CHAPTER 62-212 STATIONARY SOURCES - PRECONSTRUCTION REVIEW

62-212.100 Purpose and Scope. The Department of Environmental Protection adopts this chapter to establish the preconstruction review requirements for proposed new emissions units or facilities, and proposed modifications. The requirements of this chapter apply to those proposed activities for which an air construction permit is required pursuant to Chapter 62-210, F.A.C. This chapter includes general preconstruction review requirements and specific requirements for emissions units subject to prevention of significant deterioration (PSD) and nonattainment-area preconstruction review. It also includes preconstruction review requirements applicable to specific emissions unit types and provisions for authorizing the creation of or change to any air emissions bubble. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at Rule 62-210.200, F.A.C.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.0875 FS. History–New 2-2-93, Formerly 17-212.100, Amended 11-23-94, 3-13-96, 5-20-97.

62-212.300 General Preconstruction Review Requirements.

This rule shall apply to the proposed construction or modification of all emissions units and facilities for which an air construction permit is required pursuant to subsection 62-210.300(1), F.A.C.

(1) General Prohibitions.

(a) The owner or operator of any emissions unit or facility shall not undertake any activity listed at paragraph 62-210.300(1)(a), FA.C., without first obtaining an air construction permit from the Department.

(b) Except as provided in Rule 62-212.500, F.A.C., the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to a violation of any ambient air quality standard. The Department shall not permit the construction or modification of any emissions unit which would be located in a nonattainment area or area of influence if the proposed construction or modification would interfere with reasonable further progress toward attaining the ambient air quality standards.

(c) The Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to an ambient concentration at any point within a baseline area that exceeds either the appropriate baseline concentration for the point plus the appropriate maximum allowable increase or the appropriate ambient air quality standard, whichever is less.

(d) The Department shall not establish, renew, or change any plantwide applicability limits at any existing major stationary source except through the air construction permit process and the public participation process required at Rule 62-212.720, F.A.C.

(e) If the Department issues any construction permit which avoids the requirements of subsections 62-212.400(4) through (12), F.A.C., based in whole or in part on projected actual emissions calculations, the permit shall contain the following monitoring, reporting and recordkeeping provisions:

1. The permittee shall monitor the emissions of any PSD pollutant that the Department identifies could increase as a result of the construction or modification and that is emitted by any emissions unit that could be affected; and, using the most reliable information available, calculate and maintain a record of the annual emissions, in tons per

year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations if the change increases the design capacity of that emissions unit or its potential to emit that PSD pollutant. Emissions shall be computed in accordance with Rule 62-210.370, F.A.C.

2. The permittee shall report to the Department within 60 days after the end of each year during which records must be generated under subparagraph 62-212.300(1)(e)1., F.A.C., setting out the unit's annual emissions during the calendar year that preceded submission of the report. The report shall contain the following:

a. The name, address and telephone number of the owner or operator of the major stationary source;

b. The annual emissions as calculated pursuant to subparagraph 62-212.300(1)(e)1., F.A.C.;

c. If the emissions differ from the preconstruction projection, an explanation as to why there is a difference; and

d. Any other information that the owner or operator wishes to include in the report.

3. The information required to be documented and maintained pursuant to subparagraphs 62-212.300(1)(e)1. and 2., F.A.C., shall be submitted to the Department, which shall make it available for review to the general public.

(2) Applicability. The requirements of subparagraph 62-204.800(11)(d)2. and Rules 62-212.400, 62-212.500, and 62-212.600, F.A.C., shall apply in addition to any other preconstruction review requirements under Rule 62-212.300, F.A.C.

(3) Permitting Requirements.

(a) Each applicant for an air construction permit for an emissions unit subject to this rule shall provide the Department, at a minimum, the following information:

1. The nature and amounts of emissions from the emissions unit, including baseline actual emissions and projected actual emissions, and any netting calculations, if applicable, when used to determine PSD applicability pursuant to paragraph 62-212.400(2)(a), F.A.C., and when used to establish a PAL pursuant to Rule 62-212.720, F.A.C. When used to determine PSD applicability pursuant to subparagraph 62-212.400(2)(a)1. or 3., F.A.C., the applicant shall also provide a record of the amount of excluded emissions, and an explanation as to why these emissions were excluded, for any projected actual emissions calculations that exclude that portion of the unit’s emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project including any increased utilization due to product demand growth.

2. The location, design, construction, and operation of the emissions unit to the extent necessary to allow the Department to determine whether construction or modification of the emissions unit would result in violations of any applicable provisions of Chapter 403, Florida Statutes, or Department air pollution rules, or whether the construction or modification would interfere with the attainment and maintenance of any state or national ambient air quality standard.

(b) Each applicant for an air construction permit for an emissions unit subject to subparagraph 62-204.800(11)(d)2., F.A.C., shall provide the Department with the information required by 40 C.F.R. 63.43(e), adopted by reference in Rule 62-204.800, F.A.C.

(c) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–Formerly 17-2.520, 17-212.300, Amended 11-23-94, 1-1-96, 10-28-97, 2-2-06, 10-6-08, 6-29-09.

62-212.400 Prevention of Significant Deterioration (PSD).

The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.

(1) General Provisions.

(a) No person shall construct any new major stationary source or undertake any major modification except in compliance with the provisions of Rule 62-212.400, F.A.C.

(b) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.

(c) For purposes of this rule, the term “Administrator,” wherever it appears in any provision of 40 CFR 52.21 cited herein, shall mean “Department.”

(2) Applicability.

(a) The requirements of subsections 62-212.400(4) through (12), F.A.C., apply to the construction of any new major stationary source or the major modification of any existing major stationary source. The Department shall determine whether a major modification will occur for each PSD pollutant as follows:

1. Baseline Actual-to-Projected Actual Applicability Test for Modifications at Existing Emissions Units. A significant emissions increase of a PSD pollutant will occur if the difference, or the sum of the differences if more than one emissions unit is involved, between the projected actual emissions and the baseline actual emissions equals or exceeds the significant emissions rate for that pollutant. If a combination of new and existing emissions units is involved, then the major modification shall be determined by the hybrid test for multiple types of emissions units pursuant to subparagraph 62-212.400(2)(a)3., F.A.C.

2. Baseline Actual-to-Potential Applicability Test for Construction of New Emissions Units. A significant emissions increase of a PSD pollutant will occur if the difference, or the sum of the differences if more than one emissions unit is involved, between the potential to emit from each new emissions unit following completion of the construction and the baseline actual emissions of these units before the construction equals or exceeds the significant emissions rate for that pollutant. If a combination of new and existing emissions units is involved, then the major modification shall be determined by the hybrid test for multiple types of emissions units pursuant to subparagraph 62-212.400(2)(a)3., F.A.C.

3. Hybrid Test for Multiple Types of Emissions Units. A significant emissions increase of a PSD pollutant will occur if the sum of the emissions increases for all emissions units, using the method specified above for each type of emissions unit equals or exceeds the significant emissions rate for that pollutant.

(b) Any owner or operator of any existing major stationary source seeking to establish or change a plantwide applicability limitation (PAL) for a PSD pollutant shall comply with the requirements under Rule 62-212.720, F.A.C.

(3) Exemptions.

(a) The requirements of subsections 62-212.400(4) through (12), F.A.C., shall not apply to a major stationary source or major modification if the source or modification would be a nonprofit health or nonprofit educational institution, or a major modification would occur at such an institution.

(b) The requirements of subsections 62-212.400(4) through (12), F.A.C., shall not apply to a major stationary source or major modification if the source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;
3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plants;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;

17. Fuel conversion plants;

18. Sintering plants;

19. Secondary metal production plants;

20. Chemical process plants (the term “chemical process plants” shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140);

21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

23. Taconite ore processing plants;

24. Glass fiber processing plants;

25. Charcoal production plants;

26. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

27. Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

(c) The requirements of subsections 62-212.400(5), (7), and (8), F.A.C., shall not apply to a major stationary source or major modification with respect to a particular pollutant, if the applicant demonstrates that the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification:

1. Would impact no Class I area and no area where an applicable increment is known to be violated, and

2. Would not exceed two years in duration.

(d) The requirements of subsections 62-212.400(5), (7), and (8), F.A.C., as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification at a stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each PSD pollutant from the modification after the application of best available control technology would be less than 50 tons per year.

(e) The requirements of subsection 62-212.400(7), F.A.C., as they relate to monitoring for a particular pollutant shall not apply if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the amounts listed at 40 CFR 52.21 (i)(5), adopted by reference at Rule 62-204.800, F.A.C., specifically the following amounts:

a. Carbon monoxide – 575 $\mu g/m^3$, 8-hour average;

b. Nitrogen dioxide – 14 $\mu g/m^3$, annual average;

c. Particulate matter – 10 $\mu g/m^3$ of PM-10, 24-hour average;

d. Sulfur dioxide – 13 $\mu g/m^3$, 24-hour average;

e. Ozone – No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds or nitrogen oxides subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data;

f. Lead – 0.1 $\mu g/m^3$, 3-month average;

g. Fluorides – 0.25 $\mu g/m^3$, 24-hour average;

h. Total reduced sulfur – 10 $\mu g/m^3$, 1-hour average;

i. Hydrogen sulfide – 0.2 $\mu g/m^3$, 1-hour average;

j. Reduced sulfur compounds – 10 $\mu g/m^3$, 1-hour average; and

k. Any concentration previously listed at the table at Rule 62-212.400-3, F.A.C.; specifically, Mercury – 0.25 $\mu g/m^3$, 24-hour average; or

2. The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in subparagraph 62-212.400(3)(e)1., F.A.C., above, or the pollutant is not listed above.

(4) Source Information. The owner or operator of a proposed source or modification shall submit all information necessary to perform any analysis or make any determination required under this section. Such information shall include:

(a) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(b) A detailed schedule for construction of the source or modification;

(c) A detailed description as to what system of continuous emission reduction is planned for the source or modification, emission estimates, and any other information necessary to determine best available control technology (BACT) including a proposed BACT;

(d) The air quality impact of the source or modification, including meteorological and topographical data necessary to estimate such impact and an analysis of "good engineering practice" stack height; and

(e) The air quality impacts, and the nature and extent of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the source or modification would affect.

(5) Source Impact Analysis. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(a) Any ambient air quality standard in any air quality control region; or

(b) Any applicable maximum allowable increase over the baseline concentration in any area.

(6) Air Quality Models. Air quality models shall meet the requirements provided in 40 CFR 52.21(l), adopted by reference in Rule 62-204.800, F.A.C.

(7) Air Quality Analysis. The owner or operator of a major stationary source or major modification shall provide any required monitoring and analysis as required in 40 CFR 52.21(m), adopted by reference in Rule 62-204.800, F.A.C.

(8) Additional Impact Analyses.

(a) The owner or operator shall provide an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification and general commercial, residential, industrial and other growth associated with the source or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

(b) The owner or operator shall provide an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the source or modification.

(c) Visibility Monitoring. The owner or operator shall provide visibility monitoring as required in 40 CFR 52.21(o)(3), adopted by reference in Rule 62-204.800, F.A.C.

(9) Sources Impacting Federal Class I Areas. Sources impacting Federal Class I areas are subject to the additional requirements provided in 40 CFR 52.21(p), adopted by reference in Rule 62-204.800, F.A.C.

(10) Control Technology Review. The Department shall not issue any permit unless it determines that:

(a) The owner or operator of a major stationary source or major modification shall meet each applicable emissions limitation under the State Implementation Plan and each applicable emissions standard and standard of performance under 40 CFR Parts 60, 61, and 63.

(b) The owner or operator of a new major stationary source shall apply best available control technology for each PSD pollutant that the source would have the potential to emit in significant amounts.

(c) The owner or operator of a major modification shall apply best available control technology for each PSD pollutant which would result in a significant net emissions increase at the source. (This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.)

(d) The owner or operator of a phased construction project shall adhere to the procedures provided in 40 CFR 52.21(j)(4), adopted by reference in Rule 62-204.800, F.A.C.

(11) Public Participation. No permit shall be issued until the applicant and Department have complied with all applicable public notice and participation provisions of Rules 62-210.350 and 62-110.106, F.A.C.

(12) Source Obligation.

(a) Authorization to construct shall expire if construction is not commenced within 18 months after receipt of the permit, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project except that each phase must commence construction within 18 months of the commencement date established by the Department in the permit.

(b) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(c) At such time that a particular source or modification becomes a major stationary source or major modification (as these terms were defined at the time the source obtained the enforceable limitation) solely by exceeding its projected actual emissions, then the requirements of subsections 62-212.400(4) through (12), F.A.C., shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(13) Innovative Control Technology. The Department shall allow use of innovative control technology only as provided in 40 CFR 52.21(v), incorporated by reference at Rule 62-204.800, F.A.C.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98, 8-15-99, 2-2-06, 7-16-07, 10-6-08, 12-4-11.

62-212.500 Preconstruction Review for Nonattainment Areas.

(1) General Prohibitions.

(a) Except as provided in this rule, the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to a violation of any ambient air quality standard. The Department shall ensure that the combined impact of new emissions, emissions offsets, temporary emissions and existing emissions within any nonattainment area or area of influence shall not interfere with reasonable further progress (RFP) toward attainment of ambient air quality standards.

(b) In an area designated nonattainment pursuant to subsection 62-204.340(2), F.A.C., without an approved State Implementation Plan (SIP) which defines RFP, the Department shall require sufficient emissions offsets to provide a significant net air quality improvement in the affected area pursuant to subparagraph 62-212.500(4)(d)2., F.A.C.

(c) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.

(2) Applicability.

(a) Project Exemptions.

1. Pollution Control Project Exemption. A pollution control project that is being added, replaced, or used at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.24(f)(5)(iii)(h) shall not be subject to the preconstruction review requirements of this rule.

2. Temporary Clean Coal Technology Demonstration Project Exemption. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration that meets the requirements of 40 CFR 52.24(f)(5)(iii)(i) shall not be subject to the preconstruction review requirements of this rule.

(b) Fugitive Emissions Exemption. A proposed new facility or modification shall not be subject to the requirements of subsection 62-212.500(4), F.A.C., if:

1. The affected facility would not belong to any of the facility categories listed in the definition of “Major Stationary Source” in Rule 62-210.200, F.A.C., or any other facility category which, as of August 7, 1980, is being regulated under 40 C.F.R. 60 or 40 C.F.R. 61; and

2. The facility or modification would be subject to the provisions of subsection 62-212.500(4), F.A.C., only if fugitive emissions, to the extent quantifiable, are considered in determining whether the affected facility would be subject to the provisions of subsection 62-212.500(4), F.A.C., pursuant to subparagraph 62-212.500(2)(d)2., F.A.C., if it is or were itself a proposed new facility.

(c) Alternative Fuel or Raw Material Exemption. A modification that is to occur for any of the following reasons shall not be subject to the provisions of subsection 62-212.500(4), F.A.C.:

1. Use of an alternative fuel or raw material by reason of any order under Sections 2(a) and (b) of the Energy

Supply and Environmental Coordination Act of 1974, or the Power Plant and Industrial Fuel Use Act of 1978, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

2. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act; or

3. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste; or

4. Use of an alternative fuel or raw material which the facility was capable of accommodating before December 21, 1976 unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976; or

5. Use of an alternative fuel or raw material which the facility is approved to use under any permit issued under Rule 17-2.510 (transferred), 17-2.17 (repealed), or 62-212.500, F.A.C.

(d) New and Modified Facilities.

1. New Minor Facilities. A proposed new minor facility shall not be subject to the provisions of subsection 62-212.500(4), F.A.C.

2. New Major Facilities. Unless exempted under paragraph 62-212.500(2)(a) or (b), F.A.C., a proposed new major facility shall be subject to the provisions of subsection 62-212.500(4), F.A.C., if:

a. For the affected pollutant, except lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same “Major Group” Standard Industrial Classification (SIC) Code would be equal to or greater than 100 tons per year; or

b. For lead or lead compounds, measured as elemental lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same “Major Group” Standard Industrial Classification (SIC) Code would be equal to or greater than 5 tons per year.

3. Modifications to Minor Facilities. Unless exempted under paragraph 62-212.500(2)(a), (b) or (c), F.A.C., a proposed modification to a minor facility shall be subject to the provisions of Rule 62-212.500(4), F.A.C., only if the modification would be a physical change which in and of itself would constitute a new major facility subject to the provisions of subsection 62-212.500(4), F.A.C., pursuant to subparagraph 62-212.500(2)(d)2., F.A.C.

4. Modifications to Major Facilities. Unless exempted under paragraph 62-212.500(2)(a), (b) or (c), F.A.C., a proposed modification to a major facility shall be subject to the provisions of:

a. Subsection 62-212.500(4), F.A.C., if the facility to be modified would be subject to those provisions pursuant to Rule 62-212.500(2)(d)2., F.A.C., if it were itself a proposed new facility and the modification would result in a significant net emissions increase (as set forth in subparagraph 62-212.500(2)(e)2., F.A.C.) of the affected pollutant; or

b. Subparagraph 62-212.500(2)(d)3., F.A.C., if the facility to be modified would not be subject to the provisions of subsection 62-212.500(4), F.A.C., pursuant to subparagraph 62-212.500(2)(d)2., F.A.C., if it were itself a proposed new facility.

5. Relaxations of Restrictions on Pollutant Emitting Capacity. If a previously permitted facility or modification becomes a facility or modification which would be subject to the provisions of subsection 62-212.500(4), F.A.C., if it were a proposed new facility or modification, solely by virtue of a relaxation in any federally enforceable limitation on the capacity of the facility or modification to emit a pollutant (such as a restriction on hours of operation), which limitation was established after August 7, 1980, then at the time of such relaxation, the provisions of subsection 62-212.500(4), F.A.C., shall apply to the facility or modification as though construction had not yet commenced on it.

(e) Emissions Changes.

1. Net Emissions Increase. A modification to a facility results in a net emissions increase when, for the affected pollutant, the sum of all the contemporaneous, creditable increases and decreases in the actual emissions of the facility, including the increase in emissions of the modification itself, and any increases or decreases in quantifiable fugitive emissions, is greater than zero.

2. Significant Net Emissions Increase. A significant net emissions increase of the affected pollutant is a net emissions increase equal to or greater than the applicable significant emissions rate.

3. Contemporaneous Emissions Changes. An increase or decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is contemporaneous with a particular modification if it occurs within the period

beginning five years prior to the date on which the owner or operator of the facility submits a complete application for a permit to modify the facility, and ending on the date on which the owner or operator of the modified facility projects the new or modified facility to begin operation. The date on which any increase in the actual emissions, or in the quantifiable fugitive emissions, of the facility occurs is the date on which the owner or operator of the facility begins, or projects to begin, operation of the emissions unit(s) resulting in the increase. The date on which any decrease in the actual emissions, or in the quantifiable fugitive emissions, of the facility occurs is the date on which the owner or operator of the facility completes, or is committed to complete through a federally enforceable permit condition, a physical change in or change in the method of operation of the facility resulting in the decrease.

4. Creditable Emissions Changes. An increase or decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is creditable if the Department has not relied on it in demonstrating attainment, defining reasonable further progress, or issuing a permit under the provisions of this rule, which permit is in effect when the increase in emissions of the modification occurs. In addition, a decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is creditable only if:

a. The old level of actual emissions, the old level of federally enforceable allowance emissions, or the old level of allowable emissions under Rule 62-296.500 through 62-296.516, 62-296.570, 62-296.600 through 62-296.605, or 62-296.700 through 62-296.712, F.A.C., whichever is lower, exceeds the new level of actual emissions;

b. It is federally enforceable on and after the date that the owner or operator obtains from the Department a permit for the modification; and

c. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase in emissions of the modification.

(f) Pollutants Subject to Nonattainment-Area Preconstruction Review. Except for the statewide compliance provisions of paragraph 62-212.500(4)(c), F.A.C., the provisions of this rule apply only to the emissions of the affected pollutant. For ozone nonattainment areas classified as marginal or higher, the provisions of Rule 62-212.500, F.A.C., apply individually to the emissions of both volatile organic compounds (VOC) and nitrogen oxides (NOx).

1. Nonattainment Areas. The provisions of this rule apply to all new or modified emissions units or facilities which are located in or are proposed to be located in any nonattainment area, and which emit or may emit the affected air pollutant, unless specifically exempted by a provision of this rule.

2. Areas of Influence of Nonattainment Areas. The provisions of this rule apply to any new or modified emissions unit or facility which is located in or is proposed to be located in the area of influence of any nonattainment area, and which emits or may emit the affected air pollutant, as though it were physically located in the nonattainment area, except as provided under sub-subparagraph 62-212.500(2)(a)2.a. or b., below.

a. All VOC and NOx emissions units which are located within the area of influence of an ozone nonattainment area are exempt from the provisions of Rule 62-212.500, F.A.C., and shall be permitted in accordance with Rule 62-212.400, or 62-212.300, F.A.C.

b. All other new or modified emissions units or facilities located in or proposed to be located in an area of influence which would be subject to the provisions of Rule 62-212.500, F.A.C., if they were to be located within the nonattainment area, shall be subject to those provisions unless the owner or operator demonstrates to the Department that the maximum allowable emissions or the significant net increase in emissions of the proposed new or modified facility (not taking into account any emission offsets) will not have a significant impact within the nonattainment area.

(3) Limited Exemptions and Special Provisions.

(a) Temporary Emissions. A proposed temporary new or modified emissions unit or facility subject to the provisions of subsection 62-212.500(4), F.A.C., shall be exempt from the requirements of paragraphs 62-212.500(4)(c) and .500(4)(d), F.A.C., provided that:

1. Total operating time of the emissions unit or facility shall not exceed two years; and

2. The owner or operator has provided the Department with reasonable assurance that the emissions will not interfere with attainment of ambient air quality standards.

(b) Relocatable Facilities. A relocatable facility may be permitted in accordance with paragraph 62-212.500(3)(a), F.A.C., and be permitted to relocate within the nonattainment area or area of influence by amendment

to the facility's operating permit provided that:

1. The owner or operator obtains an amendment to the operating permit prior to moving to the new location, identifying the new location and duration of operation at the new location; and

2. The federally enforceable allowable emissions would not be increased at the new location.

(c) Resource Recovery Projects. A resource recovery facility which processes municipal solid waste for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, and which utilizes solid waste to provide more than 50 percent of the heat input needed to operate the facility shall be exempt from the provisions of subparagraph 62-212.500(8)(d)1., F.A.C., provided that:

1. The applicant demonstrates to the Department that the applicant has made its best effort to obtain the full emission offsets required and such efforts were unsuccessful; and

2. The applicant commits to continuing to seek the required emission offsets and to apply them when they become available; and

3. The applicant has secured all available offsets.

(d) Voluntary Fuel Conversions. (Reserved)

(e) (Reserved)

(f) Open Burning. Open burning in or near a nonattainment area shall be permitted in accordance with the provisions of Rule 62-256, F.A.C., Open Burning and Frost Protection Fires.

(4) Preconstruction Review Requirements. Except as provided in subsections 62-212.500(1) through (3), F.A.C., the Department shall not issue a permit to construct a new facility or to make a modification to a facility in a nonattainment area or an area of influence unless the following requirements have been met:

(a) LAER Requirement. The owner or operator of the proposed new or modified facility may limit the emissions of the affected air pollutant from the facility or modification through the application and employment of LAER. The procedure for determining LAER is set forth in subsection 62-212.500(7), F.A.C.

(b) Statewide Compliance Requirement for Multiple Facility Ownership. The owner or operator of the proposed new or modified facility shall demonstrate to the Department that all major facilities owned or operated by such person(s) or by any entity controlling, controlled by, or under common control with such person within the State of Florida have all required air permits and are in compliance with all applicable emission limitations or other permit conditions, or are on a schedule approved by the Department for compliance with such requirements.

(c) Emissions Offset Requirements. The Department shall not issue any permit to construct any new facility or to make any modification to a facility unless sufficient, creditable emission offsets are obtained in accordance with subsection 62-212.500(5), F.A.C.

(d) Net Air Quality Improvement Requirement.

1. Nonattainment Areas with Approved SIP.

a. The committed VOC or NOx offsets must exceed the increase of VOC or NOx emissions, respectively, from the proposed new facility or modification by a ratio of at least 1.1:1 for marginal ozone nonattainment areas and 1.15:1 for moderate ozone nonattainment areas. For transitional ozone nonattainment areas, the committed VOC offsets must equal or exceed the increase of VOC emissions from the proposed new facility or modification, and NOx offsets are not required.

b. All VOC or NOx offsets that meet the requirements of subsection 62-212.500(4), F.A.C., shall be considered to be consistent with the achievement of reasonable further progress.

c. The applicant must demonstrate that the committed offsets for emissions units of PM10 , sulfur dioxide, carbon monoxide, or lead would equal or exceed the increase of emissions from the proposed new facility or modification and would provide a net air quality improvement in accordance with paragraph 62-212.500(6)(a), F.A.C.

2. Nonattainment Areas without Approved SIP.

a. The committed VOC or NOx offsets must exceed the increase of VOC or NOx emissions, respectively, from the proposed new facility or modification by a ratio of at least 1.1:1 for marginal ozone nonattainment areas and 1.15:1 for moderate ozone nonattainment areas. For transitional ozone nonattainment areas, the committed VOC offsets must equal or exceed the increase of VOC emissions from the proposed new facility or modification, and NOx offsets are not required.

b. All VOC or NOx offsets that meet the requirements of subsection 62-212.500(4), F.A.C., shall be considered to be consistent with the achievement of reasonable further progress.

c. The applicant must demonstrate that the committed offsets for emissions units of PM10 , sulfur dioxide, carbon monoxide, or lead would exceed the increase of emissions from the new facility or modification and would provide a significant net air quality improvement in accordance with paragraph 62-212.500(6)(b), F.A.C.

(e) Visibility Protection for Class I Areas.

1. Visibility Analysis and Monitoring. If the proposed new or modified facility would be subject to the preconstruction review requirements of Rule 62-212.400, F.A.C., for the affected pollutant but for the designation of the location of the facility as a nonattainment area, the following provisions apply:

a. The owner or operator of the proposed new or modified facility shall provide the Department with an analysis of the impairment to visibility, if any, which would occur in any Federal Class I area within 100 kilometers of the facility or modification, with the exception of the Bradwell Bay National Wilderness Area, as a result of emissions from the facility or modification. (Federal Class I areas are designated in paragraph 62-204.360(4)(b), F.A.C.)

b. The analysis required under sub-subparagraph 62-212.500(4)(e)1.a., F.A.C., shall be carried out using EPA-approved methods, if available.

c. The Department may require the owner or operator of a proposed facility or modification subject to the provisions of sub-subparagraph 62-212.500(4)(e)1.a., F.A.C., to include as part of the required analysis such visibility monitoring data as are available from Federal or State visibility monitoring programs in the affected Class I area. If such data are not available or are demonstrated to be inadequate for a visibility analysis, the Department may require the applicant to collect up to one year of preconstruction visibility monitoring data and such postconstruction visibility monitoring data as are necessary to analyze the effect that emissions from the facility or modification may have, or are having, on visibility in the affected Class I area.

2. Federal Land Manager Participation.

a. The Federal Land Manager of any lands contained in a Class I area which may be affected by emissions from the proposed facility or modification, with the exception of the Bradwell Bay National Wilderness Area, may demonstrate to the Department that the emissions from the proposed facility or modification would have an adverse impact on visibility in the Federal Class I area.

b. If this demonstration is received by the Department within thirty (30) days after the Department has mailed or transmitted to the Federal Land Manager a complete application pursuant to paragraph 62-210.350(2)(b), F.A.C., it shall be considered in the Department’s preliminary determination and proposed agency action on the permit application. If this demonstration is received within the public comment period on the Department’s proposed agency action, it shall be considered in the Department’s final determination and final agency action on the permit application.

c. If the Department finds that the Federal Land Manager’s analysis does not demonstrate to the Department’s satisfaction that an adverse impact on visibility would occur in the Class I area, a written explanation of the reasons for such finding shall be included in the Department’s preliminary or final determination as provided in sub-subparagraph 62-212.500(4)(e)2.b., F.A.C. In making the decision to issue or deny the permit, the Department may take into account the Federal Land Manager’s demonstration, the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the emissions unit. The Department shall not issue permits over the Federal Land Manager’s demonstration of adverse impact to those emissions units whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas, which impairment results from manmade air pollution.

(f) Stack Height Policy Requirement. The owner or operator of the proposed new or modified facility shall provide to the Department a good-engineering-practice stack height, or other dispersion techniques, analysis to demonstrate compliance with Rule 62-212.550, F.A.C.

(g) Alternative Analysis Requirement. The owner or operator of the proposed new or modified facility shall provide an analysis of alternative sites, sizes, production processes, and environmental control techniques. The owner or operator shall demonstrate to the Department that the benefits of the proposed new or modified facility outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) Emission Offsets.

(a) Emission Offsets Required. If a proposed new facility or modification is subject to the requirements of subsection 62-212.500(4), F.A.C., the owner or operator of such facility shall obtain sufficient, creditable emission offsets. Emission offsets shall be considered sufficient if they provide for a net air quality improvement in accordance with paragraph 62-212.500(4)(d), F.A.C. The creditability of emission offsets is determined by applying the criteria set forth below in pargraph 62-212.500(5)(b), F.A.C.

(b) Creditable Emission Offsets.

1. Emissions of an air pollutant shall only be offset by emissions of the same air pollutant.

2. An emissions offset shall be computed on a mass emission basis and shall not exceed the base emission limit of the emissions unit providing the offset.

3. An emission offset may be obtained by the curtailment of production or operation hours of an offsetting emissions unit provided such curtailment is included as an enforceable provision in the operating permit that is issued to the offsetting emissions unit.

4. Emission offsets for PM10 , sulfur dioxide, carbon monoxide, or lead shall be provided only by emissions units located within the nonattainment area or area of influence within which the proposed new or modified emissions unit would be located.

5. Emission offsets for VOC or NOx shall be provided by emissions units located within the ozone nonattainment area in which the proposed new or modified emissions unit would be located or within another ozone nonattainment area provided:

a. The other area has an equal or higher nonattainment classification than the area in which the proposed new or modified emissions unit would be located; and

b. Emissions from such other area contribute to violations of the ozone ambient air quality standard in the nonattainment area in which the proposed new or modified emissions unit would be located.

6. For an existing fuel combustion emissions unit, credit shall be based on the emissions for the type of fuel being burned at the time the application to construct is filed for the emissions unit to which an emission offset will be provided. If the existing emissions unit commits to switch to a cleaner fuel to provide the offset, emission offset credit based on the difference in actual emissions for the fuels involved shall not be creditable unless the existing emissions unit’s permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the emissions unit switch back to a dirtier fuel at some later date.

7. Emissions reductions achieved by shutting down an existing emissions unit or permanently curtailing production or operating hours below base emission limit levels may be creditable for offsets. Curtailments in production or operating hours occurring prior to the date the new emissions unit application is filed may be used for emission offset credit where an applicant can establish that the emissions unit shut down or curtailed production after December 31, 1990, and the proposed new emissions unit is a replacement for the shutdown or curtailment.

8. All emission reductions providing offset credit shall be federally enforceable.

9. An emission offset shall be creditable only to the extent that the Department has not relied on it in issuing any permit under Rule 17-2.510 (transferred), 17-2.520 (transferred), 17-2.17 (repealed), 62-212.300, 62-212.400, or 62-212.500, F.A.C., or in demonstrating attainment or reasonable further progress.

(c) Base Emission Limit Adjustments. Any emissions unit which has its permit modified to provide offsets to another emissions unit or facility shall have its base emission limit reduced accordingly.

(6) Net Air Quality Improvement.

(a) Net Air Quality Improvement. A net air quality improvement shall be presumed if:

1. Over an acceptable uniform grid of receptor points, considering only the impacts of the proposed new or modified facility, the emissions unit(s) providing the emissions offset and all other emissions units contributing to the availability of new emissions unit allowance, the sum of the maximum increases subtracted from the sum of the absolute values of the maximum decreases in the predicted ambient concentration of the affected pollutant within the nonattainment area, divided by the total number of receptor points within the nonattainment area, would be greater than zero annual average; and

2. No increase in ambient concentration resulting from the combined impacts of the emissions units considered

in subparagraph 62-212.500(7)(a)1., F.A.C., would exceed the numerical value of any Class II maximum allowable increase established under Rule 62-204.260, F.A.C., provided that such values that have an averaging time of less than one year may be exceeded once per year at any receptor point.

(b) Significant Net Air Quality Improvement. A significant net air quality improvement shall be presumed if:

1. Over an acceptable uniform grid of receptor points, considering only the impacts of the proposed new or modified facility and the emissions unit(s) providing the emissions offset, the sum of the maximum increases subtracted from the sum of the absolute values of the maximum decreases in the predicted ambient concentration of the affected pollutant within the nonattainment area, divided by the total number of receptor points within the nonattainment area, would be greater than one microgram per cubic meter annual average; and

2. No increase in ambient concentration resulting from the combined impacts of the emissions units considered in subparagraph 62-212.500(7)(b)1., F.A.C., would exceed the numerical value of any Class II maximum allowable increase established under Rule 62-204.260, F.A.C., provided that such values that have an averaging time of less than one year may be exceeded once per year at any receptor point.

(7) Lowest Achievable Emission Rate (LAER).

(a) Basis of Determination. Except as provided in subsections 62-212.500(1) through (4), F.A.C., any person who proposes to construct a new emissions unit or to make a modification in a nonattainment area or area of influence shall, in its construction permit application, apply to the Department for a determination of the Lowest Achievable Emission Rate (LAER) that is applicable to the affected pollutant emission that would result from the operation of the proposed new or modified emissions unit. In such application, the applicant shall recommend a determination of LAER setting forth the basis for such determination. In making the LAER determination, the Department shall give consideration to and make a determination that reflects:

1. Any information published by the U.S. Environmental Protection Agency pursuant to Section 108 of the Clean Air Act, as required by Section 178 of the Act concerning determinations of LAER.

2. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of emissions unit, unless the owner or operator of the proposed emissions unit demonstrates that such limitation is not achievable, or the most stringent emissions limitation which is achieved in practice by such class or category of emissions unit, whichever is more stringent.

3. All scientific, engineering, technical material, or other relevant information available to the Department.

(b) Limitation Regarding Environmental Protection Agency Standards of Performance for New Stationary Sources. In no event shall the determination of LAER allow the proposed new or modified emissions unit to emit any affected pollutant in excess of the amount allowable under any applicable Environmental Protection Agency Standard of Performance for New Stationary Sources, promulgated pursuant to 40 CFR Part 60, and adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) Phased Construction Projects. For phased construction projects, the determination of LAER shall be reviewed and modified as necessary, through the permitting process, at the latest reasonable time not later than 18 months prior to commencement of construction of each independent phase of the project. At that time, the owner or operator of the facility shall be required to demonstrate the adequacy of any previous Department demonstration of LAER or propose a revision to such previous determination.

(8) Construction/Operation Permit Requirement.

(a) Permit Application Information Required. At a minimum, the owner or operator of the facility or modification shall provide the following information to the Department:

1. A description of the nature, location, design capacity and typical operating schedule of the facility or modification, including specifications and drawings showing its design and plant layout;

2. A detailed schedule for construction of the facility or modification;

3. A detailed description of the system of continuous emissions reductions proposed by the facility as LAER, emissions estimates, and any other information as necessary to determine that LAER would be applied to the facility or modification;

4. Information relating to the air quality impact of the facility or modification, including meteorological and topographical data necessary to estimate such impact.

(b) Permit Offset Identification.

1. If the proposed new facility or modification is required to have emission offsets, any construction or operation permit issued for such facility or modification shall specifically identify and quantify the amount of offset required and identify the emissions unit(s) providing the required emissions offset. Such identification shall include ownership, unit designation, location, effective date of offset, and other permit identification data.

2. Before any permit is issued for the new or modified facility, the operation permit of each offsetting emissions unit shall be revised to specifically identify and quantify the new maximum allowable emission limits for each such emissions unit, the amount of offset provided, and the facility or modification to which such emissions offset is provided. The identification of the facility or modification to which an emissions offset is provided shall include ownership, unit designation, location, effective date of offset, and other permit identification data.

(c) Construction Permits. Any construction permit issued pursuant to this rule shall contain all conditions and provisions necessary to insure that the construction and operation of the facility or modification shall be in accordance with the requirements of this rule.

(d) Operation Permits.

1. All required emission offsets shall have occurred prior to the issuance of any operation permit.

2. Any operation permit issued for a facility or modification shall include all operating conditions and provisions required under Rule 17-2.17 (repealed) or paragraph 62-212.500(8)(c), F.A.C., and set forth in the original or amended construction permit. This provision shall apply as long as the nonattainment area for which the original or amended construction permit was issued is designated as a nonattainment area under subsection 62-204.340(2), F.A.C., or as an air quality maintenance area under subsection 62-204.340(4), F.A.C.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–Formerly 17-2.510, Amended 2-2-93, Formerly 17-212.500, Amended 11-23-94, 1-1-96, 3-13-96, 2-2-06.

62-212.600 Sulfur Storage and Handling Facilities.

(1) Applicability. The requirements of this rule apply to proposed new or modified sulfur storage and handling facilities. These requirements supplement, but in no case supersede, all other applicable requirements of Rules 62-212.300, 62-212.400, and 62-212.500, F.A.C.

(2) Preconstruction Review Requirements.

(a) Ambient Air Quality Analysis. The owner or operator of any proposed new or modified sulfur storage and handling facility that is to be located within five kilometers of either a particulate matter air quality maintenance area or a PSD Class I area shall provide the Department with an analysis of the probable particulate matter ambient air quality impacts that could result from the operation of the facility, in accordance with subsection 62-212.600(3), F.A.C., Emission Estimates, and subsection 62-204.220(4), F.A.C., Air Quality Models.

(b) Sulfur Deposition Analysis. The owner or operator of any proposed new or modified sulfur storage and handling facility shall provide the Department with an analysis of the probable annual and maximum monthly sulfur deposition rates that could occur as a result of the operation of the facility. The particle size distribution used in the model shall be determined in accordance with the provisions of subsection 62-212.600(3), F.A.C.

(c) Postconstruction Monitoring. The owner or operator of any proposed new or modified sulfur storage and handling facility shall conduct postconstruction air quality and deposition monitoring of sulfur particulate emissions from the facility for two years from the date of issuance of the initial air operation permit for the facility, and, through the permitting process, shall determine the period of time, if any, such monitoring must be continued after that time. The data collected shall be provided to the Department as specified in the permit. All ambient air quality monitoring shall be done using the appropriate ambient test method(s) referenced in subsection 62-204.220(3), F.A.C. Particulate deposition monitoring shall be done in accordance with the provisions of DEP Reference Method for Monitoring Deposition of Sulfur Particulate, hereby adopted and incorporated by reference.

(d) Exemptions. Any sulfur storage and handling facility with a throughput of elemental sulfur in all forms of less than 5,000 tons per year shall be exempt from the provisions of paragraphs 62-212.600(2)(a), (b), and (c), F.A.C.

(3) Emission Estimates.

(a) For any of the purposes for which emission estimates may be used, the Department shall accept emission

estimates other than those obtained by the procedures referenced or specified in this rule, if such estimates are based on emissions test data or ambient air quality test data obtained for a similar facility, and the permit applicant demonstrates to the Department that such emission estimates characterize the probable emissions that would result from the operation of the facility to which the estimates would apply. Appropriate emission estimates shall be provided for both the maximum annual average and maximum daily (24 hour) case.

(b) Nothing in this rule shall be construed to prevent the Department from using or requiring the use of the best available data to estimate the probable emissions from any emissions unit or to relieve the applicant from complying with all applicable emission limiting standards or other applicable provisions of the air pollution rules of the Department.

(c) Except as otherwise provided in this rule, the particulate matter emission factor equations published by the U.S. Environmental Protection Agency in Section 11.2, Compilation of Air Pollution Emission Factors, AP-42, 3rd Edition, Supplement No. 14, May 1983, hereby adopted and incorporated by reference, shall be used to estimate the sulfur particulate emissions from solid sulfur storage and handling facilities. The emission factors referenced above shall be used to estimate the emitted sulfur particulate that would be measured by a high volume air sampler as specified in the reference sampling method for total suspended particulate.

(d) All emissions estimates generated pursuant to this rule shall be supported by data that explain the basis for selecting the variables in the emission factor equations (e.g. moisture content, silt content, ambient wind speed, etc.). The emission factor variables shall be selected to represent the probable conditions for each operation under normal operating conditions. The silt content data used in the referenced equations (minus 200 mesh U.S. screen) shall be based on or represent data obtained by dry sieving. The dry sieving shall be performed in accordance with methods specified in paragraph 62-212.600(3)(c), F.A.C., except that sieving shall not be performed for more than 40 minutes. Drying of the solid sulfur prior to sieving shall be performed at a temperature of 75 +/- 5 degrees C. Appropriate values shall be selected to estimate both the maximum annual average and maximum daily (24 hour) average emission rates for each emissions unit within the facility.

(e) Sulfur Deposition Rate Emission Factors. The emission factors used to calculate the probable elemental sulfur deposition rates resulting from the operation of a sulfur storage or handling facility shall be estimated using the following procedure:

1. Solid Sulfur Storage and Handling Facility Deposition Emission Factors.

a. Estimate the weight of all particles emitted to the atmosphere. The suspended particulate emission estimates obtained from the procedures in this rule represent the weight of the 0-30 micron particles emitted prior to applying any control measures. To estimate the weight of all particles emitted to the atmosphere prior to applying any control measures, multiply the 0-30 micron emission rate by 2.1.

b. Determine the specific particle size ranges from 0-300 microns that will be used in the deposition calculation. Use a sufficient number of size intervals such that errors in calculated deposition rates resulting from the variation in the settling velocity (in still air) of the particles within each interval are minimized.

c. Using the particle size distribution table below and the estimated weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

Size Distribution of Total Particles Emitted During the Uncontrolled Handling of Solid Sulfur

(Percent by Weight Less than the Stated Aerodynamic Diameter)

Particle Diameter*(microns)	Percent by Weight Less Than
300	99.9
200	97.0
100	83.5
75	74.0
50	63.5
30	48.0
10	24.0
2.5	7.5

*Use linear interpolation to calculate the weight percent less than or greater than a specific diameter value that is between two of the listed values.

2. Molten Sulfur Storage and Handling Facility Deposition Emission Factors.

a. Determine the weight of all particles emitted to the atmosphere from an emissions unit at a molten sulfur handling facility and the size distributions of these particles in the 0-300 micron size range.

b. Determine the specific particle size ranges from 0-300 microns that will be used in the deposition calculations. Use a sufficient number of size intervals such that errors in calculated deposition rates resulting from the variations in the settling velocity (in still air) of the particles within each interval are minimized.

c. Using the particle size distribution and the weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

3. If particulate control measures would be applied to limit the emission of any of the particles in this size range (0-300 microns), compute the collection efficiency of the control measures for each particle size range to be used in the deposition calculations using published collection efficiency data or actual test data for a similar facility or operation. Use this information or actual emissions test data to estimate the probable particle size distribution of the sulfur particles emitted to the atmosphere after the application of all control measures.

4. For calculating the deposition rates, determine the representative weight of the particles emitted to the atmosphere in each interval as specified above and assume that all particles within each selected interval have a particle diameter equal to the mass mean diameter of the range. The mass mean diameter is given by:
where: d1 is the lower bound of the particle size interval and d2 is the upper bound of the particle size interval. The particle size distribution equation is given by:

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where: d_1 is the lower bound of the particle size interval and d_2 is the upper bound of the particle size interval.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–Formerly 17-2.540, 17-212.600, Amended 11-23-94, 1-1-96, 3-13-96, 8-17-00.

62-212.710 Air Emissions Bubble.

(1) General Restrictions. The Department shall not authorize the creation of or change to an air emissions bubble that would:

(a) Cause or contribute to a violation of any ambient air quality standard or PSD increment;

(b) Result in an increase of the maximum ambient ground-level concentration;

(c) Allow for an emissions increase, for any emissions unit included within such bubble, above an applicable limitation under any of the following: Best Available Control Technology (BACT) pursuant to Rule 62-212.400, F.A.C.; Lowest Achievable Emissions Rate (LAER) pursuant to Rule 62-212.500, F.A.C.; the Federal Acid Rain Program; National Emission Standards for Hazardous Air Pollutants and National Emission Standards for Hazardous Air Pollutants for Source Categories pursuant to Rule 62-204.800, F.A.C.; and Standards of Performance for New Stationary Sources pursuant to Rule 62-204.800, F.A.C., provided that municipal waste combustors may apply for a bubble under this rule and subject to the provisions of 40 C.F.R. 60, Subpart Cb, adopted and incorporated by reference in Rule 62-204.800, F.A.C.;

(d) At a facility located in a nonattainment area or in an area of influence, interfere with reasonable further progress toward attaining ambient air quality standards;

(e) Allow for an increase in opacity for any emissions unit included within such bubble above the unit's previous opacity limit;

(f) Allow any emissions unit included within such bubble to avoid any preconstruction review requirements of Chapter 62-212, F.A.C.; or

(g) Relieve any emissions unit included within such bubble from any requirements that apply to hazardous air pollutants.

(2) Permit Application Requirements. Each applicant for an air emissions bubble shall provide the following

information as part of its permit application for such bubble, in addition to any other information required under rules applicable to the facility.

(a) Identification of each emissions unit proposed to be included within the bubble, along with the following for each such unit:

1. The processes and operations authorized under the facility's construction permit(s) and current operation permit(s);

2. The applicable emission limits, production limits or other limiting factors specified in the facility's construction permit(s) and current operation permit(s);

3. Any requested changes in operations under the proposed air emissions bubble and the requested emissions limit for each emissions unit operating under the bubble.

(b) A plan for quantifying emissions from the proposed bubble and for demonstrating continuous compliance with the multi-unit aggregate emissions limit, including the method of measurement, frequency of measurement, method of standardization or audit, quality control protocols and statistical information correlating the actual emission rates with capacity or production rates.

(c) A demonstration that the proposed bubble would operate within the requirements of paragraphs 62-212.710(1)(a) through (g), F.A.C. For purposes of paragraphs 62-212.710(1)(a) and (b), F.A.C., the demonstration shall comply with the following requirements:

1. For bubbles of nitrogen oxides or volatile organic compounds, no ambient impact analysis is required to demonstrate compliance with ozone ambient air quality standards or to demonstrate no increase in maximum ambient ground-level concentration.

2. For bubbles of sulfur dioxide, nitrogen dioxide, particulate matter 10 (PM_{10}), carbon monoxide, and lead, an ambient impact analysis is required, as specified in subsection 62-212.710(3), F.A.C., if any one of the following conditions would occur under the bubble:

a. Emissions would be shifted from one emissions unit to another with a lower plume height such that there is an emissions increase at the unit with the lower plume height;

b. One or more emissions units whose emissions would be increased have emissions points that may not avoid a downwash situation, as defined in 40 C.F.R. Part 51, Appendix W, adopted and incorporated by reference in Rule 62-204.800, F.A.C.;

c. Two or more emissions points included within the bubble are 250 meters or more apart from one another;

d. A source of fugitive particulate matter is included within the bubble; or

e. Complex terrain, as defined in 40 C.F.R. Part 51, Appendix W, exists within the area of significant impact of the bubble or within 50 kilometers of the facility, whichever is less.

(3) Ambient Impact Analysis Requirements. If an ambient impact analysis is required pursuant to subparagraph 62-210.700(2)(c)2., F.A.C., the applicant shall perform the analysis in accordance with the provisions of 40 C.F.R. Part 51, Appendix W, adopted and incorporated by reference in Rule 62-204.800, F.A.C. For purposes of this demonstration, the applicant shall use the most recent one-year period of meteorological data available and shall perform the analysis for each applicable pollutant and relevant averaging period.

(a) The applicant shall demonstrate compliance with paragraph 62-212.710(1)(a), F.A.C., by modeling all emissions units in the bubble by comparing in a single model run the difference between the allowable emissions in the existing permit(s) and the bubble baseline emissions for the proposed bubble. If at any receptor point the maximum concentration change has an increase above a significant impact level, as set forth in Rule 62-204.200, F.A.C., the applicant shall demonstrate compliance with ambient air quality standards and prevention of significant deterioration increments by performing an analysis which considers all emissions units at the facility and in the surrounding area according to the procedures of 40 C.F.R. Part 51, Appendix W.

(b) The applicant shall demonstrate compliance with paragraph 62-212.710(1)(b), F.A.C., by comparing the maximum concentration over the receptor grid of the allowable emissions in the existing permit(s) for all emissions units in the bubble with the maximum concentration over the receptor grid of the bubble baseline emissions for the proposed bubble.

(4) Permit Content. In addition to any other permit conditions, a permit authorizing creation of, change to or use of an air emissions bubble shall include the following provisions with respect to such bubble:

(a) The multi-unit aggregate emissions limit for the emissions units included in the bubble, not to exceed the bubble baseline emissions;

(b) A requirement that the owner or operator shall calculate, record and report on the same basis the emissions for each emissions unit included in the bubble, such as mass/time, mass/unit of production, or mass/unit of heat input, as applicable to the facility's operations;

(c) A requirement that the owner or operator shall average the emissions from all emissions units under the bubble on a rolling 24 hours basis, except that a longer averaging period may be used if authorized under the facility's construction or existing operation permit(s), but in no case shall the averaging period exceed 30 days;

(d) The plan for quantifying emissions from the bubble and for demonstrating continuous compliance as required under paragraph 62-212.710(2)(b), F.A.C.

(5) Monitoring.

(a) The owner or operator shall monitor emissions from each emissions unit included in the bubble according to all requirements that apply to the facility, except that the provisions set forth in this rule shall additionally apply to emissions units included in the bubble.

(b) The owner or operator shall follow the requirements of Rule 62-210.700, F.A.C., if excess emissions occur from the emissions units included in the bubble.

(6) Records. The owner or operator shall maintain all records related to the bubble for a period of five years. Such records shall demonstrate continuous compliance with the multi-unit aggregate emissions limit.

Specific Authority 403.061 FS. Law Implemented 403.08735 FS. History–New 5-20-97.

62-212.720 Actuals Plantwide Applicability Limits (PALs).

(1) PAL Permits. Any existing facility intending to use any Plantwide Applicability Limit (PAL) shall first obtain a PAL permit issued in accordance with the requirements of this section. For purposes of this rule an existing facility shall mean a facility that contains one or more existing emissions units, as defined at Rule 62-210.200, F.A.C. PAL permits shall be based on "actuals PAL" emissions as that term is described at 40 CFR 52.21(aa)(2), adopted by reference in Rule 62-204.800, F.A.C. PAL permits shall be considered construction permits for purposes of Rule Chapters 62-4, 62-210, 62-212, 62-213 and 62-110, F.A.C., but PAL permits shall not authorize any physical change that constitutes a modification under Rule 62-210.200 F.A.C., or any modification or reconstruction under 40 CFR Part 60, 61 or 63, adopted by reference at Rule 62-204.800, F.A.C., to any existing emissions unit, or any addition of any new emissions unit to the facility with the PAL permit. The Department shall authorize such modification or addition through separate normal construction permit processes. If the addition or modification will likely cause an increase in emissions above that authorized in the PAL permit, the Department shall authorize such an increase only through the PAL permit revision requirements of this rule, but the applicant may submit a single application for the construction permit and for any necessary PAL permit revision and, if practicable, the Department shall require a single public notice for both permitting actions. Each PAL shall be pollutant-specific but a single PAL permit may include multiple PALs. All PAL permit applications shall include information regarding all emissions which the facility has the potential to emit, including startup, shut down and malfunction emissions, for each pollutant for which a PAL is sought, and all PAL permits shall include in the limitation(s) all PAL pollutant emissions which the facility has the potential to emit, including emissions from startup, shut down and malfunctions. Fugitive emissions shall be included in the application and in the PAL to the extent quantifiable.

(2) Definitions. The definitions of 40 CFR 52.21(aa)(2), adopted by reference in Rule 62-204.800, F.A.C., shall apply to PAL permitting processes and PAL permits except the "PAL permit" shall mean the permit specified in subsection 62-212.720(1), F.A.C., and except that "significant" and "emissions unit" shall mean "significant emissions rate" and "emissions unit" as defined in Rule 62-210.200, F.A.C. For purposes of this rule, the term "Administrator," wherever it appears in any provision of 40 CFR 52.21 cited herein, shall mean "Department."

(3) Application. Application for any PAL permit shall be made on the forms established for permit applications at Rule 62-210.900, F.A.C. In addition to the information required by Rule Chapters 62-4 and 62-210, F.A.C., and any other information required by this chapter, all applications for PAL permits shall provide the information described at 40 CFR 52.21 (aa)(3), adopted by reference at Rule 62-204.800, F.A.C.

(4) Permit Processing. The Department shall establish the PAL using the processes described at 40 CFR 52.21 (aa)(4) and (6), adopted by reference at Rule 62-204.800, F.A.C. No PAL permit shall be issued until all processes have been completed and the public participation requirements of 40 CFR 52.21(aa)(5), adopted by reference at Rule 62-204.800, F.A.C., and Rule 62-210.350, F.A.C., have been accomplished. The Department shall also consider all other applicable requirements, as defined at Rule 62-210.200, F.A.C., and the requirements of Rule Chapter 62-4, F.A.C., in establishing a PAL.

(5) Permit Content. All PAL permits shall include the provisions described at 40 CFR 52.21(aa)(7), adopted by reference in Rule 62-204.800, F.A.C., in addition to any other permit terms the Department deems necessary to provide reasonable assurances of compliance with Department rule and permit requirements. The excess emissions provisions of subsections 62-210.700(1)-(5), F.A.C., shall not apply to PAL permits, and the permit shall contain a statement specifying that these rule provisions do not apply. Excess emissions are not allowed. The notification requirements of subsection 62-210.700(6), F.A.C., shall still apply. The Department shall also establish monitoring requirements in accordance with 40 CFR 52.21(aa)(12), adopted by reference in Rule 62-204.800, F.A.C., and shall include such monitoring, and the recordkeeping and reporting requirements of 40 CFR 52.21(aa)(13) and (14), adopted by reference in Rule 62-204.800, F.A.C., in the PAL permit.

(6) PAL Permit Revision, Renewal, Expiration. PAL permits shall be issued for a term of ten years. Any revision to any PAL permit shall be accomplished in accordance with the permitting provisions of this rule and the provisions of 40 CFR 52.21(aa)(8), adopted by reference in Rule 62-204.800, F.A.C. All renewals of PAL permits shall be accomplished in accordance with the requirements of this rule and the provisions of 40 CFR 52.21(aa)(11), adopted by reference in Rule 62-204.800, F.A.C. Any PAL permit that is not renewed in strict accordance with the provisions of 40 CFR 52.21(aa)(10), adopted by reference in Rule 62-204.800, F.A.C., shall expire. All expirations of PAL permits shall be governed by the provisions of 40 CFR 52.21(aa)(9), adopted by reference in Rule 62-204.800, F.A.C.

(7) Notwithstanding any other provision of this rule, any emissions unit subject to any emissions limit or other requirement established under any provision of Title 40 of the Code of Federal Regulations, adopted by reference at Rule 62-204.800, F.A.C., or under any applicable requirement as defined at Rule 62-210.200, F.A.C., shall continue to comply with such requirement except that the provisions of paragraph 62-212.400(12)(b), F.A.C., shall not apply to emissions units at a facility with a PAL permit.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New 2-2-06, Amended 7-16-07, 10-6-08.