



Rick Scott, Governor

# Environmental Regulation Commission

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## AGENDA

### ENVIRONMENTAL REGULATION COMMISSION

Tallahassee City Commission Chambers

300 South Adams Street

Tallahassee, Florida

December 8, 2011, 9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE TO THE FLAG
- III. APPROVAL OF MINUTES OF PUBLIC MEETING AND HEARING held  
November 3, 2011 in Tallahassee, Florida.

**Certification of Public Hearing and Swearing of Witnesses**

#### IV. BRIEFING AND PUBLIC HEARING

1. **Rule Repeal 62-296.341, F.A.C** - Chad Stevens, Environmental Administrator, Air Division, will brief ERC on the proposal to repeal Rule 62-296.341, F.A.C. to eliminate an unnecessary permitting requirement that was initially promulgated to satisfy federal regional haze regulations, it was later rejected by the U.S. Environmental Protection Agency as a means to satisfy such regulations. The rule section is no longer necessary to serve its original purpose.
2. **Briefing on Incorporation of Federally Required Elements Regarding PM<sub>2.5</sub>**  
Chad Stevens will brief the ERC on the proposed revisions to Rule 62-210.200, F.A.C., Rule 62-212.300, F.A.C., and Rule 62-212.400, F.A.C. to establish PM<sub>2.5</sub> as an air pollutant with a significant emissions rate, thereby making industrial facilities that emit PM<sub>2.5</sub> potentially subject to preconstruction review for major stationary sources. The proposed amendments are consistent with federal regulation, policy, and guidance, and they do not impose any requirements beyond or in addition to the minimum federal program.
3. **Briefing on Solid Waste Management Facilities** - Richard Tedder, Program Administrator for Waste Management will brief the ERC on proposed changes to Chapter 62-701, F.A.C., Solid Waste Management Facilities. A number of simplifying changes are being proposed to the chapter with the

goals of continuing environmental protection but also: (1) reducing unnecessary regulations; (2) reducing costs to the regulated community; (3) clarifying existing regulations; and (4) conforming the chapter to recent statutory changes. These measures will result in a significant savings to the regulated community while continuing to provide environmental protection. The most significant amendments will create a less burdensome regulatory process for indoor waste processing facilities and small container-to-container transfer stations. In addition, financial assurance requirements are being simplified, requirements for leachate sampling are being eliminated, and landfill closure procedures are being clarified. The Department intends to bring these changes to the ERC for approval in January.

## **V. RULE ADOPTION**

- 1. Rule Repeal Pursuant to Governor's Executive Orders 11-01, 11-72 and 11-211** - Justin Wolfe, Senior Attorney. The Department will seek approval from the ERC to repeal following rules: 62-204.240; 62-204.260; 62-212.600; 62-212.710; 62-252.500; 62-252.900; 62-285.420; 62-296.407; 62-296.411; 62-296.413; 62-702.300; 62-702.400; 62-702.570; and 62-702.600. These rules were identified by the Department as duplicative, unnecessarily burdensome or no longer necessary pursuant to the Governor's Executive Orders 11-01, 11-72 and 11-211.
  
- 2. Nutrient Standards and Assessment Procedures for Surface Waters (Amendments to Chapters 62-302 and 62-303, F.A.C.)** The Department will request approval for adoption on its draft revisions to Chapter 62-302 (Surface Water Quality Standards) and Chapter 62-303 (Identification of Impaired Surface Waters), F.A.C., which contain numeric nutrient standards for lakes, flowing waters (streams), springs, and estuary specific criteria for several Florida estuaries, including Clearwater Harbor, Tampa Bay, Sarasota Bay, Charlotte Harbor, Southwest Florida, Biscayne Bay, Florida Bay, and the Florida Keys. The Department's rules, if eventually approved by the ERC, ratified by the Florida Legislature, and approved by the United States Environmental Protection Agency (USEPA), are intended to replace USEPA's numeric nutrient criteria that were promulgated for Florida's lakes and flowing waters last November.

## **V. PUBLIC COMMENT PERIOD**

## **VI. OTHER BUSINESS**

## **VII. ADJOURNMENT**