful, the  
379 department shall identify each air pollutant, PM10, NOx, SO2,  
380 and VOC, for which the industrywide emissions increases are  
381 greater than would have resulted under the federal new source  
382 review program and shall quantify the extent to which such  
383 emissions exceed such levels. For each pollutant so identified,  
384 the facilities subject to this section shall individually reduce  
385 emissions of such pollutants to the levels equivalent to those  
386 that would have resulted under the federal new source review  
387 program. This may be done by reducing emissions at one or more  
388 emissions units operated within the industry, or by making  
389 reductions of such pollutants elsewhere within the peninsular  
390 portion of this state, as long as such reductions are real,



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391 accurately quantifiable, practically enforceable, and not  
392 required or used for any other air-quality purposes. If  
393 emissions reductions are taken at emissions units operated  
394 within the industry, each applicable facility shall receive  
395 emissions limits at such units in Title V permits in addition to  
396 limits that would result under paragraph (b).

397 Section 2. Any change in the salary of an employee of the  
398 Department of Citrus which is at or above \$100,000 annually must  
399 be approved by the full membership of the Florida Citrus  
400 Commission.

401 Section 3. The Department of Citrus shall, at the end of  
402 each fiscal year, publish an annual travel report that states,  
403 for each staff member of the Department of Citrus and each  
404 member of the Florida Citrus Commission who has traveled during  
405 that year, the name of the person, the person's position title,  
406 the date on which a claim for reimbursement was submitted, the  
407 dates of travel, the destinations, the purpose of the travel,  
408 and all expenditures that resulted from the travel.

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