

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2018
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 28, 2018

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Air Resource Management

RULE NO.: RULE TITLE:
 62-210.200 Definitions
 62-210.300 Permits Required
 62-210.310 Air General Permits
 62-210.550 Stack Height Policy
 62-210.900 Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rule (OGC No. 17-0890) is to amend Rules 62-210.200, 62-210.300, 62-210.310, 62-210.550, and 62-210.900, F.A.C. The revisions will create an Air General Permit (AGP) for Asphalt Concrete Plants, and revise the Facility Relocation Notification form (DEP Form 62-210.900(6)). The Department is also proposing several clarifying and corrective revisions to existing rule language in Rules 62-210.200, 62-210.300, 62-210.310, 62-210.550, and 62-210.900, F.A.C. The Department published a Notice of Rule Development for these rules on October 27, 2017, which also included Rule 62-210.700, F.A.C. The rulemaking for Rule 62-210.700, F.A.C., was completed separately under OGC No. 18-0030.

SUMMARY: The proposed rule will address Definitions, Permits Required, Air General Permits, Stack Height Policy, and Forms.

OTHER RULES INCORPORATING RULE 62-210.200, F.A.C: 62-4.050, 62-110.104, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-212.500, 62-212.720, 62-213.202, 62-213.300, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.480, 62-296.600, 62-255.320, 62-701.200, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-210.300, F.A.C: 62-210.200, 62-210.310, 62-210.350, 62-210.360, 62-210.920, 62-212.300, 62-213.300, 62-256.300, 62-256.700, 62-296.320, 62-296.401, 62-296.406, 62-296.414, 62-296.417, 62-296.570, 62-737.800, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-210.310, F.A.C: 62-210.300, 62-210.920, 62-213.300, F.A.C.

EFFECT ON THOSE OTHER RULES: The rule changes will have the intended effect for Rule 62-213.300, F.A.C. There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-210.550, F.A.C: None

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

OTHER RULES INCORPORATING RULE 62-210.900, F.A.C.: 62-4.120, 62-210.200, 62-210.300, 62-210.310, 62-210.370, 62-212.720, 62-213.405, 62-213.413, 62-213.415, 62-213.420, 62-213.430, 62-214.320, 62-214.340, 62-214.360, F.A.C.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

The agency has determined that amendments of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A statement of estimated regulatory costs (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: The Department has determined that the amendments to these rules will not increase regulatory costs for any entity because it updates the rules to ensure that existing permit exemptions are authorized and reduces the restrictions for permitted relocatable sources. Any person who wishes to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.814, 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: Hastings Read, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9017. E-mail: hastings.read@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-204, 62-212, 62-213, 62-214, 62-296, and 62-

297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (40) No change.

~~(41) “CAIR” — Abbreviation for federal Clean Air Interstate Rule.~~

~~(42) “CAIR NO_x Allowance” — A limited authorization issued by the Department pursuant to Rule 62-296.470, F.A.C., to emit one ton of nitrogen oxides during a control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR NO_x Annual Trading Program.~~

~~(43) “CAIR NO_x Annual Trading Program” — The program implemented at subsection 62-296.470(3), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR NO_x units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(44) “CAIR NO_x Ozone Season Allowance” — A limited authorization issued by the Department pursuant to Rule 62-296.470, F.A.C., to emit one ton of nitrogen oxides during a control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR NO_x Ozone Season Trading Program.~~

~~(45) “CAIR NO_x Ozone Season Trading Program” — The program implemented at subsection 62-296.470(5), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR NO_x Ozone Season units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(46) “CAIR NO_x Ozone Season Unit” — A unit that is subject to the CAIR NO_x Ozone Season Trading Program pursuant to 40 CFR 96.304, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(47) “CAIR NO_x Unit” — A unit that is subject to the CAIR NO_x Annual Trading Program pursuant to 40 CFR 96.104, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(48) “CAIR Part” or “CAIR Permit” — DEP Form No. 62-210.900(1)(b), completed and certified by the designated representative and incorporated as a part of the Title V source permit or air construction permit. The CAIR Part shall specify the CAIR Program requirements applicable to the CAIR source, to each CAIR unit at the source, and to the owners and operators and the designated representative of the CAIR source and each such unit.~~

~~(49) “CAIR Program” — Any or all of the following:~~

~~(a) CAIR NO_x Annual Trading Program;~~

~~(b) CAIR SO₂ Trading Program; or~~

~~(c) CAIR NO_x Ozone Season Trading Program.~~

~~(50) “CAIR SO₂ Allowance” — A limited authorization issued by the Administrator under the Acid Rain Program to emit sulfur dioxide during the control period of the specified calendar year for which the authorization is allocated, or of any calendar year thereafter, under the CAIR SO₂ Trading Program.~~

~~(51) “CAIR SO₂ Trading Program” — The program implemented at subsection 62-296.470(4), F.A.C., which, upon approval by the U.S. Environmental Protection Agency, requires CAIR SO₂ units in Florida to participate in the multi-state air pollution control and emission reduction program administered by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 96, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(52) “CAIR SO₂ Unit” — A unit that is subject to the CAIR SO₂ Trading Program pursuant to 40 CFR 96.204, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(53) “CAIR Source” — A facility that includes one or more CAIR units.~~

~~(54) “CAIR Unit” —~~

~~(a) A CAIR NO_x unit;~~

~~(b) A CAIR SO₂ unit; or~~

~~(c) A CAIR NO_x Ozone Season unit.~~

~~(55) through (79) renumbered (41) through (65) No change.~~

~~(66)(80) “Commence Operation” —~~

~~(a) For purposes of the Acid Rain Program, to begin any mechanical, chemical, or electronic process, including start-up of an emissions control technology or emissions monitor or of an emissions unit’s combustion chamber.~~

~~(b) For the purposes of the CAIR Program, commence operation shall mean “commence operation” as defined in 40 CFR 96.102, 96.202, or 96.302, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(c) Otherwise, to set into operation any emissions unit for any purpose.~~

~~(81) through (82) renumbered (67) through (68) No change.~~

~~(83) “Condensable PM₁₀” — Gaseous emissions from a source or activity which condense at ambient temperatures to form PM₁₀.~~

~~(84) “Condensable PM_{2.5}” — Gaseous emissions from a source or activity which condense at ambient temperatures to form PM_{2.5}.~~

~~(85) through (99) renumbered (69) through (83) No change.~~

~~(84)(100) “Designated Representative” —~~

~~(a) For the purposes of the Acid Rain Program, a responsible natural person authorized, by the owners and operators of an Acid Rain source and of all Acid Rain units at~~

the source, in accordance with 40 C.F.R. Part 72, Subpart B, adopted and incorporated by reference in Rule 62-204.800, F.A.C., to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program.

~~(b) For the purposes of the CAIR Program, designated representative shall mean “CAIR designated representative” as defined in 40 CFR 96.102, 96.202, or 96.302, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(101) through (115) renumbered (85) through (99) No change.

~~(100)(116) “Existing Emissions Unit” –~~

~~(a) An emissions unit which was in existence, in operation, or under construction, or had received a permit to begin construction prior to January 18, 1972.~~

~~(b) However, “existing emissions unit”~~ For the purposes of Rules 62-296.700 through 62-296.712, and 62-212.500, F.A.C., “existing emissions unit” shall mean any emissions units which is not defined as a new emissions unit with respect to a specific rule or provision of any of those sections.

~~(c) For the purposes of Rules 62-296.500 through 62-296.512, F.A.C., “existing emissions units” shall mean an are those emissions units which was were constructed or for which a construction permit was issued prior to July 1, 1979.~~

~~(d) For the purposes of Rule 62-212.400, F.A.C., an “existing emissions unit” shall mean is an emissions unit which is not a new emissions unit as defined for the purposes of Rule 62-212.400, F.A.C.~~

(117) through (147) renumbered (101) through (131) No change.

~~(148) “Innovative Control Technology” – Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice or of achieving at least comparable reductions at lower cost in terms of energy, economics, or nonair quality environmental impacts.~~

(149) through (167) renumbered (132) through (150) No change.

~~(168) “Major Facility” – Any facility which emits, or has the potential to emit:~~

~~(a) 5 tons per year or more of lead or lead compounds, measured as elemental lead;~~

~~(b) 30 tons per year or more of acrylonitrile; or~~

~~(c) 100 tons per year or more of any other air pollutant subject to regulation under Chapter 403, F.S.~~

(169) through (175) renumbered (151) through (157) No change.

~~(176) “Maximum Uncontrolled Emissions” – The maximum capacity of an emissions unit or facility to emit a pollutant under its physical and operational design, including~~

~~any quantifiable fugitive and unconfined emissions and excluding any restrictions on hours of operation or on the type or amount of material that may be combusted, stored, or processed and any air pollution control equipment, methods, or techniques that may be used. The maximum uncontrolled emission rate is the maximum emission rate that would occur absent the use of any air pollution control equipment, methods, or techniques and absent any regulatory restrictions on hours of operation or on the type or amount of fuels or materials combusted, stored, or processed, when the emissions unit is operated at its maximum physical and operational capacity. The maximum uncontrolled emissions of an emissions unit or facility do not include any secondary emissions that may be associated with the emissions unit or facility.~~

(177) through (179) renumbered (158) through (160) No change.

~~(180) “Minor Facility” – Any facility that is not a major facility.~~

(181) through (184) renumbered (161) through (164) No change.

~~(185) “Natural Conditions” – Naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.~~

(186) through (217) renumbered (165) through (196) No change.

~~(197)(218) “PM₁₀” –~~

(a) PM₁₀ means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

~~(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rule 62-212.400 or 62-212.500, F.A.C., PM₁₀ emissions shall include condensable PM₁₀. Compliance with PM₁₀ emissions limitations originating in a permit issued pursuant to Rule 62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on the inclusion of condensable PM₁₀ unless required by the terms and conditions of the permit.~~

~~(198)(219) “PM_{2.5}” –~~

(a) PM_{2.5} means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

~~(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rule 62-212.400 or 62-212.500, F.A.C., PM_{2.5} emissions shall include condensable PM_{2.5}. Compliance with PM_{2.5} emissions limitations originating in a permit issued pursuant to Rule 62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on the inclusion of condensable PM_{2.5} unless required by the terms and conditions of the permit.~~

(220) through (221) renumbered (199) through (200) No change.

~~(222) “Portland Cement Plant” — Any facility manufacturing Portland Cement by either the wet or dry process.~~

(223) through (266) renumbered (211) through (243) No change.

~~(267) “Stack in Existence” — A stack where the owner or operator had, as of a particular date:~~

~~(a) Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or~~

~~(b) Entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.~~

~~(244)(268)~~ No change.

~~(245)(269) “Startup” — The commencement of operation of any emissions unit which has shut down or ceased operation for a period of time sufficient to cause temperature, pressure, chemical or pollution control device imbalances, which result in excess emissions.~~

(270) through (298) renumbered (246) through (274) No change.

~~(299) “Visibility Impairment” or “Impairment to Visibility” — Any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.~~

~~(300) “Visible Emission” — An emission greater than 5 percent opacity or 1/4 Ringelmann measured by standard methods.~~

(301) through (304) renumbered (275) through (278) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08, 10-12-08, 6-29-09, 3-11-10, 6-29-11, 12-4-11, 3-28-12, 10-23-13, 8-25-14, 4-26-17, _____.

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation

permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at subsection 62-210.300(4), F.A.C. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or Designated Facility Plan. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) through (2) No change.

(3) Exemptions from Permitting. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., for any facility, emissions unit, or pollutant-emitting activity that satisfies the applicable permitting exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit, or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility, emissions unit, or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific limitation or requirement, unless compliance with such limitation or requirement is specifically listed as a condition of exemption. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the use, in whole or in part, of the baseline actual-to-projected actual applicability test in Rule 62-212.400, F.A.C. An emissions unit or pollutant-emitting activity exempt from the requirement to obtain an air construction permit shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source. Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve the owner or operator of a facility or emissions

unit from complying with any limitation or requirement applicable to such facility or emissions unit.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C.

1. through 23. No change.

24. Non-halogenated solvent storage and cleaning operations, provided that such operations shall not use any solvent containing any hazardous air pollutant and the operation is not subject to the requirements of Rule 62-296.511, F.A.C.

25. No change.

26. Portable air curtain incinerators, provided the following conditions are met.

a. No change.

b. The air curtain incinerator, alone or in combination with any other air curtain incinerator(s) claiming this exemption from air permitting, shall not be ~~located~~ ~~deployed~~ at a single site for more than six (6) months in any consecutive twelve (12) months and, except as provided at sub-subparagraph c., shall not burn any material other than land clearing debris generated at the site or at any other site under control of the same person (or persons under common control). For purposes of this provision, a site is any and all locations on one (1) or more contiguous or adjacent properties which are under the control of the same person (or persons under common control), except that, in the case of a linear right-of-way, a site is any and all locations within any one-mile span of right-of-way. Any deployment of one (1) or more air curtain incinerators at a single site for more than six (6) months in any consecutive twelve (12) months, and, except as provided at sub-subparagraph c., any use of an air curtain incinerator at a site to burn material other than land clearing debris generated at the site or any other site under control of the same person (or persons under common control), shall require an appropriate air permit.

c. Notwithstanding the provisions of sub-subparagraphs a. and b., the air curtain incinerator may be used for up to six (6) months in any consecutive twelve (12) months at any location for the destruction of animal carcasses in accordance with the provisions of subsection 62-256.700(6), F.A.C., ~~the burning of storm generated debris in accordance with the provisions of subsection 62-256.700(8), F.A.C., or the destruction of insect or disease-infested vegetation in accordance with the provisions of subsection 62-256.700(9), F.A.C.~~ When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion. An air curtain incinerator may be used for the burning of storm-generated

vegetative debris in accordance with the provisions of subsection 62-256.700(8), F.A.C., so long as:

(I) The air curtain incinerator is used in a disaster declaration area;

(II) The air curtain incinerator is used for a period not to exceed eight weeks from the date the unit began operation. If the unit will operate for more than eight weeks, the operator must notify the Department by the end of the eighth week and the notification must identify the start date, a description of the material being burned, a description of the size and design of the unit, and the reasons why the incinerator must be operated for more than eight weeks.

(III) If the operator of the unit submits the required notification as specified in sub-sub-subparagraph 62-210.300(3)a.26.c.(II), F.A.C., the unit may operated for an additional eight weeks, for a total of sixteen weeks.

(IV) If the Department has approved in writing an operator's request to continue operation beyond sixteen weeks, then the operator may continue to operate the incinerator or air curtain incinerator until the date specified in the written approval.

d. through m. No change.

27. Surface coating operations within a single facility, provided all the following conditions are met.

a. through b. No change.

c. The surface coating operation is not subject to any of the requirements of Rules 62-296.501 through 62-296.515, F.A.C.

28. through 29 No change.

30. Bulk gasoline plants, provided all the following conditions are met.

a. through d. No change.

e. The facility is not subject to any of the requirements of Rules 62-296.510 nor 62-296.516, F.A.C.

31. through 32. No change.

33. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity equal to or less than 10 million Btu per hour, provided all the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, ~~CAIR Program~~, or any other unit-specific limitation or requirement.

b. through c. No change.

34. No change.

35. Stationary Reciprocating Internal Combustion Engines, provided all the following conditions are met with respect to each such engine.

a. through c. No change.

d. If burning only one type of fuel, the collective annual amount of fuel burned by all engines claiming this exemption at the same facility shall not exceed 53,000 ~~5,400~~ gallons of gasoline, 64,000 gallons of diesel fuel, 288,000 gallons of

propane, or 8.8 million standard cubic feet of natural gas.

e. through h. No change.

36. Printing operations, provided:

a. No change.

b. The printing operation is not subject to any of the requirements of Rule 62-296.515, F.A.C.

~~c.~~ The facility shall use less than 667 gallons of materials containing any hazardous air pollutants in any consecutive twelve (12) months; and

~~d.~~ The facility shall:

(I) through (IV) No change.

(b) No change.

(c) Conditional Exemptions from Title V Air Permitting.

Except as otherwise provided herein, the following facilities shall be exempt from the requirement to obtain a Title V air operation permit under the provisions of Chapter 62-213, F.A.C., provided the conditions of exemption for each such facility are met. Facilities exempt from Title V air permitting pursuant to subparagraph 62-210.300(3)(c)2., F.A.C., are not exempt from the requirement to obtain an air construction permit or non-Title V air operation permit. A facility shall not be entitled to an exemption from Title V air permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of "major source of air pollution" or the facility would be classified as a Title V source as a result of the combined potential to emit regulated pollutants of all emissions units at the facility.

1. No change.

2. Facilities comprising asphalt concrete plants, provided the following conditions are met.

a. through h. No change.

i. The owner or operator shall submit a stack test using EPA Reference Method 5 or 5A and a visible emission (VE) test using EPA Reference Method 9, incorporated and adopted by reference in Rule 62-204.800, F.A.C., that demonstrate compliance with the applicable PM and VE standards, respectively, to the Department ~~by March 15, 1996, and annually thereafter~~ during each calendar year (January 1 – December 31), ~~federal fiscal year (October 1 – September 30)~~.

j. No change.

(4) through (7) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, 3-16-08, 10-12-08, 6-29-11, 4-26-17, _____

62-210.310 Air General Permits.

(1) Air General Permits Established.

(a) The Department has established air general permits for various types of facilities at subsections 62-210.310(4) and (5), F.A.C.

1. The air general permits provided at subsection 62-210.310(4), F.A.C., are available to specific types of facilities that elect to comply with process limitations to escape being classified as Title V sources. A facility using one (1) of the air general permits at subsection 62-210.310(4), F.A.C., shall not be entitled to use more than one (1) such air general permit for any single facility, except where all air general permits used at the facility specifically allow the use of one another at the same facility.

2. No change.

(b) No change.

(2) through (3) No change.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Air General Permit for Facilities Comprising a Bulk Gasoline Plant.

1. A facility comprising a bulk gasoline plant shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. No change.

b. The facility shall not be subject to any unit-specific limitation or requirement other than any applicable provisions of Rules 62-296.418; or 62-296.516, F.A.C.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. through d. No change.

e. The facility shall comply with all applicable provisions of Rules 62-296.418; and 62-296.516, F.A.C.

3. No change.

(b) Air General Permit for Facilities Comprising Stationary Reciprocating Internal Combustion Engines.

1. No change.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. Total fuel consumption by all stationary reciprocating internal combustion engines at the facility shall not exceed 428,000 ~~20,000~~ gallons per year of gasoline, 250,000 gallons per year of diesel fuel, 1.15 million gallons per year of propane, 40 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. through f. No change.

3. No change.

(c) Air General Permit for Facilities Comprising Surface Coating Operations.

1. No change.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. through b. No change.

c. If the facility is subject to Rules 62-296.501 through 62-296.515, F.A.C., the facility shall comply with all applicable provisions of those rules.

3. No change.

(d) through (e) No change.

(f) Air General Permit for Facilities Comprising Printing Operations.

1. No change.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions, provided, however, that the facility shall comply with the limitations of either sub-subparagraph 62-210.310(4)(f)2.a. or b., F.A.C. The facility may change method of compliance between sub-subparagraphs 62-210.310(4)(f)2.a. and b., F.A.C., provided the owner or operator maintains records to demonstrate compliance with the appropriate requirement at the time of change and thereafter.

a. through c. No change.

d. If the facility is subject to Rule 62-296.515, F.A.C., the facility shall comply with all applicable provisions of that rule.

3. No change.

(g) Air General Permit for Facilities Comprising Asphalt Concrete Plants.

1. For purposes of this air general permit, the terms “asphalt” and “asphalt concrete plant” shall have the meaning given at Rule 62-210.200, F.A.C., and the term “site” shall mean one or more contiguous or adjacent properties under control of the same person (or persons under common control).

2. A facility comprising one relocatable asphalt concrete plant or one or more stationary asphalt concrete plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions:

a. The production rate of asphaltic concrete shall not exceed 600,000 tons in any consecutive twelve-month period for a drum mix process or 300,000 tons in any consecutive twelve-month period for a batch mix process or an equivalent prorated amount if multiple processes are used.

b. Fuel oil or on-specification used oil shall not exceed 0.5 percent sulfur content, by weight. The owner shall maintain records to demonstrate that each shipment of fuel oil or on-specification used oil contains 0.5 sulfur percent or less. The on-specification used oil shall meet the standards and

requirements in 40 CFR 279.10, and, 40 CFR 761.20, as adopted and incorporated by reference in Rule 62-710.210, F.A.C. The owner shall document that the used oil meets the specifications in these regulations. Records of these documents shall be kept on site and made available if requested by the Department. All records shall be maintained for at least 5 years.

c. The particulate matter (PM) emissions shall not exceed 0.04 grains per dry standard cubic foot averaged over a three-hour period. If the facility is subject to 40 C.F.R. Part 60, Subpart I, the owner or operator shall comply with all limitations and requirements of Subpart I.

d. Fugitive PM emissions shall be controlled in accordance with the requirements of paragraph 62-296.320(4)(c), F.A.C.

e. Visible emissions (VE) shall not be equal to or greater than 20 percent opacity.

f. The owner or operator shall maintain records to document the monthly and the twelve-month rolling totals of tons of asphaltic concrete produced, the gallons of fuel oil and on-specification used oil consumed, and the hours of operation. Such records shall be retained for five years.

g. The owner or operator shall submit a stack test using EPA Reference Method 5 or 5A and a visible emission (VE) test using EPA Reference Method 9, incorporated and adopted by reference in Rule 62-204.800, F.A.C., that demonstrate compliance with the applicable PM and VE standards, respectively during each calendar year. All compliance tests shall be conducted pursuant to Chapter 62-297, F.A.C.

h. The owner or operator of any relocatable asphalt concrete plant proposing to change location shall notify the Department by telephone, e-mail, fax, or written communication at least one business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)), adopted and incorporated by reference herein (link), no later than five business days following relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using an asphalt concrete plant, concrete batching plant, or nonmetallic mineral processing plant air general permits at paragraph 62-210.310(5)(b) or (e), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site does not contain any emissions units and pollutant-emitting activities other than asphalt concrete plants, concrete batching plants, and nonmetallic mineral processing plants using air general permits, and other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The total production of asphalt concrete of collocated asphalt concrete plants shall not exceed 600,000 tons in any

consecutive twelve-month period for a drum mix process or 300,000 tons in any consecutive twelve-month period for a batch mix process or an equivalent prorated amount if multiple processes are used.

c. The total fuel consumption by any collocated concrete batching plant and nonmetallic mineral processing plants shall not exceed 350,000 gallons per year of gasoline, 200,000 gallons per year of diesel fuel, 900,000 gallons per year of propane, 32 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

d. If multiple fuels are used by any of the collocated concrete batching plant and nonmetallic mineral processing plants, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph c., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph b. The sum of the fuel percentages for all fuels burned by the facility shall not exceed 100 percent.

e. The owners or operators of all collocated asphalt concrete plants, concrete batching plants and nonmetallic mineral processing plants shall maintain records to account for site-wide asphalt concrete production and fuel consumption for each collocated unit for each calendar month and each consecutive twelve months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five years.

5. Under the authority of this air general permit, a relocatable asphalt concrete plant may perform a non-routine task, such as making asphalt concrete for a construction project, at a facility with authorization by individual air construction or air operation permit, without revision to the facility's individual air permit. The owner or operator of such asphalt concrete plant shall keep records to indicate how long the plant has been at the permitted facility.

6. The registration for this air general permit shall include all the following information.

a. The type of facility (stationary or relocatable).

b. The type of registration (initial or re-registration).

c. For initial registrations, an estimate of the total production rate of asphaltic concrete, in tons, expected for the initial 12-month period.

d. For re-registrations, the highest 12-month total production rate of asphaltic concrete, in tons, in the last five years, and the 12-month period over which this production occurred.

e. If the asphalt concrete batch plant was at any time a collocated facility, include fuel consumption by any asphalt concrete, concrete batch or nonmetallic mineral processing plants.

f. The precautions to be used to prevent unconfined emissions of particulate matter from roads, parking areas, stock piles, and yards (one or more of the following: pave roads; pave parking areas; pave yards; maintain roads/parking/yards; use water application; use dust suppressant; remove particulate matter; reduce stock pile height; or install wind breaks).

g. The precautions to be used to prevent unconfined emissions of particulate matter from drop points to trucks (one or more of the following: spray bar; chute; enclosure; or partial enclosure).

h. For each silo, weigh hopper, batcher, and other enclosed storage and conveying equipment at the facility, provide the process equipment type (silo, weigh hopper, batcher, or other); an identifier specific to each piece of equipment (location, numeric designation, capacity, product, or other); control device (baghouse, vent filter, or other); and control device manufacturer and model number.

i. For each asphalt concrete plant, identify if the plant is subject to 40 C.F.R. Part 60, Subpart I, adopted and incorporated by reference at Rule 62-204.800, F.A.C., (yes or no.)

j. For each asphalt concrete plant, identify if the plant is subject to Rule 62-296.704, F.A.C., (yes or no.)

(5) Air General Permits for Miscellaneous Facilities.

(a) No change.

(b) Air General Permit for Facilities Comprising Concrete Batching Plants.

1. through 2. No change.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. No change.

b. The owner or operator of any equipment used to mix cement and soil for onsite soil augmentation or stabilization shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)), adopted and incorporated by reference herein (link), to the Department no later than five (5) business days following relocation. The owner or operator of any other relocatable concrete batching plant proposing to change location shall transmit a Facility Relocation Notification Form to the Department at least five (5) business days prior to relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the concrete batching plant air general permit, ~~and~~ with facilities using the nonmetallic mineral processing plant air general permit at paragraph 62-210.310(5)(e), F.A.C., and with facilities using the asphalt concrete plant air general permit at

paragraph 62-210.310(4)(g), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site does not contain any emissions units and pollutant-emitting activities other than concrete batching plants using air general permits, nonmetallic mineral processing plants using air general permits, and asphalt concrete plants using air general permits, and nonmetallic mineral processing plants or other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The total fuel consumption by all emissions units authorized by the air general permit at the collocation site shall not exceed 275,000 gallons of diesel fuel, 428,000 ~~23,000~~ gallons per year of gasoline, 44 million standard cubic feet per year of natural gas, or 1.3 million gallons per year of propane, or an equivalent prorated amount if multiple fuels are used. If the collocation site includes an asphalt concrete plant using an air general permit, the fuel usage limitation of sub-subparagraph 62-210.310(4)(g)4.c., F.A.C., shall apply.

c. No change.

d. The owners or operators of all collocated concrete batching plants, asphalt concrete plants, and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. through 6. No change.

(c) through (d) No change.

b. For each crematory unit, the manufacturer, model number, serial number, and rated capacity.

(e) Air General Permit for Facilities Comprising Nonmetallic Mineral Processing Plants (Crushing Operations).

1. through 2. No change.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The total fuel consumption by the facility shall not exceed 428,000 ~~23,000~~ gallons per year of gasoline, 275,000 gallons per year of diesel fuel, 1.3 million gallons per year of propane, 44 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. through e. No change.

f. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)), adopted and incorporated by reference herein (link), to the

Department no later than five (5) business days following relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the nonmetallic mineral processing plant air general permit, ~~and~~ with facilities using the concrete batching plant air general permit at paragraph 62-210.310(5)(b), F.A.C., and with facilities using the asphalt concrete plant air general permit at paragraph 62-210.310(4)(g), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. No change.

b. The fuel usage limitations of sub-subparagraphs 62-210.310(5)(e)3.a. and b., F.A.C., shall apply to the collocation site, unless the collocation site includes an asphalt concrete plant using an air general permit, in which case the fuel usage limitation of sub-subparagraph 62-210.310(4)(g)4.c., F.A.C., shall apply. The owners or operators of all collocated concrete batching ~~plants~~, asphalt concrete, and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. Under the authority of this air general permit, a relocatable nonmetallic mineral processing plant may perform a non-routine task, such as crushing concrete for a demolition project, at a facility with authorization by individual air construction or air operation permit, without revision to the facility's individual air permit. The owner or operator of such nonmetallic mineral processing plant shall keep records to indicate how long the plant has been at the permitted facility. No nonmetallic mineral processing plant using this air general permit shall perform a task routinely done at the individually permitted facility, such as crushing recycled asphalt pavement (rap) at an asphalt plant, unless operation of the nonmetallic mineral processing plant is authorized by the air construction or air operation permit, as applicable, for the permitted facility.

6. No change.

(f) through (k) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended 5-9-07, 10-12-08, 6-29-11, 4-26-17, _____.

62-210.550 Stack Height Policy.

(1) ~~General~~—The degree of emission limitation required of any emissions unit for control of any air pollutant on a continuous basis shall not be affected by so much of any emissions unit's stack height that exceeds good engineering practice, as provided in subsection 62-210.550(3), 40 C.F.R. 51.100(ii), as adopted and incorporated by reference in Rule 62-204.800, F.A.C., or by any other dispersion technique, as

provided in subsection ~~62-210.550(2)~~, 40 C.F.R. 51.100(hh), as adopted and incorporated by reference in Rule 62-204.800, F.A.C. This provision shall not apply to those stacks in existence, or dispersion techniques implemented, on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by emissions units, as defined in section 111(a)(3) of the Clean Air Act, which were constructed, or reconstructed, or for which modifications under Rules 62-212.400, and 62-212.500, 17-2.17 (repealed), 17-2.500 (transferred), or 17-2.510 (transferred), F.A.C., or 40 C.F.R. 52.21, were carried out after December 31, 1970. Also, ~~this~~ provision shall not restrict in any manner the actual stack height of any emissions unit.

~~(2) Dispersion Technique.~~

~~(a) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:~~

- ~~1. Using that portion of a stack which exceeds good engineering practice stack height;~~
- ~~2. Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or~~
- ~~3. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters (other than stack height), or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.~~

~~(b) The preceding sentence does not include:~~

- ~~1. The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;~~
- ~~2. The merging of exhaust gas streams where:

 - ~~a. The owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;~~
 - ~~b. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or~~
 - ~~c. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging,~~~~

~~the Department shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the owner or operator that merging was not significantly motivated by such intent, the Department shall deny credit for the effects of such merging in calculating the allowable emissions for the emissions unit; or~~

~~3. Smoke management in agricultural or silvicultural prescribed burning programs;~~

~~4. Episodic restrictions on residential woodburning and open burning; or~~

~~5. Techniques under subparagraph 62-210.550(2)(a)3., F.A.C., which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.~~

~~(3) Good Engineering Practice.~~

~~(a) "Good engineering practice" (GEP) stack height means the greater of:~~

~~1. 65 meters, measured from the ground-level elevation at the base of the stack;~~

~~2. The stack height as determined below:~~

~~a. For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 C.F.R. Parts 51 and 52, $H_g = 2.5H$, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;~~

~~b. For all other stacks,~~

~~$H_g = H + 1.5L$, where~~

~~H_g = good engineering practice stack height, measured from the ground level elevation at the base of the stack,~~

~~H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,~~

~~L = lesser dimension, height or projected width, of nearby structure(s) provided that the EPA, Department, or local air program may require the use of a field study or fluid model to verify GEP stack height for the emissions unit; or~~

~~3. The height demonstrated by a fluid model or a field study approved by the EPA, Department, or local air program which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the emissions unit itself, nearby structures, or nearby terrain features. If this height exceeds the height allowed by subparagraph 62-210.550(3)(a)1. or 2., F.A.C., the Department shall notify the public of the availability of the demonstration study and provide an opportunity for a public hearing on it.~~

~~(b) "Nearby" as used in paragraph 62-210.550(3)(a), F.A.C., is defined for a specific structure or terrain feature and:~~

~~1. For purposes of applying subparagraph 62-210.550(3)(a)2., F.A.C., means that distance up to five times~~

the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (1/2 mile), and

2. For conducting demonstrations under subparagraph 62-210.550(3)(a)3., F.A.C., means not greater than 0.8 km (1/2 mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (Ht) of the feature, not to exceed two miles if such feature achieves a height (ht) 0.8 km from the stack that is at least 40 percent of the GEP stack height determined by the formula provided in sub-subparagraph 62-210.550(3)(a)2.b., F.A.C., or 26 meters, whichever is greater, as measured from the ground level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground level elevation at the base of the stack.

(c) "Excessive concentration" is defined for the purpose of determining good engineering practice stack height under subparagraph 62-210.550(3)(a)3., F.A.C., and means:

1. For emissions units seeking credit for stack height exceeding that established under subparagraph 62-210.550(3)(a)2., F.A.C., a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all emissions units that is greater than an ambient air quality standard. For emissions units subject to the prevention of significant deterioration program (40 C.F.R. 52.21 or Rule 62-212.400, F.A.C.), an excessive concentration alternatively means a maximum ground level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard (40 C.F.R. 60) that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the owner or operator;

2. For emissions units seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subparagraph 62-210.550(3)(a)2., F.A.C., either:

a. A maximum ground level concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph 62-210.550(3)(c)1., F.A.C., except that the

emission rate specified by the State Implementation Plan (or, in the absence of such a limit, the actual emission rate) shall be used; or

b. The actual presence of a local nuisance caused by the existing stack, as determined by the Department; and

3. For emissions units seeking credit after January 12, 1979, for a stack height determined under subparagraph 62-210.550(3)(a)2., F.A.C., where the Department requires the use of a field study or fluid model to verify GEP stack height; for emissions units seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers; and for emissions units seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subparagraph 62-210.550(3)(a)2., F.A.C.: a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.270, 17-210.550, Amended 11-23-94, _____.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit – Long Form, Form and Instructions (DEP Form No. 62-210.900(1), Effective 6-22-17 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08309>)).

(a) No change.

(b) ~~[Reserved]. Clean Air Interstate Rule (CAIR) Part, Form and Instructions (DEP Form No. 62-210.900(1)(b), Effective 3-16-08 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08314>)).~~

(c) Acid Rain and CAIR-Retired Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(c), Effective 3-11-10 ([link\)\(https://www.flrules.org/Gateway/reference.asp?No=Ref-08315\)](https://www.flrules.org/Gateway/reference.asp?No=Ref-08315))).

(2) through (5) No change.

(6) Facility Relocation Notification Form (DEP Form No. 62-210.900(6), Effective 6-21-04 (link)(<https://www.flrules.org/Gateway/reference.asp?No=Ref-08319>).

(7) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.061, 403.087, 403.0872, 403.815 FS. History—New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06, 3-16-08, 7-3-08, 10-12-08, 3-11-10, 12-31-13, 8-25-14, 6-22-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hastings Read, Division of Air Resource Management
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2018
 DATE OF NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 27, 2017

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The Board proposes the rule amendment to add an item to the formulary rule.

SUMMARY: To add an item to the formulary rule.

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.

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: 463.005, 463.0055(2)(a) FS. LAW IMPLEMENTED: 463.0055 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: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The formulary of topical ocular pharmaceutical agents consists of pharmaceutical agents that are appropriate to treat or diagnose ocular disease and disorders and which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration:

- (1) through (7) No change.
- (8) ANTI-GLAUCOMA AGENTS
 - (a) through (b) No change.
 - (c) Prostaglandins
 - 1. through 3. No change.
 - 4. Tafluprost – 0.0015%; ~~and~~,
 - 5. Unoprostone Isoprophyl – 0.15%; ~~and~~,
 - 6. Latanoprostene Bunod Ophthalmic Solution – 0.024%.
- (d) through (e) No change.
- (9) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10, 12-26-10, 7-21-11, 11-11-12, 11-29-13, 12-9-13, 4-10-14, 8-14-15, 1-20-17, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry