

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 471.008, 471.017(3) FS.

LAW IMPLEMENTED: 471.017(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500, or by email: zraybon@fbpe.org

THE TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.008 Record Keeping.

Rulemaking Authority 471.008, 471.017(3) FS. Law Implemented 471.017(3) FS. History—New 9-16-01, Amended 2-18-16, ~~Repealed--~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2020

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-296.402	Sulfuric Acid Plants
62-296.404	Kraft (Sulfate) Pulp Mills and Tall Oil Plants
62-296.405	Fossil Fuel Steam Generators with More than 250 Million Btu Per Hour Heat
62-296.570	Reasonably Available Control Technology (RACT) - Requirements for Major VOC- and NOx-Emitting Facilities

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NOPR) is to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to address air emissions during transient operation conditions for some source categories, deleting provisions that are outdated or superseded by federal standards, clarification of federal rule applicability and what an existing and new source in each rule that uses these terms. Other minor corrective or clarifying amendments are also proposed.

SUMMARY: The proposed rule amendments address Stationary Sources – Emission Standards.

OTHER RULES INCORPORATING RULE 62-296.402, F.A.C.: None

OTHER RULES INCORPORATING RULE 62-296.404, F.A.C.: 62-110.107, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-296.405, F.A.C.: 62-296.702, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-296.570, F.A.C.: 62-210.200 and 62-296.500, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, F.S.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, F.S.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT A TIME, DATE AND PLACE THAT WILL BE NOTICED IN A FUTURE VOLUME OF THE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hastings Read, 2600 Blair Stone Rd., MS 5500, Tallahassee, FL, 32399-2400, hastings.read@floridadep.gov, (850)717-9017.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.402 Sulfuric Acid Plants.

(1) Applicability. Rule 62-296.402, F.A.C., applies to all Sulfuric Acid Plants, defined as any installation producing sulfuric acid by burning elemental sulfur, alkylation acid, hydrogen sulfides, organic sulfides, mercaptans, or acid sludge. Sulfuric Acid Plants that are subject to the sulfur dioxide, sulfuric acid mist, or opacity emission limits in 40 C.F.R. Part 60, Subpart H, adopted and incorporated by reference at rule 62-204.800, F.A.C., are not subject to corresponding emission limits specified in this rule. ~~Existing Plants.~~

~~(a) Florida portion of the Jacksonville, Florida—Brunswick, Georgia, Interstate Air Quality Control Region as defined in 40 C.F.R. Section 81.91.~~

~~1. Visible Emissions—ten percent opacity.~~

~~2. Sulfur Dioxide—29 pounds per ton of 100 percent acid produced.~~

~~3. Acid Mist—0.5 pounds per ton of 100 percent acid produced.~~

~~(b) All other areas of the State of Florida.~~

~~1. Visible Emissions—ten percent opacity.~~

~~2. Sulfur Dioxide—10 pounds per ton of 100 percent acid produced.~~

~~3. Acid Mist—0.3 pounds per ton of 100 percent acid produced.~~

(2) Emission Limits New Plants.

(a) through (c) No change.

(3) No change.

(4) Continuous Emissions Monitoring Requirements. Each owner or operator of a sulfuric acid plant shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements, shall conform with the requirements of 40 C.F.R. Part 51,

~~Appendix P, adopted and incorporated by reference in subsection 62-204.800(2), F.A.C.; and 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in rule subsection 62-204.800, F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department’s air permit for the emissions unit and submitted to the U.S. Environmental Protection Agency as a proposed revision to the State Implementation Plan.~~

~~(a) through (b) No change.~~

(5) Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in rule 62-296.402, F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the owner or operator ~~Source~~ for a period of two years.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(2), 17-296.402, Amended 11-23-94, 1-1-96, 3-13-96, 7-10-14, _____.

62-296.404 Tall Oil Plants and Kraft (Sulfate) Pulp Mills.

(1) Visible Emissions. Visible emissions from Kraft Recovery Furnances shall meet the opacity monitoring requirements established pursuant to 40 C.F.R. Part 63, Subpart MM, as adopted and incorporated by reference in rule 62-204.800, F.A.C.

~~(a) Kraft Recovery Furnaces Equipped with Dry Collectors—45 percent opacity, except:~~

~~1. Visible emissions of up to 60 percent opacity shall be allowed for one six minute period during any one hour period, or~~

~~2. If the emissions unit is equipped with a certified continuous emission monitoring device for measuring opacity, then the monitoring results shall be reported to the Department quarterly in the form of an excess emissions report, and visible emissions in excess of 45 percent opacity shall be allowed for up to six percent of the total number of possible contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the emissions unit is not operating). The continuous emission monitoring device shall be certified, calibrated, and operated according to the procedures for opacity monitors contained in 40 C.F.R. Part 60, Subpart A, adopted and incorporated by reference at rule 62-204.800, F.A.C.~~

~~(b) (Reserved).~~

~~(c) (Reserved).~~

(2) Particulate Matter. ~~The emission limit for particulate matter from Kraft Recovery Furnances shall be the same as the particulate matter emission limit established pursuant to 40 C.F.R. Part 63, Subpart MM, as adopted and incorporated by refernece in rule 62-204.800, F.A.C.~~

(a) Kraft Recovery Furnaces ~~three pounds per each 3000 pounds of black liquor solids fed.~~

(b) Visible emission limits for kraft pulp mill emissions units equipped with wet scrubbers shall be effective only if the visible emission measurement can be made without being substantially affected by plume mixing or moisture condensation.

(3) Total Reduced Sulfur (TRS). ~~The following emission limits do not apply where an emissions unit is subject to TRS limits established pursuant to 40 C.F.R. Part 60, Subparts BB or BBa, as adopted and incorporated by reference in rule 62-204.800, F.A.C.~~

(a) Digester Systems, Multiple Effect Evaporator Systems, Condensate Stripper Systems.

1- ~~Gaseous emissions from these units shall be collected and incinerated in a lime kiln or calciner meeting the requirements of either paragraph 62-296.404(3)(e), F.A.C., or subsection 62-204.800(7), F.A.C., or a kraft recovery furnace meeting the requirements of paragraph 62-296.404(3)(e), F.A.C., or subsection 62-204.800(7), F.A.C., or a combustion device meeting the requirements of either this rule or 40 C.F.R. Part 60, Subparts BB or BBa, adopted and incorporated by reference in rule 62-204.800, F.A.C. paragraph 296.404(3)(f), F.A.C., or subsection 62-204.800(7), F.A.C., or:~~

2- ~~5 ppm by volume on a dry basis at standard conditions corrected to the actual oxygen content of the untreated flue gas stream as a 12 hour average if a means other than incineration in a combustion device pursuant to subparagraph 62-296.404(3)(a)1., F.A.C., is used to control gaseous emissions of total reduced sulfur.~~

3- ~~Total reduced sulfur emissions shall not be vented to the atmosphere at any point connected to or between the emissions unit and the control device except as allowed by 40 C.F.R. Part 63, Subpart S, adopted and incorporated by reference in rule 62-204.800, F.A.C. in the event of an emergency that presents a danger to life or property, or during those times when the control device is shut down for essential maintenance. The owner or operator of the affected facility shall develop a contingency plan, acceptable to the Department, for such circumstances. The plan shall include definitions of what constitutes essential maintenance and a reportable venting incident. The plan shall also include an evaluation of feasible means of controlling or mitigating the impact of total reduced sulfur when a control device or piece of process equipment that is used to control total reduced sulfur emissions is inoperative, and an assessment of the use of back-up control devices. Once~~

~~approved by the Department, the plan shall become a modification to the operation permits for affected emissions units and its provisions shall be followed whenever a shutdown occurs. The time allowed for venting shall be as short as possible and limited to the time required to effect the required maintenance. In no event shall the cumulative time exceed ten days in any annual period unless authorized by the Secretary or the Secretary's designee. These provisions supplement the provisions of rule 62-210.700, F.A.C., which shall also apply where not in direct conflict with this provision.~~

~~Normal excess or erratic pressures shall be controlled in such a manner as to prevent the release of uncontrolled gaseous emissions.~~

~~If in the event that venting of uncontrolled total reduced sulfur emissions does occur due to a malfunction of an combustion device, ~~oecur~~ the owner or operator shall notify the Department verbally by the close of the Department's next working day. The owner shall also provide the Department with a written report as required by rule 62-210.700, F.A.C. If the next quarterly report is due to the Department sooner than 30 days after the first day of a reportable venting incident, the report on that incident may be filed with the that shall be included in the next quarterly report, as required by subsection 62-296.404(6), F.A.C. reports for the following quarter.~~

4. Emissions units subject to this rule shall also comply with subsection 62-2.960(1), F.A.C. (Compliance Schedules). ~~Digester systems and multiple effect evaporator systems shall also comply with applicable continuous emissions monitoring requirements of subsection 62-296.404(5), F.A.C., if a technology other than incineration is used.~~

(b) Tall Oil Plants. ~~Gaseous emissions shall be collected and incinerated in a lime kiln or calciner meeting the requirements of paragraph 62-296.404(3)(e), F.A.C., or subsection 62-204.800(7), F.A.C., or a kraft recovery furnace meeting the requirements of paragraph 62-296.404(3)(e), F.A.C., or subsection 62-296.800(7), F.A.C., or a combustion device meeting the requirements of subsection 62-296.404(3) paragraph 62-296.404(3)(f), F.A.C., or 40 C.F.R. Part 60, Subparts BB or BBa, adopted and incorporated by reference in rule 62-204.800, F.A.C. subsection 62-204.800(7), F.A.C., or:~~

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsections 62-296.404(5) and 62-2.960(1), F.A.C. (Compliance Schedules).

(c) Kraft Recovery Furnaces.

1. through 2. No change.

3. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection subsections 62-296.404(5) and 62-2.960(1), F.A.C. (Compliance Schedules).

(d) Smelt Dissolving Tank Vents.

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and ~~62-2.960(1)~~, F.A.C. (~~Compliance Schedules~~).

(e) Lime Kilns and Calciners.

1. No change.

2. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and ~~62-2.960(1)~~, F.A.C. (~~Compliance Schedules~~).

(f) Other Combustion Devices Used to Incinerate Total Reduced Sulfur Emissions.

1. through 2. No change.

3. Emissions units subject to this rule shall also comply with applicable continuous emissions monitoring requirements of subsection ~~subsections~~ 62-296.404(5) and ~~62-2.960(1)~~, F.A.C. (~~Compliance Schedules~~).

(4) Test Methods and Procedures. ~~All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.~~

(a) Kraft Recovery Furnaces.

1. ~~The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at rule 62-204.800, F.A.C.~~

2. ~~The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. For EPA Method 5, the filter temperature must not exceed 320 degrees Fahrenheit. EPA Method 17, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C., may be used if stack temperature is less than 400 degrees Fahrenheit. An adjustment of 0.004 grains per dry standard cubic foot shall be added to the test results when using Method 17. A water wash shall be used with either method.~~

~~(a)3.~~ The test method for TRS for emission unit subject to subsection 62-296.404(3), F.A.C., shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.

(b) Lime Kilns and Calciners.

1. ~~The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample~~

~~volume shall be 32 dry standard cubic feet. A water wash shall be used.~~

2. ~~The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.~~

3. ~~The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.~~

(c) Smelt Dissolving Tank Vents.

1. ~~The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5 as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.~~

2. ~~The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.~~

3. ~~The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.~~

(d) ~~The TRS test method for tall oil plants shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.~~

(e) Other Combustion Devices used to Incinerate TRS.

1. ~~The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.~~

2. ~~The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at rule 62-204.800, F.A.C. The minimum sample~~

volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at rule 62-204.800, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C shall also be required for instrument certification.

(b)(f) Test procedures shall meet all applicable requirements of chapter 62-297, F.A.C.

(5) Continuous Emissions Monitoring Requirements. Each owner or operator of a tall oil plant or kraft (sulfate) pulp mill subject to the TRS emission limits in subsection 62-296.404(3), F.A.C., shall install continuous monitoring systems for monitoring total reduced sulfur (TRS) emissions, or the performance of total reduced sulfur air pollution control systems as specified in this subsection.

(a) Straight kraft recovery furnaces, whether new or old design, cross recovery furnaces, lime kilns and other combustion devices used to incinerate TRS emissions calciners, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in paragraph 62-296.404(5)(b), F.A.C. All digester systems and multiple effect evaporator systems, shall be equipped with total reduced sulfur continuous emissions monitoring systems as specified in paragraph 62-296.404(5)(b), F.A.C. (Continuous Emission Monitoring), if a technology other than incineration is used.

(b) Continuous determination of total reduced sulfur emissions.

1. A total reduced sulfur continuous emissions monitoring system shall be installed, calibrated, certified and operated pursuant to all of the following provisions:

a. No change

b. ~~The continuous emissions monitoring system shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15 minute period.~~

c. ~~The continuous emissions monitoring system shall be located downstream of the control device such that representative measurements of process parameters can be obtained.~~

d. through e. renumbered b. through c. No change.

f. During any initial emissions tests conducted pursuant to rule 62-296.404, F.A.C., or within 30 days thereafter, and at such times as there is reason to believe the system does not conform to the performance specifications under this rule (for example, equipment repairs, replacements, excessive drift and such), the owner or operator of any affected emissions unit shall conduct continuous monitoring system performance evaluations and furnish the Department, within sixty days thereof, a written report of the results of such tests. The report

may be submitted electronically to the Department as specified in rule 62-210.370, F.A.C. These continuous emissions monitoring systems performance evaluations shall be conducted in accordance with the requirements and procedures contained in sub-subparagraph 62-296.404(5)(b)1.d., F.A.C.

g. renumbered d. No change.

(I) through (II) No change.

(III) 25 ~~20~~ percent oxygen for the continuous oxygen monitoring system.

h. renumbered e. No change.

2. The owner or operator of any total reduced sulfur emissions unit who is required to install a total reduced sulfur continuous emissions monitoring system pursuant to paragraph 62-296.404(5)(a), F.A.C., shall:

a. Reduce all data to one-hour averages for each 60-minute period beginning on the hour. One-hour averages shall be computed from a minimum of four data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the computation. Either an arithmetic or integrated average shall be used. ~~The data output of the continuous emissions monitoring system may, at the owner's or operator's option, include a numerical format showing individual numerical readings and averages in addition to the required strip chart format with legible ink tracings and calibration information. All data output shall be clearly and properly identified by the operator. All system breakdowns, repairs, calibration checks, span adjustments and periods of excess emissions shall legibly appear on all data output.~~

b. Calculate and record on a daily basis the 12-hour average total reduced sulfur and oxygen concentrations for two consecutive 12-hour periods of each operating day using the equations and procedures in 40 CFR 60.284(c) as adopted and incorporated by reference in rule 62-204.800, F.A.C. Each 12-hour average shall be determined as the arithmetic mean of the appropriate 12 contiguous one-hour average total reduced sulfur concentrations corrected to the specified oxygen concentration as required by the applicable standard and provided by the continuous emissions monitoring system rounded to the same number of significant digits as the standard.

c. Calculate and record on a daily basis 12-hour average oxygen concentrations for two consecutive 12-hour periods of each operating day. These 12-hour averages shall correspond to the 12-hour average total reduced sulfur concentrations from sub-subparagraph 62-296.404(5)(b)2.b., F.A.C., and shall be determined as an arithmetic mean of the appropriate 12 contiguous one-hour average oxygen concentrations provided by each continuous emissions monitoring system.

d. ~~Correct all 12-hour average total reduced sulfur (TRS) concentrations using the following equation:~~

$$C_{\text{corr}} = C_{\text{meas}}(21 - X)/(21 - Y)$$

where:

C_{corr} = the TRS concentration corrected for oxygen.

C_{meas} = the TRS concentration uncorrected for oxygen.

X = the volumetric oxygen concentration in percentage that the measured TRS concentration is to be corrected to (8 percent for all recovery furnaces and 10 percent for all lime kilns, incinerators or other devices, except those emissions units subject to subparagraph 62-296.404(3)(a)2, and paragraph 62-296.404(3)(b), F.A.C., which shall be corrected to the actual oxygen content of the untreated flue gas stream).

Y = the measured 12-hour average volumetric oxygen concentration.

e. The data shall be rounded to the same number of significant digits as the standard.

(c) Other combustion devices ~~Incinerators~~ subject to paragraph 62-296.404(3)(f), F.A.C., shall be equipped with devices to continuously monitor temperature at the point of combustion and oxygen. The temperature devices shall be certified by the manufacturer to be accurate to within + 1 percent of the temperature being measured. The oxygen monitors shall be certified by the manufacturer to be accurate to within 0.1 percent oxygen by volume.

(d) ~~The owner or operator of any tall oil plant or kraft pulp mill shall provide the Department with a list of physical and chemical parameters for each regulated total reduced sulfur emissions unit that is not required to be equipped with a total reduced sulfur continuous monitor, which will be regularly monitored to demonstrate that the emissions unit is being operated in a manner that can reasonably be expected to result in compliance with the applicable total reduced sulfur emission limiting standards. The owner or operator shall provide information showing the correlation between the specific magnitudes of the specific surrogate parameters and the associated emissions of total reduced sulfur. The owner or operator shall recommend the frequency and method of monitoring for each parameter. The Department shall issue notice to the company pursuant to chapter 62-103, F.A.C., that specifies the parameters that are to be monitored, the frequency of monitoring, and the parameter limits that must be maintained. The parameters, parameter limits and frequency of monitoring shall become a modification to the permit for each affected emissions unit. Excess emissions shall be deemed to occur if the parameters exceed the parameter limits specified in the permit. Such parameter limits may be in the form of the applicable total reduced sulfur emission standard, if an equation is used that estimates the 12-hour average total reduced sulfur emission rate based on the surrogate parameter values during each 12-hour averaging period; or the parameter limits may be~~

~~in the form of specific parameter values that are not to be exceeded (or dropped below) more often than a specified period of time during each 12-hour averaging period.~~

(6) Quarterly Reporting Requirements. The owner or operator of ~~any digester system, multiple effect evaporator system, condensate stripper system, tall oil plant, kraft recovery furnace, lime kiln, calciner or other~~ an emissions unit subject to the provisions of subsection 62-296.404(5), F.A.C. (Continuous Monitoring Requirements), shall submit a written total reduced sulfur emissions ~~and surrogate parameter~~ data report to the Department or local program, as specified in the facility's permit, by the 30th day following the end of each calendar quarter. The report may be submitted electronically.

(a) through (b) No change.

(c) Evaluation of Excess Emissions. The Department shall consider periods of excess emissions from any kraft recovery furnace, lime kiln, ~~calciner~~ or any other regulated TRS emissions unit to be evidence of improper operation and maintenance of the monitored emissions unit provided that:

1. through 4. No change.

e. Maintenance of an adequate on-site, or readily available, supply of equipment for routine repairs.

(d) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(4), 17-296.404, Amended 11-23-94, 1-1-96, 3-13-96, 7-10-14, _____.

62-296.405 Existing Fossil Fuel Steam Generators with Greater than or Equal to More Than 250 Million Btu Per Hour Heat Input.

(1) Applicability. Rule 62-296.405, F.A.C., applies to existing fossil fuel steam generators with greater than or equal to 250 MMBtu per hour heat input. For the purposes of this rule, "existing" means the emission unit was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972. An emission unit is not subject to this rule if the unit was modified or reconstructed on or after January 18, 1972, or is classified as carbonaceous fuel burning equipment subject to rule 62-296.410, F.A.C. Existing Emissions Units Emissions Limits.

(2)(a) Visible emissions – 20 percent opacity except for one six-minute period per one-hour period during which opacity shall not exceed 27 percent. Emissions units governed by this visible emissions limit shall test for particulate emissions annually and as otherwise required by chapter 62-297, F.A.C. Emissions units electing to test for particulate matter emissions quarterly or emissions units equipped with a continuous emissions monitoring system for particulate matter that meets the requirements of paragraph 62-296.405(4)(b), F.A.C., shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the

Department or local program, as specified in the facility's permit. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

~~(3)(b) Particulate Matter – 0.1 pound per million Btu heat input, as measured by stack test applicable compliance methods. If compliance is demonstrated with a particulate matter continuous emission monitoring system, then the limit is 0.1 pound per million Btu heat input on a 30-operating day average basis, rolled daily, including periods or startup, shutdown, malfunction, and soot blowing. An operating day is defined as any day when fuel is fired. Compliance is determined by calculating the arithmetic average of all valid hourly averages occurring within that day (midnight to midnight) and the prior 29 operating days. An operating day is defined as any day when fuel is fired.~~

~~(4)(e) Sulfur Dioxide, as measured by applicable compliance methods.~~

~~(a)1. Emissions units burning liquid fuel.~~

~~Stations – 2.5 pounds per million Btu heat input.~~

~~1.a. Emissions units in Duval County with a nameplate generating capacity of greater than 250 MW which commenced operation prior to August 1, 1977 – 1.98 pounds per million Btu heat input.~~

~~b. Emissions units in Duval County with a nameplate generating capacity of less than 160 MW which commenced operation prior to October 1, 1964 – 1.10 pounds per million Btu heat input.~~

~~c. All other emissions units in Duval County – 1.65 pounds per million Btu heat input.~~

~~d. Hillsborough County, emissions units south of State Highway 60 with a nameplate generating capacity of less than 100 MW which commenced operation prior to June 1, 1955 – 1.1 pounds per million Btu heat input.~~

~~e. Escambia County, emissions units north of Interstate 10 with a nameplate generating capacity of less than 50 MW which commenced operation prior to October 1, 1952 – 1.98 pounds per million Btu heat input.~~

~~f. Escambia County, no emissions unit north of Interstate 10 with a rated heat input of 515 million Btu per hour or less for which a valid Department operating permit was issued prior to September 30, 1972 shall emit in the aggregate more than 57.5 tons per any 24 hour period.~~

~~g. Manatee County, emissions units with a nameplate generating capacity of greater than 700 MW for which a valid Department operating permit was issued prior to January 1, 1979 – 1.1 pounds per million Btu heat input.~~

~~h. Leon and Wakulla Counties, emissions units with a nameplate generating capacity of less than 260 MW for which~~

~~a valid Department operating permit was issued prior to November 1, 1977 – 1.87 pounds per million Btu heat input.~~

~~i. Dade, Broward, and Palm Beach Counties, emissions units with a nameplate generating capacity of less than 170 MW which commenced operation prior to May 1, 1958 – 1.1 pounds per million Btu heat input, except in the event of a fuel or energy crisis declared by the Governor of Florida or the President of the United States – 2.75 pounds per million Btu heat input. Notification concerning the quantity and estimated duration of the increase in emissions shall be given to the Department prior to burning the higher sulfur fuel.~~

~~2.j. All other areas of the State – 1.10 2.75 pounds per million Btu heat input.~~

~~(b)2. Emissions units burning solid fuel – 2.1 pounds per million Btu heat input.~~

~~a. Hillsborough County, no emissions unit with a nameplate generating capacity of greater than 120 MW which commenced operation prior to November 1, 1967, shall emit more than 2.4 pounds of sulfur dioxide per million Btu heat input on a weekly average nor shall a group of such emissions units located on one or more contiguous or adjacent properties and which are under common control emit more than 10.6 tons per hour of sulfur dioxide on a weekly average. A plan for assuring compliance with Florida Ambient Air Quality Standards will be incorporated into the revised operating permit for such emissions units.~~

~~b. Hillsborough County, no emissions unit with a nameplate generating capacity of greater than 400 MW which commenced operation after November 1, 1967, and prior to June 1, 1976, shall emit in total more than 6.5 pounds of sulfur dioxide per million Btu heat input on a two hour average nor shall a group of such emissions units located on one or more contiguous or adjacent properties and which are under common control emit more than 31.5 tons per hour of sulfur dioxide on a three hour average and 25 tons per hour of sulfur dioxide on a 24 hour average.~~

~~c. Escambia County, emissions units north of Interstate 10 with a nameplate generating capacity of more than 50 MW which commenced operation prior to September 1, 1973 – 5.90 pounds per million Btu heat input.~~

~~d. All other areas of the State – 6.17 pounds per million Btu heat input.~~

~~3. Owners of fossil fuel steam generators shall monitor their emissions and the effects of the emissions on ambient concentrations of sulfur dioxide, in a manner, frequency, and locations approved, and deemed reasonably necessary and ordered by the Department.~~

~~(5)(d) Nitrogen Oxides (expressed as NO₂) – as measured by applicable compliance methods.~~

~~(a)1. Duval County, emissions units with a nameplate generating capacity of greater than 450 MW which commenced~~

operation prior to August 1, 1977 – 0.30 pounds per million Btu heat input.

~~(b)2-~~ Manatee County, emissions units with a nameplate generating capacity of greater than 700 MW for which a valid Department operating permit was issued prior to January 1, 1979 – 0.30 pounds per million Btu heat input.

~~3. Leon County, emissions units with a nameplate generating capacity of greater than 200 MW for which a valid Department operating permit was issued prior to November 1, 1977 – 0.30 pounds per million Btu heat input.~~

~~(c)4-~~ Hillsborough County, emissions units with a nameplate generating capacity of greater than 400 MW which commenced operation after January 1, 1976 and prior to January 1, 1985 – ~~0.30~~ ~~0.70~~ pounds per million Btu heat input.

~~(6)(e)~~ Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

~~(a)4-~~ The test method for visible emissions shall be EPA Method 9, described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at rule 62-204.800, F.A.C. In lieu of Method 9 testing, a transmissometer utilizing a six-minute block average for opacity measurement may be used, provided such transmissometer is installed, certified, calibrated, operated and maintained in accordance with the provisions of 40 C.F.R. Part 75, adopted and incorporated by reference at rule 62-204.800, F.A.C.

~~(b)2-~~ The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature at no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen base F-factor computed according to EPA Method 19 is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17. Methods 3 and 3A are described at 40 C.F.R. Part 60, Appendix A-2; EPA Methods 5, 5B, and 5F are described at 40 C.F.R. Part 60, Appendix A-3; EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 19 is described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated by reference at rule 62-204.800, F.A.C. In lieu of EPA Method 17, 5, 5B, or 5F, an emissions unit may demonstrate compliance using a particulate matter continuous emissions monitoring system that meet the requirements of Performance Specification 11, adopted and incorporated by reference at rule 62-204.800, F.A.C.

~~(c)3-~~ The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B or 6C, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at rule 62-204.800, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure was

incorporated in the operation permit for the emissions unit prior to April 23, 1985. Otherwise, fuel sampling and analysis may be used if the emissions unit obtains an alternate procedure under the provisions of rule 62-297.620, F.A.C. Such alternate procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedances of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program or continuous emissions monitoring program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards.

~~(d)4-~~ The test method for nitrogen oxides shall be by a nitrogen oxides continuous emissions monitor meeting the requirements of 40 C.F.R. Part 75, as adopted and incorporated by reference in rule 62-204.800, F.A.C. Emissions of nitrogen oxides shall be determined based on a 30-operating day rolling average, including periods of startup, shutdown, and malfunction. For emission units not subject to nitrogen oxides continuous monitoring requirements, the test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, or 7E, as described at 40 C.F.R. Part 60, Appendix A-4 adopted and incorporated by reference at rule 62-204.800, F.A.C. Four grab samples at 15 minute intervals (±2 min.) per run shall be required for EPA Methods 7 and 7A. For emission units that are subject to continuous monitoring requirements under 42 U.S.C. sections 7661 – 7661f or 40 C.F.R. Part 75, emissions of nitrogen oxides shall be determined based on a 30-day rolling average, except as specifically provided by 40 C.F.R. Parts 60 or 76. 40 C.F.R. Parts 60, 75, and 76 are adopted and incorporated by reference at rule 62-204.800, F.A.C.

~~(e)5-~~ Test procedures shall meet all applicable requirements of chapter 62-297, F.A.C.

~~(7)(f)~~ Continuous Emissions Monitoring Requirements. Each owner or operator of an emissions unit subject to rule subsection 62-296.405 62-296.405(1), F.A.C., shall install, calibrate, operate and maintain a continuous monitoring system for continuously monitoring the pollutants specified in this subsection. Performance specifications, location of monitor, data requirements, data reduction and reporting requirements shall conform with the requirements of 40 C.F.R. Part 51, Appendix P, ~~adopted and incorporated by reference in subsection 62-204.800(2), F.A.C.,~~ and 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in rule subsection 62-204.800, F.A.C., for existing and new emissions units provided, however, any alternative procedure (as specified in Section 3.9, 40 C.F.R. Part 51, Appendix P) or special consideration (as specified in Section 6.0, 40 C.F.R. Part 51, Appendix P) shall be incorporated in the Department's air permit for the emissions unit and submitted to the U.S.

Environmental Protection Agency as a proposed revision to the State Implementation Plan.

~~(a)1-~~ Existing fossil fuel steam generators with more than 250 million BTU per hour heat input and with a capacity factor of greater than 30 percent for the latest year of record or as otherwise documented to the Department by the owner or operator, shall install continuous monitoring systems as set forth in this subparagraph. Any reactivated or previously exempted unit whose operated capacity factor for the previous six months is greater than 30 percent must install continuous monitoring systems as set forth in this subparagraph no later than twelve months following the previous six month period of achieving a capacity factor greater than 30 percent.

1.a. Opacity. All emissions units as set forth in paragraph subparagraph 62-296.405(7)(a) 62-296.405(1)(f)1-, F.A.C., shall install continuous monitoring systems for monitoring opacity. Exempted are:

(I) through (II) redesignated a. through b. No change.

2.b- Sulfur dioxide. All emissions units as set forth in paragraph subparagraph 62-296.405(7)(a) 62-296.405(1)(f)1-, F.A.C., shall install sulfur dioxide continuous monitoring equipment on units which have installed sulfur dioxide control equipment. Those emissions units not having an operating flue gas desulfurization device may monitor sulfur dioxide emissions by fuel sampling and analysis according to methods approved by EPA.

3.e- Nitrogen Oxides. All new emissions units as set forth in paragraph subparagraph 62-296.405(7)(a) 62-296.405(1)(f)1-, F.A.C., with more than 1000 million BTU per hour heat input shall, during construction, install continuous monitoring systems for monitoring nitrogen oxides.

4.d- Oxygen or Carbon Dioxide. A continuous monitoring system shall be installed at each emissions unit, as set forth in paragraph subparagraph 62-296.405(7)(a) 62-296.405(1)(f)1-, F.A.C., where measurements of oxygen or carbon dioxide in the flue gas are utilized to convert either sulfur dioxide or nitrogen oxides continuous emission monitoring data to units of the emission limiting standards for proof of compliance as set forth in rule subsection 62-296.405 62-296.405(1), F.A.C.

~~(b)2-~~ The exemption from opacity monitoring under sub-subparagraph sub-sub-subparagraph 62-296.405(7)(a)1.a. 62-296.405(1)(f)1.a.(i), F.A.C., shall not apply to any emissions unit which has been found to be in violation of the visible emission limiting standard pursuant to administrative proceedings conducted under Chapter 120, F.S., or judicial proceedings after January 1, 1978. No later than ninety days following the date an order establishing such violation becomes final, the owner or operator of such emissions unit shall submit to the Department a proposed compliance schedule for installing a continuous opacity monitoring system. Following incorporation of a compliance schedule into the emission unit's

air permit, the owner or operator shall install the continuous monitoring system in accordance with the schedule.

~~(8)(e)~~ Quarterly Reporting Requirements. The owners or operators of facilities for which monitoring is required shall submit to the Department a written report of emissions in excess of emission limiting standards as set forth in rule subsection 62-296.405 62-296.405(1), F.A.C., for each calendar quarter. The nature and cause of the excessive emissions shall be explained. This report does not relieve the owner or operator of the legal liability for violations. All recorded data shall be maintained on file by the Source for a period of two years.

~~(2) New Emissions Units Emissions Limits-~~

~~(a) Visible Emissions — (See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(b) Particulate Matter — (See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.42 and 60.42a).~~

~~(c) Sulfur Dioxide — (See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.43 and 60.43a).~~

~~(d) Nitrogen Oxides — (See subsection 62-204.800(7), F.A.C., and 40 C.F.R. 60.44 and 60.44a).~~

~~(3) For the purposes of this rule, nameplate generating capacity means the manufacturer's capacity rating of electrical generating output (expressed in MWe) as designed.~~

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(5), Amended 6-29-93, Formerly 17-296.405, Amended 11-23-94, 1-1-96, 3-13-96, 3-2-99, 7-10-14, _____.

62-296.570 Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and NOx-Emitting Facilities.

(1) Applicability.

(a) The requirements of this rule shall apply to those major VOC- and NOx-emitting facilities in Broward, Miami-Dade, and Palm Beach counties, as specified in paragraph 62-296.500(1)(b), F.A.C.; specifically, to those VOC emissions units within such facilities which are not regulated for VOC under rules 62-296.501 through 62-296.516, F.A.C., and those VOC and NOx emissions units which have not been exempted pursuant to paragraph 62-296.500(1)(b), F.A.C., or by a specific provision of rules 62-296.500 through 62-296.516, F.A.C.

(b) No change.

(2) Compliance Requirements. ~~Emissions units subject to the requirements of this rule shall comply with the operation permit requirements of subsection 62-296.570(3), F.A.C., and the RACT emission limiting standards of subsection 62-296.570(4), F.A.C.~~ If, pursuant to an air operation or construction permit, the owner or operator of a emissions unit subject to the requirements of this rule assumes (or has assumed) a more stringent NOx or VOC emissions limit than the RACT emissions limit established in subsection 62-

296.570(4), F.A.C., for the applicable emissions unit category, compliance with the emissions unit's NOx or VOC emissions limit in its air operation or construction permit shall be considered compliance with RACT for purposes of this rule.

~~(3) Operation Permit Requirements.~~

~~(a) The owner or operator of any emissions unit subject to the requirements of this rule shall apply for a new or revised permit to operate in accordance with the provisions of this rule by March 1, 1993, unless a later filing date is specified by the Department in writing.~~

~~(b) If the existing operation permit for any emissions unit subject to the requirements of this rule would expire between the effective date of this rule and March 1, 1993, or any later filing date specified by the Department, the expiration date of such permit is hereby extended until March 1, 1993, or such later date. This provision shall not apply in the case of a revocation or suspension of such permit pursuant to chapter 62-4, F.A.C.~~

~~(3)(4) RACT Emission Limiting Standards.~~

~~(a) Emissions Testing Dates and Monitoring.~~

~~1. Each applicant for a new or revised operation permit for an emissions unit subject to the requirements of this rule shall propose a schedule for implementing the RACT emission limiting standards as expeditiously as practicable but no later than May 31, 1995. The emissions unit shall demonstrate compliance with the RACT emission limiting standards in accordance with a schedule specified in the emissions unit's air operation permit issued pursuant to subsection 62-296.570(3), F.A.C.~~

~~2. Fuel specific NOx and VOC emission limits established under this rule shall be incorporated into the new or revised operation permit for each emissions unit and become effective in accordance with the terms of the permit.~~

~~3. through 4. Renumbered 1. Through 2. No change.~~

~~(b) Emission Limiting Standards.~~

~~1. Emissions of NOx from any rear wall fired, forced circulation, 16 burner, compact furnace shall not exceed 0.20 lb/million BTU while firing natural gas and 0.36 lb/million BTU while firing oil.~~

~~2. Emissions of NOx from any front wall fired, natural circulation, 18 burner, compact furnace shall not exceed 0.40 lb/million BTU while firing natural gas and 0.53 lb/million BTU of NOx while firing oil.~~

~~3. Emissions of NOx from any front wall fired, natural circulation, 24 burner, compact furnace shall not exceed 0.50 lb/million BTU while firing natural gas and 0.62 lb/million BTU of NOx while firing oil.~~

~~4. Emissions of NOx from any tangentially fired, low heat release, large furnace shall not exceed 0.20 lb/million BTU while firing natural gas.~~

5. through 11. renumbered 1. through 7. No change.

~~(c) Exception Startup, Shutdown, or Malfunction. The emission limits in this rule shall apply at all times except during periods of startup, shutdown, or malfunction as provided by rule 62-210.700, F.A.C.~~

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 2-2-93, Amended 4-17-94, Formerly 17-296.570, Amended 11-23-94, 1-1-96, 3-2-99, 7-10-14,

NAME OF PERSON ORIGINATING PROPOSED RULE:

Hastings Read

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Secretary Noah Valenstein

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: 01/15/2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: 10/22/2020

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities

PURPOSE AND EFFECT: The proposed rule amendment is intended to substantially update an application.

SUMMARY: To update an application with substantial changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.