

## Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NO.:       RULE TITLE:

50-4.001       Natural Gas Fuel Fleet Vehicle Rebate

**PURPOSE AND EFFECT:** The purpose of this rule is to provide guidance to interested taxpayers for the application process, review, and administration of the Natural Gas Fuel Fleet Vehicle Rebate.

**SUBJECT AREA TO BE ADDRESSED:** The application process, review, and administration of the Natural Gas Fuel Fleet Vehicle Rebate.

**RULEMAKING AUTHORITY:** 377.810, 570.07(23) FS.

**LAW IMPLEMENTED:** 377.810 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Matthew Arsenault, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001 or telephone: (850)617-7470

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

## Section II Proposed Rules

**WATER MANAGEMENT DISTRICT**

**St. Johns River Water Management District**

RULE NOS.:       RULE TITLES:

40C-1.1011       Submitting Notice of Intent for  
Consumptive use Permits Under Rule 40C-  
20.042, F.A.C.

40C-1.1012       Submitting Notice of Intent for  
Consumptive use Permits Under Rule 40C-  
22, F.A.C.

40C-1.603       Permit Fees

**PURPOSE AND EFFECT:** The St. Johns River Water Management District (SJRWMD) is proposing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP) programs (referred to as

“CUPcon”). These proposed rules will make appropriate rule amendments to SJRWMD’s Chapters 40C-1 and 40C-2, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water (A.H.), to address the following goals of DEP and the WMDs for this CUPcon rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm). SJRWMD is also proposing to create new exemptions and general permits by rule and to repeal Chapters 40C-20, and 40C-22, F.A.C.

**SUMMARY:** The proposed amendments will: (1) repeal rules 40C-1.1011 and 40C-1.1012, because the general permits authorized under Rule 40C-20.042 and Chapter 40C-22, F.A.C., will be converted into exemptions, general permits by rule, or streamlined individual permits in related rulemaking, and Chapters 40C-20 and 40C-22 will be repealed; and (2) conform and update the permit fees rule (40C-1.603) to reflect the changes in related CUPcon rulemaking in Chapter 40C-2, F.A.C., in a manner that will not increase the regulatory burden.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The District has determined that this rule will not have an impact on small business and will not increase regulatory costs in excess of \$200,000 within one year. A SERC has not been prepared by the agency.

The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” forms and summaries and the analyses performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

**RULEMAKING AUTHORITY:** 373.044, 373.109, 373.113 FS.

**LAW IMPLEMENTED:** 373.109, 373.116, 373.118, 373.229 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Following the regularly scheduled Governing Board Meeting on June 10, 2014, which begins

immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email: [wgaylord@sjrwmd.com](mailto:wgaylord@sjrwmd.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.1011 Submitting Notice of Intent for Consumptive Use Permits Under Rule 40C-20.042, F.A.C.

~~(1) At least 30 days prior to the anticipated commencement of water use requiring a permit under Rule 40C-20.042, F.A.C., the applicant shall file a Notice of Intent to Use Water Pursuant to General Permit with the District.~~

~~(2) The Notice shall include the information requested on District form 40C-2-1082-1 Individual and Standard General Consumptive Use Permit Application, which is hereby incorporated by reference.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.116, 373.118, 373.229 FS. History—New 7-23-91, Amended 4-25-96, Formerly 40C-20.112, Amended 8-4-98, Repealed \_\_\_\_\_.

40C-1.1012 Submitting Notice of Intent for Consumptive Use Permits Under Chapter 40C-22, F.A.C.

~~(1) Any person seeking to conduct a consumptive use pursuant to a noticed general permit under Chapter 40C-22, F.A.C., shall provide notice to the District by submitting a complete Notice of Intent to Use Noticed General Permit with the District on the appropriate application form including the application fee required in Rule 40C-1.603, F.A.C., at least 30 days prior to commencing the consumptive use qualifying for a noticed general permit. For the purposes of this subsection, the application form is only considered submitted when the District actually receives it.~~

~~(2) If the District notifies the applicant that the proposed consumptive use does not qualify for the noticed general permit due to an error or omission in the notice, the applicant shall have 60 days from the date of the notification to amend the notice and submit additional information to correct such error or omission. If the applicant amends the notice and submits additional information correcting the error or omission within the 60 day time limit, no additional application fee shall be required. If the District does not mail a notice informing the applicant that the withdrawal does not qualify for this noticed general permit within 30 days of receipt of the original notice to use this general permit, or amended notice to use this noticed~~

~~general permit if an amended notice is submitted, the applicant may conduct the consumptive use authorized by the noticed general permit.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.116, 373.118, 373.229 FS. History—New 4-25-96, Formerly 40C-22.010, Amended 8-4-98, Repealed \_\_\_\_\_.

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsections ~~(17)(19)~~ or ~~(18)(20)~~. This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) Chapter 40C-2, F.A.C., consumptive use permits:

(a) Applications for individual consumptive use permits.

1. (a) Individual consumptive use permits greater than or equal to 500 thousand gallons of water per day is requested \$1,000

2. Individual consumptive use permits less than 500 thousand gallons of water per day is requested \$400

3. Minor individual consumptive use permits less than 100 thousand gallons of water per day is requested \$100

4. Individual consumptive use permits where the use does not exceed the thresholds in subsection 40C-2.041(1), F.A.C. \$50

(b) Modifications of individual consumptive use permits.

~~The fee for modification of an existing permit shall be based upon any requested increase in the existing water allocation and shall be as established in paragraphs (1)(a) and (2)(b)-(c). The fee for modification of an existing permit not involving a requested increase in the existing allocation shall be as follows:~~

1. Individual consumptive use permits where the total allocation (existing plus any proposed increase) is greater than or equal to 500 thousand gallons of water per day is requested ~~When the existing permit is for 100 thousand gallons of water per day or less, the fee for a modification shall be~~ \$2400

2. Individual consumptive use permits where the total allocation (existing plus any proposed increase) is less than 500 thousand gallons of water per day is requested ~~When the existing permit is for greater than 100 thousand gallons of water per day but less than or equal to 500 thousand gallons per day, the fee for a modification shall be~~ \$1200

3. Minor individual consumptive use permits where the total allocation (existing plus any proposed increase) is less than 100 thousand gallons of water per day is

~~requested~~ When the existing permit is for greater than 500 thousand gallons per day, the fee for modification shall be \$2050

4. Individual consumptive use permit where the use does not exceed the thresholds in subsection 40C-2.041(1), F.A.C. \$25

~~5.(e) No fee will be charged for modification of an existing permit applied for by letter pursuant to Rule 40C-2.331, F.A.C., regardless of withdrawal amount.~~

~~(2) Chapter 40C 20, F.A.C., standard general water use permits:~~

~~(a) Withdrawals not exceeding a threshold in Rule 40C 2.041, F.A.C. \$50~~

~~(b) Withdrawals within the Delineated Area as set forth in Section 7.1.7.7, Applicant's Handbook, Consumptive Uses of Water, from wells with outside casing diameters between five and six inches \$50~~

~~(c) Withdrawals requiring an individual consumptive use permit pursuant to paragraph 40C 2.041(1)(f), F.A.C., only \$50~~

~~(d) Withdrawals exceeding a threshold in Rule 40C 2.041, F.A.C., involving a request of less than or equal to 100 thousand gallons of water per day \$200~~

~~(e) Withdrawals exceeding a threshold in Rule 40C 2.041, F.A.C., involving a request of greater than 100 thousand gallons of water per day but less than or equal to 500 thousand gallons per day \$400~~

~~(f) The fee for modification of an existing permit shall be based upon any requested increase in the existing water allocation and shall be as established in paragraphs (2)(a) (e). The fee for modification of an existing permit not involving a requested increase in the existing allocation shall be as follows:~~

~~1. When the existing permit is for a withdrawal exceeding a threshold in Rule 40C 2.041, F.A.C., involving 100 thousand gallons of water per day or less, the fee for a modification shall be: \$100~~

~~2. When the existing permit is for a withdrawal exceeding a threshold in Rule 40C 2.041, F.A.C., involving greater than 100 thousand gallons of water per day but less than or equal to 500 thousand gallons per day, the fee for a modification shall be: \$200~~

~~(g) No fee will be charged for modification of an existing permit applied for by letter pursuant to Rule 40C 2.331, F.A.C., regardless of withdrawal amount.~~

~~(3) Chapter 40C 22, F.A.C., noticed general permits:~~

~~(a) Noticed General Permit for Short term Construction Dewatering \$100~~

~~(b) Noticed General Permit for Fire Protection Purposes \$50~~

~~(2)(4) No change.~~  
~~(3)(5) Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):~~

~~(a) New applications (excluding projects described in paragraphs (3)(5)(b) and (3)(5)(c) below) – based on the categories below:~~

~~1. through 2. No change.~~  
~~3. Project exceeds any of the thresholds in subparagraph (3)(5)(a)2. above, but involves a total project area of less than 40 acres, less than 3 acres of works in, on, or over wetlands and other surface waters, and less than 30 new boat slips \$2,110~~

~~4. Project exceeds any of the thresholds in subparagraph (3)(5)(a)3. above, but involves a total project area of less than 100 acres, less than 10 acres of works in, on, or over wetlands and other surface waters, and less than 50 new boat slips \$5,610~~

~~5. Project exceeds any of the thresholds in subparagraph (3)(5)(a)4. above, but involves a total project area of less than 640 acres, and less than 50 acres of works in, on, or over wetlands and other surface waters \$9,120~~

~~6. Project exceeds any of the thresholds in subparagraph (3)(5)(a)5. above \$11,220~~

~~(b) through (e) No change.~~  
~~(4)(6) Mitigation Bank permits and conceptual approvals \$11,960~~

~~(a) No change.~~  
~~(b) Other major modifications that do not qualify for a modification under paragraph (4)(6)(a) above or paragraph (4)(6)(c) below \$4,230~~  
~~(c) No change.~~

~~(7) through (20) renumbered (5) through (18) No change.~~  
Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History–New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Thomas I. Mayton, Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-2.031	Implementation
40C-2.041	Permits Required
40C-2.042	General Permit by Rule
40C-2.051	Exemptions
40C-2.101	Publications Incorporated by Reference
40C-2.301	Conditions for Issuance of Permits
40C-2.321	Duration of Permit
40C-2.331	Modification of Permits
40C-2.351	Transfer of Permits
40C-2.361	Renewal of Permits
40C-2.381	Limiting Conditions
40C-2.501	Permit Classification
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The St. Johns River Water Management District (SJRWMD) is proposing rules as part of a statewide effort headed by the Florida Department of Environmental Protection (DEP) and joined by all five water management districts (WMDs), to increase consistency in the consumptive use permitting (CUP) programs (referred to as “CUPcon”). These proposed rules will make appropriate rule amendments to SJRWMD’s Chapters 40C-1 and 40C-2, F.A.C., and the Applicant’s Handbook: Consumptive Uses of Water (A.H.), to address the following goals of DEP and the WMDs for this CUPcon rulemaking: (1) making the CUP rules less confusing for applicants; (2) treating applicants equitably statewide; (3) providing consistent protection of the environment; (4) streamlining the application and permitting process; and (5) incentivizing behavior that protects water resources, including water conservation. Additional information about the statewide CUP consistency initiative is available at DEP’s website at: [www.dep.state.fl.us/water/waterpolicy/cupcon.htm](http://www.dep.state.fl.us/water/waterpolicy/cupcon.htm). SJRWMD is also proposing to create new exemptions and general permits by rule and to repeal Chapters 40C-20, and 40C-22, F.A.C.

SUMMARY: Specifically, the proposed rule amendments will: (1) amend Rule 40C-2.031 by updating references to the Applicant’s Handbook, Consumptive Uses of Water (A.H.),

which is incorporated by reference in paragraph 40C-2.101(1)(a); (2) amend Rule 40C-2.041 by reducing the number of permit types down to two (individual and general permit by rule), revising the permit thresholds to allow more permits to be issued by District staff, repealing the lower permit threshold in the Delineated Area (which had required more users to obtain a CUP than in other areas), and require a single permit for withdrawals that serve contiguous property unless each property has a permit that requires metering; (3) amend Rule 40C-2.042 by creating two new general permits by rule (for short-term dewatering and for certain environmental restoration or enhancement projects), clarify the scope of the permit by rule for using water from an air conditioning unit or other water dependent cooling system, and update the reference to the revised application form for landscape irrigation (Form 40C-2.900(3)); (4) amend 40C-2.051 by creating three new exemptions (water used solely for fire protection purposes, the use of seawater from certain non-estuarine areas, and secondary uses supplied solely by reclaimed water) and updating two exemptions (for dewatering to facilitate construction or agriculture); (5) amend Rule 40C-2.101 by incorporating the newly updated and reorganized Applicant’s Handbook (A.H.) (which is described further below) and subsections 62-40.416(7)-(8), F.A.C. (regarding reuse impact offsets and substitution credits); (6) amend Rule 40C-2.301 by revising the conditions for issuance; (7) amend Rule 40C-2.321 by updating the reference to the reorganized section of the A.H. governing permit duration and clarifying who can revoke or suspend a permit; (8) amend Rule 40C-2.331 by creating three new permit modifications by letter (letter mods) (permit extension when a public water supplier meets the water conservation incentive criteria, permit extension due to a statutory change, and allocation increase due to a change from annualized allocation to an end of permit allocation), revising letter mod criteria for relocating a well, and updating references to the A.H. and application forms; (9) amend Rules 40C-2.351 and 40C-2.361 by clarifying rule references; (10) amend Rule 40C-2.381 by applying new standard permitting conditions, clarifying conditions, and updating references to the A.H.; (11) amend subsection 40C-2.501(3) by revising and updating the water source types; (12) amend Rule 40C-2.900 by adopting updated application forms and compliance forms and updating references to the A.H.; (13) delete obsolete and duplicative provisions; (14) incorporate recent legislative changes, including changes to Sections 373.236(5) and 373.250(5), F.S.; and (15) make conforming, technical, and clarifying changes. The revised Applicant’s Handbook will contain a consistent order of appearance as well as consistent criteria on several topics, such as water conservation for public supply, 10-year compliance reports, end-of-permit allocations, and types of permits. In addition, the following changes are made to the

Applicant's Handbook (A.H.): (1) inclusion of procedural changes to prevent an increased regulatory burden from decreasing the number of permit types; (2) inclusion of conforming provisions related to changes made to Chapter 40C-2 and subsections 62-40.416(7)-(9), F.A.C.; (3) deletion of duplicate and obsolete provisions; and (4) terminology and technical revisions.

**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 District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" forms and summaries and the analyses performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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:** 373.044, 373.113, 373.118, 373.171, 373.227(5) FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.083(5), 373.116, 373.118, 373.171, 373.219, 373.223, 373.224, 373.226, 373.227, 373.229, 373.233, 373.236, 373.239, 373.243, 373.350, 403.511 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Following the regularly scheduled Governing Board Meeting on June 10, 2014, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

**PLACE:** St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**40C-2.031 Implementation.**

(1) An individual consumptive use permitting program has been implemented on the following dates within the District:

(a) December 31, 1976 at 11:59 p.m. in that area transferred to the District from the Central and Southern Florida Flood Control District pursuant to Section 373.069 (Supp. 1976), Florida Statutes, known as the Upper St. Johns River Basin (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C. 2-4).

(b) December 1, 1980 in that area transferred to the District from the Southwest Florida Water Management District pursuant to Section 373.069 (Supp. 1976), Florida Statutes, known as the Green Swamp Sub-basin, (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C. 2-4).

(c) January 1, 1983 in the remaining area of the District not listed in paragraphs (a) and (b) above as described in Section 373.069(2)(c), Florida Statutes (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C. 2-4), and for those uses not regulated prior to January 1, 1983.

(d) No change.

~~(e) Within the Delineated Area as set forth in 6.7.1.6, Applicant's Handbook: Consumptive Uses of Water, for those uses requiring a permit under paragraphs 40C-2.041(1)(e) and (f), F.A.C.~~

~~(e)(f) February 15, 1995 for secondary users, as defined in paragraph 1.1(s) 2.0(w) of the Applicant's Handbook: Consumptive Uses of Water (which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.), which are required to obtain a permit pursuant to paragraph 40C-2.041(1)(f)(g), F.A.C.~~

(2) The effective dates specified in subsection (1) above are to be used to determine the beginning of the two-year period provided in Section 373.226, Florida Statutes, in which existing water users are to file initial applications. Failure to apply within the period of two years from the effective date of implementation shall create a conclusive presumption of abandonment of the use and if the user desires to revive the use, he must apply for a permit under the provisions of Rule subsection 40C-2.301(2), F.A.C.

(3) No change.

Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—New 1-1-83, Formerly 40C-2.031, 40C-2.0031, Amended 7-23-91, 12-6-93, 2-15-95, 1-7-99, 2-15-06, \_\_\_\_\_.

40C-2.041 Permits Required.

(1) The District issues consumptive use permits in two forms, individual permits and general permits by rule. Unless the consumptive use is expressly exempted in Rule 40C-2.051, F.A.C., or qualifies for a general permit by rule in Rule 40C-2.042, F.A.C., the Board hereby requires an individual consumptive use permit for any of the following:

(a) Average annual daily withdrawal equal to or exceeding one hundred thousand (100,000) gallons average per day on an annual basis.

(b) Withdrawal equipment or other facilities which have a capacity equal to or exceeding of more than one million (1,000,000) gallons per day.

(c) Withdrawals from a combination of wells or other facilities, having a combined capacity equal to or exceeding of more than one million (1,000,000) gallons per day.

(d) Withdrawals from a well in which the outside diameter of the largest permanent water bearing casing is six inches or greater at ground surface. This For purposes of this paragraph shall not apply to those wells for which, the diameter of the well at ground surface will be presumed to be the diameter of the well for the entire length unless the well owner or well contractor can demonstrate that the well was constructed with has a smaller diameter water bearing casing below ground surface prior to (effective date), and that smaller diameter casing is still in place.

(e) Withdrawals from surface water facilities which have an intake diameter or cumulative intake diameter of six (6) inches or greater. For purposes of this paragraph, the intake diameter of the surface water facility is the diameter at the end of the intake pipe. Within the Delineated Area as set forth in 6.7.1.6, Applicant’s Handbook: Consumptive Uses of Water, withdrawals from a well in which the outside diameter of the largest permanent water bearing casing is five inches or greater. For purposes of this paragraph, the diameter of the well at ground surface will be presumed to be the diameter of the well for the entire length unless the well owner or well contractor can demonstrate that the well has a smaller diameter water bearing casing below ground surface.

(f) Within the Delineated Area as set forth in 6.7.1.6, Applicant’s Handbook: Consumptive Uses of Water, uses of water for freeze protection of agricultural and nursery property greater than five acres in size.

(f)(g) Any secondary use, as defined in paragraph 1.1(s) 2.0(w) of the Applicant’s Handbook: Consumptive Uses of Water (which is incorporated by reference in paragraph 40C-

2.101(1)(a), F.A.C.), which exceeds 100,000 gallons per day estimated on an average annual basis.

(2) Those thresholds in paragraphs 40C-2.041(1)(a) through (c) and (f)(g) and Rule 40C-2.042, F.A.C., above refer to the total capacity of the water withdrawal equipment, or wells, or other facilities located on contiguous or physically proximate properties that either share the same irrigation infrastructure or are owned, operated or controlled as a common enterprise or system, by any person, or facilities that are part of one contiguous system. A water user shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented to be separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either (a) share the same irrigation infrastructure or (b) are operated as a common enterprise. However, when multiple use types, as defined in Rule 40C-2.501, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate individual permits. This requirement to aggregate two or more properties shall not apply when the separate properties have existing permits that require metering for all withdrawals or the water user requests a permit modification to the permits to require metering for all withdrawals.

(3) Uses not exceeding 500,000 gallons per day calculated as an annual average are processed pursuant to Section 1.4.5.5, Applicant’s Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C. as standard general permits pursuant to Chapter 40C 20, F.A.C.

(4) Those seeking an individual consumptive use permit must submit to the District a complete permit application Form Number 40C-2.900(1), which is incorporated by reference in subsection 40C-2.900(1), F.A.C. Individual permits which do not exceed any of the following requirements are considered minor individual permits and may alternatively utilize permit application Form Number 40C-2.900(2), which is incorporated by reference in subsection 40C-2.900(2), F.A.C.:

(a) Cumulative average annual daily consumptive use is less than 100,000 gallons per day on an average annual basis.

(b) Withdrawal equipment or other facilities which have a capacity of less than one million (1,000,000) gallons per day.

(c) Withdrawals from a combination of wells or other facilities, having a combined capacity of less than one million (1,000,000) gallons per day.

(d) Withdrawals from a well in which the outside diameter of the largest permanent water bearing casing is less than eight (8) inches at ground surface. When the well owner or well contractor can demonstrate that the well was constructed with a smaller diameter water bearing casing below ground surface prior to (effective date) and that smaller diameter casing is still

in place, the well diameter shall be considered to be its smaller diameter casing.

(e) Withdrawals from surface water facilities which have an intake diameter or cumulative intake diameter of less than eight (8) inches. For purposes of this paragraph, the intake diameter of the surface water facility is the diameter at the end of the intake pipe.

(4) through (5) renumbered (5) through (6) No change.

(7) Any person whose withdrawal otherwise meets the thresholds for a general permit by rule as specified in Rule 40C-2.042, F.A.C., may submit an application to obtain an individual consumptive use permit at their sole discretion.

Rulemaking Specific Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History—New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 12-6-93, 2-15-95, 4-25-96, 1-7-99, 11-11-03, \_\_\_\_\_.

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsections 40C-2.042(8), (9), and (10), F.A.C. However, this rule shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this rule, must obtain a permit pursuant to Chapter 40C-2, ~~40C-20, or 40C-22~~, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water to irrigate agricultural crops, nursery plants, cemeteries, golf courses and recreational areas such as playgrounds, football, baseball, and soccer fields, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions:

(a) through (l) No change.

(m) Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system constructed before (effective date) is not limited by this permit. The use of water from any water-to-air air conditioning unit or other water dependent cooling system constructed after (effective date) is not authorized under this rule, unless the discharge is returned directly to the same aquifer from which it is withdrawn.

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

(c) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur in a manner other than that authorized in subsection 40C-2.042(2), F.A.C., may submit an application for an Individual Standard General Consumptive Use Permit pursuant to Chapter 40C-20,

F.A.C., using form ~~40C-2.900(3)-1082-2. Standard General~~ Consumptive Use Permit Application for Landscape Irrigation for One Additional Day Per Week; Form number ~~40C-2.900(3)-1082-2~~, effective (effective date) 3-8-09, is hereby incorporated by reference and available at [insert URL from DOS] and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This permit application is limited to including no more than 25 nearby properties within a common plan of development. If a development consists of more than one phase or section, the 25 properties must be located within a single phase or section. A person seeking authorization to irrigate more than 1 additional day than that authorized by Subsection 40C-2.042(2), F.A.C., must apply for an Individual Standard General Consumptive Use Permit pursuant to Chapter 40C-20, F.A.C., using form ~~40C-2.900(1), -1082-1~~ which is incorporated by reference in subsection 40C-2.900(1), F.A.C.

(3) through (8) No change.

(9) The Governing Board hereby grants a general permit by rule to withdraw ground or surface water anywhere within the District for short-term construction dewatering activities (excluding borrow operations), subject to the limiting conditions in Appendix I of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., and Form Number 40C-2.900(12). Notice to District of Dewatering Activity, Form Number 40C-2.900(12), effective (effective date), is hereby incorporated by reference and available at [insert URL] and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This general permit by rule shall expire 190 days from the date a complete form 40C-2.900(12) is submitted to the District, and no dewatering may begin until 10 days after submittal of the complete form (except as allowed in Appendix I).

(10) The Governing Board hereby grants a general permit by rule to withdraw ground or surface water anywhere in the District for environmental restoration or enhancement projects proposed by the Florida Department of Environmental Protection or the District, which have obtained authorization or a verification of exemption under Part IV of Chapter 373, F.S., for the restoration or enhancement project. To qualify for this general permit by rule, the environmental restoration or enhancement project must comply with one of the following procedures:

(a) The project is part of a Surface Water Improvement and Management Plan developed pursuant to Section 373.453, F.S., that is reviewed by the Department and approved by a Water Management District in accordance with Section 373.456, F.S.;

(b) The project is approved by the Secretary of the Department after conducting at least one public meeting; or

(c) The project is wholly or partially funded by the Department through the Ecosystem Management and Restoration Trust Fund pursuant to Section 403.1651, F.S., or the Water Resources Restoration and Preservation Act pursuant to Section 403.0615, F.S.

Rulemaking Specific Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 373.019(6), 373.109, 373.118, 373.219, 373.223, 373.250, 373.609, 373.62 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06, 3-8-09, \_\_\_\_\_.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this chapter ~~or Chapter 40C-20 or 40C-22, F.A.C.,~~ for the following water uses:

(1) Domestic consumption of water by individual users as defined by Section 373.019(6)(4), Florida Statutes (2013).

(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act (2013) ~~or the Statewide Multipurpose Hazardous Waste Facility Siting Act.~~

(3) Withdrawals of ground or surface water to ~~facilitate construction on or below ground surface or to~~ remove pollutants from contaminated water, in the following circumstances:

(a) through (b) No change.

(c) Infiltration under this subsection may be accomplished by the use of land application or by discharge to wholly-owned impoundments or works, so long as there is no surface discharge off site. The withdrawal and recharge under this subsection must be done in a manner that does not contravene paragraphs 40C-2.301(1)(2)(b), ~~(2)(4)(b), (e), (f), (g), and (h); (i) and (5),~~ F.A.C.

(d) No change.

(4) No change.

(5) Withdrawals of surface water solely for flood control when:

(a) The withdrawal is accomplished by and was approved as part of a surface water management system which has received a management and storage of surface water permit pursuant to Chapters 40C-4 or 62-330, F.A.C., or

(b) No change.

(6) Water, whether withdrawn or diverted, when used for purposes of protection of fish and wildlife or the public health and safety when and where the Governing Board has, by Rule 40C-2.302, F.A.C., reserved said water from use by permit applicants pursuant to subsection 373.223(4)(3), F.S. (2013).

(7) Withdrawals of ground or surface water to facilitate construction (not including borrow or mining excavations) on or below ground surface (dewatering) subject to the following conditions:

(a) through (d) No change.

(e) The following turbidity control measures are implemented, as appropriate, for any discharges off-site:

1. through 2. No change.

3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent ~~harmful violations of~~ water quality impacts from dewatering discharges to receiving waters standards as specified in ~~Chapter 62-302, F.A.C.~~

(8) Withdrawals of surface water (dewatering) by a drainage pump, which serves an agricultural operation, provided that the operation of the pump has been authorized by a permit issued pursuant to Chapter 40C-44, F.A.C., or Chapters 40C-4, ~~or 40C-40, or 62-330,~~ F.A.C., which incorporated the requirements of Chapter 40C-44, F.A.C. However, activities which are exempt from the requirements of Chapters 40C-4, ~~40C-40, and 40C-44, and 62-330,~~ F.A.C., are not exempt from the need to obtain a consumptive use permit under this subsection.

(9) Withdrawals of ground or surface water solely for fire protection purposes.

(10) The use of seawater from any sea, gulf, or ocean, excluding estuaries, lagoons, rivers, streams, and intracoastal waters.

(11) Secondary uses supplied solely by reclaimed water obtained from a water supplier.

Rulemaking Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~288.501 et seq.,~~ 373.103, 373.171, 373.216, 373.219, 373.250, 403.511 ~~403.501 et seq.~~ FS. History—New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-17-94, 4-25-96, 10-2-96, 11-11-03, 2-15-06, \_\_\_\_\_.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Parts I, ~~II and III,~~ (*insert URL* <http://www.flrules.org/Gateway/reference.asp?No=Ref-01522>), subsections 62-40.416(7)-(8), F.A.C., effective May 6, 2013, in Appendix G, [*insert URL*], and Limiting Conditions for subsection 40C-2.042(9), F.A.C., Dewatering General Permits by Rule in Appendix I [*Insert URL*] the “Water Conservation Public Supply” requirements in Appendix I, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00954>) and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00955>) of the document entitled “Applicant’s Handbook, Consumptive Uses of Water”, effective (*effective date*) ~~9-16-12~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.



(b) The following rules of the Florida Department of Environmental Protection: subsections 62-40.416(7) and 62-40.416(8), F.A.C. [*insert URL to 62-40.416*], effective May 6, 2013, which are hereby incorporated by reference as of (*effective date*). subsections 62-40.416(7) and 62-40.416(8) are referenced in sections 3.3.2.1 and 3.3.2.2, respectively, and in Appendix G of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(2) Copies of ~~these~~ ~~this~~ documents are available without charge from [floridawater.com](http://floridawater.com) and the following District offices:

District Headquarters  
 St. Johns River Water Management District  
 4049 Reid Street  
 Palatka, Florida 32177-2529  
 (386)329-4500

St. Johns River Water Management District  
 7775 Baymeadows Way, Suite 102  
 Jacksonville, Florida 32256  
 (904)730-6270

St. Johns River Water Management District  
 601 South Lake Destiny Road, Ste. 200  
 Maitland, Florida 32751  
 (407)659-4800

St. Johns River Water Management District  
 525 Community College Pkwy., S.E.  
 Palm Bay, Florida 32909  
 (321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118, 373.17, 373.227(5)1 FS. Law Implemented 373.042, 373.0421, 373.073, 373.079, 373.083(5), 373.103, 373.109, 373.219, 373.223, 373.226, 373.227, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62, 373.707 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, 2-2-12, 9-16-12, \_\_\_\_\_.

40C-2.301 Conditions for Issuance of Permits.

(1) ~~To obtain a consumptive use permit for a use existing on the effective date of implementation, the applicant shall apply for a permit under the provisions of Section 373.226, Florida Statutes, and subsection 40C 2.041(2), F.A.C., and shall establish that it is a reasonable-beneficial use and is allowable under the common law of Florida.~~

(2)(4) ~~To obtain a consumptive use permit, renewal, or modification, an for a use which will commence after the effective date of implementation, the applicant must provide~~

reasonable assurance ~~establish~~ that the proposed consumptive use of water, on an individual and cumulative basis:

- (a) Is a reasonable-beneficial use;
- (b) Will not interfere with any presently existing legal use of water; and
- (c) Is consistent with the public interest.

(3) ~~For purposes of paragraph (2)(b) above, “presently existing legal use of water” shall mean those legal uses which exist at the time of receipt of the application for the consumptive use permit.~~

(2)(4) In order to provide reasonable assurances that the consumptive use The following criteria must be met in order for a use is to be considered reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

- (a) ~~Is a The use must be in such quantity that~~ as is necessary for economic and efficient use; utilization-
- (b) ~~Is The use must be for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;:-~~
- (c) Will utilize a water source that is suitable for the consumptive use;

(d)(e) ~~Will utilize a The source of the water source that is must be capable of producing the requested amounts of water;:-~~

(d) ~~The environmental or economic harm caused by the consumptive use must be reduced to an acceptable amount.~~

(e) ~~All available water conservation measures must be implemented unless the applicant demonstrates that implementation is not economically, environmentally or technologically feasible. Satisfaction of this criterion may be demonstrated by implementation of an approved water conservation plan as required in section 12.0., Applicant’s Handbook: Consumptive Uses of Water.~~

(f) ~~When reclaimed water is readily available it must be used in place of higher quality water sources unless the applicant demonstrates that its use is either not economically, environmentally or technologically feasible.~~

(e)(g) Except when the use is fFor all uses except human food preparation or and direct human consumption, will utilize the lowest acceptable quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible;,- including reclaimed water or surface water (which includes stormwater), must be utilized for each consumptive use. To use a higher quality water source an applicant must demonstrate that the use of all lower quality water sources will not be economically, environmentally, or technologically feasible. If the applicant demonstrates that use of a lower quality water source would result in adverse environmental impacts that outweigh water savings, a higher quality source may be utilized.

(f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;

(g) Will not cause harm to the water resources of the area in any of the following ways:

~~1.(h) Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion; The consumptive use shall not cause significant saline water intrusion or further aggravate currently existing saline water intrusion problems.~~

2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters;

3. Will not cause harmful saline water intrusion or harmful upconing;

4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and

5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area;

~~(i) The consumptive use shall not cause or contribute to flood damage.~~

~~(j) The water quality of the source of the water shall not be seriously harmed by the consumptive use.~~

~~(h)(k) No change.~~

(i)(4) Is in accordance with any The consumptive use must not cause water levels or flows to fall below the minimum flow or level and implementation strategy established pursuant to Sections 373.042 and 373.0421, F.S. limits set forth in Chapter 40C-8, F.A.C.; and

(j) Will not use water reserved pursuant to subsection 373.223(4), F.S.

~~(5)(a) A proposed consumptive use does not meet the criteria for the issuance of a permit set forth in subsection 40C-2.301(2), F.A.C., if such proposed water use will:~~

~~1. Significantly induce saline water encroachment; or~~

~~2. Cause the water table or surface water level to be lowered so that stages or vegetation will be adversely and significantly affected on lands other than those owned, leased or otherwise controlled by the applicant; or~~

~~3. Cause the water table level or aquifer potentiometric surface level to be lowered so that significant and adverse impacts will affect existing legal users; or~~

~~4. Require the use of water which pursuant to Section 373.223(3), Florida Statutes, and subsection 40C-2.301(6), F.A.C., the Board has reserved from use by permit; or~~

~~5. Cause the rate of flow of a surface watercourse to be lowered below any minimum flow which has been established in Chapter 40C-8, F.A.C.; or~~

~~6. Cause the level of a water table aquifer, the potentiometric surface level of an aquifer, or the water level of a surface water to be lowered below a minimum level which has been established in Chapter 40C-8, F.A.C.~~

~~(b) Compliance with the criteria set forth in paragraph (5)(a) above does not preclude a finding by the Board that a~~

~~proposed use fails to comply with the criteria set forth in subsection 40C-2.301(2), F.A.C., above.~~

~~(3)(6)(a) The Board may reserve water from use or withdrawal under the authority of a consumptive use permit, in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. The Board hereby determines and finds that protection of the water resource from significant harm is required for protection of the public health and safety.~~

~~(b) Such reservation of water shall be implemented by rule, pursuant to Section 373.223(4)(3), Florida Statutes, and shall be subject to periodic review and revisions by the Board in the light of changed conditions.~~

~~(4)(7) Except as otherwise provided by law, tThe applicant shall have the burden of proof to establish and present sufficient data to support a finding by the District Board that the proposed use meets the conditions specified in subsections (1) and (2) above. The standards, criteria, and conditions in the Applicant's Handbook: Consumptive Uses of Water, which is incorporated adopted by reference in paragraph 40C-2.101(1)(a), F.A.C., shall be used in determining whether the requirements of subsections (1) and (2) above are met.~~

~~Rulemaking Authority 373.044, 373.113, 373.171, 373.229 FS. Law Implemented 373.042, 373.0421, 373.196, 373.219, 373.223, 373.224, 373.226, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.301, 40C-2.0301, Amended 7-23-91, 9-16-92, 1-20-93, 6-7-93, 1-7-99, 2-13-08, \_\_\_\_\_.~~

40C-2.321 Duration of Permit.

~~(1) The provisions of section 1.5 6.5, Applicant's Handbook: Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., shall be applied in determining permit durations.~~

~~(2) Nothing herein shall preclude or otherwise prevent the District Board from terminating, revoking, or temporarily suspending any permit in accordance with these rules or taking such other action as may be provided for in the permit.~~

~~Rulemaking Specific Authority 373.044, 373.113 FS. Law Implemented 373.236, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.321, 40C-2.0321, Amended 7-23-91, 11-12-91, 1-20-93, 4-25-96, 11-11-03, \_\_\_\_\_.~~

40C-2.331 Modification of Permits.

~~(1) A request for modification of a valid permit issued pursuant to Chapters 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:~~

~~(a) By application on District Form Number 40C-2.900(1), 40C-2.900(2), or 40C-2.900(3), which are incorporated by reference in subsections 40C-2.900(1)-(3), F.A.C., 40C-2-1082-1 or 40C-2-1082-2, as applicable; or~~

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c) below. The letter must include the full permit number for the requested permit modification and must describe the proposed modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a) above:

1. Requests to increase the duration of the consumptive use authorization, except for:

(i) Increases in duration that meet the criteria for a water conservation incentive permit extension under Section 1.4.3.3.1(c) of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., or

(ii) Increases in duration due to a change in statutory law that authorizes a longer permit duration;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of ~~reclaimed water or~~ water from a man-made surface water management system that do not increase the allocation by 100,000 or more gallons per day on an annual average basis, or

(ii) The addition of landscape irrigation of less than one acre, or;

(iii) Increases due to a change from an annualized incremented allocation to an end of permit (total quantity) annual allocation;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit, unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee's ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use ~~a source of reclaimed water or~~ water from a man-made surface water management system; or

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to ~~a source of reclaimed water or~~ water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well does not cause impacts to the water resources of the area or existing offsite land uses beyond those evaluated under the consumptive use permit is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or

replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the ~~current~~ consumptive use permit.

(2) A request for modification under paragraph (1)(a) above must meet the conditions for issuance in Rule 40C-2.301, F.A.C. A request for modification by letter in accordance with paragraph (1)(b) above need only provide information and meet the conditions for issuance in Rule 40C-2.301, F.A.C., that relate to the modification request, in accordance with Section 373.239(2), F.S. A permit which has expired or which has been revoked shall not be subject to modification. A denial of a request for modification under paragraphs (1)(a) or (1)(b) above shall be processed as provided in ~~Sections 1.4.3.3.1(b) and 1.4.3.3.2 3.3.3.1(b) and 3.3.3.2~~ of the Applicant's Handbook, Consumptive Uses of Water (~~2-2-12~~), which ~~is~~ are hereby incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(3) Modification by letter in accordance with paragraph (1)(b) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083(5), 373.219, 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.33, 40C-2.331, 40C-2.0331, Amended 4-25-96, 10-2-96, 2-2-12, \_\_\_\_\_.

40C-2.351 Transfer of Permits.

The District may transfer a permit in accordance with ~~Rule Chapter~~ 40C-1,612, F.A.C. The permit will be transferred under the same terms and conditions contained in the permit provided the source(s) and use(s) remain the same. All terms and conditions of the permit shall be binding on the transferee.

~~Rulemaking Specific~~ Authority 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.35, 40C-2.351, 40C-2.0351, Amended 8-1-89, \_\_\_\_\_.

40C-2.361 Renewal of Permits.

(1) No change.

(2) Applications for renewal of consumptive use permits shall be processed in accordance with the provisions of ~~Rules Chapter~~ 40C-1,610 and 40C-1.1008, F.A.C.

~~Rulemaking Specific~~ Authority 373.044, 373.113 FS. Law Implemented 373.239 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.361, 40C-2.0361, \_\_\_\_\_.

40C-2.381 Permit Limiting Conditions.

(1) Consumptive use permits shall be conditioned, as necessary, to ensure that the permitted consumptive use continues to meet the conditions for issuance in Rule 40C-2.301, F.A.C. There are two categories of permit conditions that will be applied to consumptive use permits. Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by

~~the District upon a determination that the conditions are inapplicable to the use authorized by the permit. Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific. The District will impose upon any permit granted pursuant to this Chapter such reasonable conditions as are necessary to assure that the permitted use of water will continue to be consistent with the conditions for issuance in Rule 40C-2.301, F.A.C.~~

~~(2)(a) The Board hereby determines and finds that the inclusion of the following standard limiting conditions on standard general permits issued under Chapter 40C-20, F.A.C., and permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule unless waived or modified by the District upon a determination that the conditions are inapplicable to the activity authorized by the permit:~~

~~1. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property. District authorized staff, upon proper identification, will have permission to enter, inspect and observe permitted and related facilities in order to determine compliance with the approved plans, specifications and conditions of this permit.~~

~~2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to Chapter 373, Section 373.175, F.S., or to formulate a plan for implementation during periods of water shortage, pursuant to Section 373.246, F.S. In the event of a declared water shortage is declared by the District Governing Board, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a, even though the specified water shortage, reports shall be submitted as required by District rule or order ~~restrictions may be inconsistent with the terms and conditions of this permit.~~~~

~~3. through 6. No change.~~

~~7. The permittee shall notify the District ~~must be notified,~~ in writing, within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the project and/or related facilities, or other transfer of a well or facility from which the permitted consumptive use is made, or within 30 days of any transfer of ownership or control of the real property at which the permitted consumptive use is located. Where permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control~~

or transfer control of the permitted system/project to the new landowner or new lessee. All transfers of ownership or transfers of permits are subject to the requirements provisions of Rule 40C-1.612, F.A.C. Alternatively, the permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by Rule 40C-2.401, F.A.C. The pPermittee shall notify the District in the event that a replacement tag is needed.

9. No change.

10. The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level established by the District or the Department of Environmental Protection pursuant to Sections 373.042 and 373.0421, F.S. adopted in Chapter 40C-8, F.A.C. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.

11. through 13. No change.

14. All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to Sections 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

15. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

16. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that Section 373.239, F.S., and Rule 40C-2.331, F.A.C., are applicable to permit modifications.

(b) In addition to these general limiting conditions which are applied to all permits, other limiting conditions will be applied to specific permits. These additional limiting conditions are described in Section 5.0 Part III, "Applicant's Handbook Consumptive Uses of Water", which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1), 373.223, 373.239, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06, 2-2-12, \_\_\_\_\_.

## 40C-2.501 Permit Classification.

(1) through (2) No change.

(3) Source ~~Types~~ Classes: Each permit shall be identified with one or more of the following source ~~types~~ classifications:(a) ~~River, creek, Streams~~ or other watercourses.(b) ~~Lakes, pond,~~ or other impoundments.(c) ~~Unconfined~~ Aquifers.(d) ~~Confined or semiconfined~~ aquifers.(d)(e) Water supplier.

(4) through (5) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.219, 373.246 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.501, 40C-2.0501, Amended 1-20-93, 2-15-95, 2-2-12, \_\_\_\_\_.

## 40C-2.900 Forms and Instructions.

(1) ~~Individual and Standard General~~ Consumptive Use Permit Application, Form Number ~~40C-2.900(1)~~ 40C-2-1082-4, effective effective date 2-2-12, is hereby incorporated by reference and available at {insert URL}. This form is referenced in subsection paragraphs 40C-2.041(4), paragraphs 40C-2.042(2)(c), and 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b), 1.4.4.2, 1.4.5.5.1(c), and 1.4.5.5.2 3-3-3(b), 4-2, 5-5-1(e), and 6-5-5 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date 2-2-12), which is incorporated by reference in paragraph subsection 40C-2.101(1)(a), F.A.C. The following supplemental application forms referenced in the Consumptive Use Permit Application, Form Number 40C-2.900(1), are hereby incorporated by reference:

(a) Agricultural – Form A, which is available at {insert URL};(b) Commercial/Industrial – Form B, which is available at {insert URL};(c) Landscape/Recreation – Form C, which is available at {insert URL};(d) Mining/Dewatering – Form D, which is available at {insert URL};(e) Public Supply – Form E, which is available at {insert URL};(f) Environmental/Other – Form F, which is available at {insert URL};(g) Institutional – Form G, which is available at {insert URL}. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00962>).

(2) Consumptive Use Permit Minor Individual Supplemental Form, Form Number 40C-2.900(2), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in subsection 40C-2.041(4) and paragraph 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b), 1.4.4.2, 1.4.5.5.1(c), and 1.4.5.5.2 of the “Applicant’s Handbook, Consumptive Uses of Water”

(effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(3) ~~Standard General~~ Consumptive Use Permit Application for Landscape Irrigation for One Additional Day Per Week, Form Number ~~40C-2.900(3)~~ 40C-2-1082-2, effective effective date 3-8-09, is hereby incorporated by reference and available at {insert URL}. This form is referenced in paragraphs paragraphs 40C-2.042(2)(c) and 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b), 1.4.4.2, and 1.4.5.1(c) 3-3-3(b), 4-2, and 5-5-1(e) of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date 2-2-12), which is incorporated by reference in paragraph subsection 40C-2.101(1)(a), F.A.C.

(3) ~~District form number 40C-2-0590-3, Water Audit Form and Instructions, 1-7-99.~~

(4) Water Use/Pumpage Report Form Record (EN-50), Form Number 40C-2.900(4), effective effective date 2-2-12, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 4.2.1 6-7-1-8-4 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date 2-2-12), which is incorporated by reference in paragraph subsection 40C-2.101(1)(a), F.A.C. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00963>).

(5) Flow Meter Accuracy Report Form Water Use Reporting Verification (EN-51), Form Number 40C-2.900(5), effective effective date 2-2-12, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 4.2.1 6-7-1-8-4 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date 2-2-12), which is incorporated by reference in paragraph subsection 40C-2.101(1)(a), F.A.C. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00964>).

(6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective effective date 2-2-12, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 4.2.1 6-7-1-8-4 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date 2-2-12), which is incorporated by reference in paragraph subsection 40C-2.101(1)(a), F.A.C. (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00965>).

(7) Water Audit Form and Instructions, Form Number 40C-2.900(7), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Sections 2.2.2.5.1.A.4.(a) and 2.2.2.5.1.A.4.(c) of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(8) Alternative Method Flow Verification Report Form, Form Number 40C-2.900(8), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 4.2.1 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective

date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(9) Annual Crop Summary Report Form, Form Number 40C-2.900(9), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 2.2.5.5.4 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(10) Crop Protection Report Form, Form Number 40C-2.900(10), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 2.2.5.5.5 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(11) Water Quality Report Form, Form Number 40C-2.900(11), effective effective date, is hereby incorporated by reference and available at {insert URL}. This form is referenced in Section 5.2.1(e) of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(12) Notice to District of Dewatering Activity (RDS-50), Form Number 40C-2.900(12), effective effective date , is hereby incorporated by reference and available at {insert URL}. This form is referenced in subsection 40C-2.042(9), F.A.C., and Appendix I of the “Applicant’s Handbook, Consumptive Uses of Water” (effective effective date), which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(13)(7) No change.

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, 2-2-12,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Thomas I. Mayton, Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:**

Governing Board of the St. Johns River Water Management District.

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

April 8, 2014

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:**

July 20, 2012

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40C-20.011	Policy and Purpose
40C-20.042	General Permit for Water Use
40C-20.301	Conditions for Issuance of Authorization
40C-20.321	Duration of Permit
40C-20.900	Forms and Instructions

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking will be to repeal Chapter 40C-20, F.A.C., because the general permits issued under this chapter will be converted into general permits by rule or streamlined individual permits, as part of the related CUPcon rulemaking to amend Chapter 40C-2, F.A.C

**SUMMARY:** The proposed amendments will repeal each rule in this chapter.

**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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” forms and summaries and the analyses performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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:** 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.083(5), 373.118, 373.171, 373.219, 373.223, 373.236 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Following the regularly scheduled Governing Board Meeting on June 10, 2014, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email: wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**40C-20.011 Policy and Purpose.**

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 7-23-91, Amended 4-25-96, 12-27-10, Repealed.

**40C-20.042 General Permit for Water Use.**

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.219, 373.223 FS. History—New 7-23-91, Amended 4-25-96, Repealed.

**40C-20.301 Conditions for Issuance of Authorization.**

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.223 FS. History—New 7-23-91, Amended 4-25-96, Repealed.

**40C-20.321 Duration of Permit.**

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.236 FS. History—New 7-23-91, Amended 4-25-96, Repealed.

**40C-20.900 Forms and Instructions.**

Rulemaking Authority 120.53(1), 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.52(16), 373.116, 373.229 FS. History—New 7-23-91, Amended 4-25-96, 10-2-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas I. Mayton, Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40C-22.001	Policy and Purpose
40C-22.020	Noticed General Permit for Fire Protection Purposes
40C-22.030	Noticed General Permit for Short-term Construction Dewatering
40C-22.900	Forms and Instructions

**PURPOSE AND EFFECT:** The purpose and effect of this rulemaking will be to repeal Chapter 40C-22,F.A.C., because the general permit for fire protection will be converted into an exemption and the general permit for short-term construction dewatering will be converted into a no-fee noticed general permit by rule, as part of the related CUPcon rulemaking to amend Chapter 40C-2, F.A.C.

**SUMMARY:** The proposed amendment will repeal each rule in this chapter.

**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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” forms and summaries and the analyses performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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:** 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.083(5), 373.118, 373.171, 373.219, 373.223 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Following the regularly scheduled Governing Board Meeting on June 10, 2014, which begins immediately following the Regulatory Committee Meeting that begins at 10:00 a.m.



PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-22.001 Policy and Purpose.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.083, 373.118, 373.219, 373.223 FS. History—New 4-25-96, Amended 10-2-96, 12-27-10, Repealed.

40C-22.020 Noticed General Permit for Fire Protection Purposes.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.229 FS. History—New 4-25-96, Repealed.

40C-22.030 Noticed General Permit for Short-term Construction Dewatering.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.229 FS. History—New 4-25-96, Repealed.

40C-22.900 Forms and Instructions.

Rulemaking Authority 120.53(1), 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 120.52(16), 373.116, 373.118 FS. History—New 4-25-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas I. Mayton, Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 20, 2012

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-296.320	General Pollutant Emission Limiting Standards
62-296.401	Incinerators
62-296.402	Sulfuric Acid Plants
62-296.403	Phosphate Processing
62-296.404	Kraft (Sulfate) Pulp Mills and Tall Oil Plants
62-296.405	Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input
62-296.406	Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units
62-296.408	Nitric Acid Plants
62-296.409	Sulfur Recovery Plants
62-296.410	Carbonaceous Fuel Burning Equipment
62-296.412	Dry Cleaning Facilities
62-296.414	Concrete Batching Plants
62-296.415	Soil Thermal Treatment Facilities
62-296.416	Waste-to-Energy Facilities
62-296.501	Can Coating
62-296.502	Coil Coating
62-296.503	Paper Coating
62-296.504	Fabric and Vinyl Coating
62-296.505	Metal Furniture Coating
62-296.506	Surface Coating of Large Appliances
62-296.507	Magnet Wire Coating
62-296.508	Petroleum Liquid Storage
62-296.510	Bulk Gasoline Terminals
62-296.511	Solvent Metal Cleaning
62-296.512	Cutback Asphalt
62-296.513	Surface Coating of Miscellaneous Metal Parts and Products
62-296.514	Surface Coating of Flat Wood Paneling
62-296.515	Graphic Arts Systems
62-296.516	Petroleum Liquid Storage Tanks with External Floating Roofs
62-296.570	Reasonably Available Control Technology (RACT) – Requirements for Major VOC- and NOx-Emitting Facilities
62-296.600	Reasonably Available Control Technology (RACT) – Lead
62-296.602	Primary Lead-Acid Battery Manufacturing Operations
62-296.603	Secondary Lead Smelting Operations
62-296.604	Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations
62-296.701	Portland Cement Plants
62-296.702	Fossil Fuel Steam Generators
62-296.703	Carbonaceous Fuel Burners
62-296.704	Asphalt Concrete Plants



- 62-296.705 Phosphate Processing Operations
- 62-296.706 Glass Manufacturing Process
- 62-296.707 Electric Arc Furnaces
- 62-296.708 Sweat or Pot Furnaces
- 62-296.709 Lime Kilns
- 62-296.710 Smelt Dissolving Tanks
- 62-296.711 Materials Handling, Sizing, Screening, Crushing and Grinding Operations
- 62-296.712 Miscellaneous Manufacturing Process Operations

PURPOSE AND EFFECT: The purpose of the proposed rule (OGC No. 12-1180) is to amend the above-listed rules in Chapter 62-296, F.A.C., related to air emission standards for stationary sources, to correct erroneous cross references, remove or amend obsolete provisions, and clarify rule language.

SUMMARY: Multiple rules in Chapter 62-296, F.A.C., will be amended to correct erroneous cross references; remove or amend obsolete provisions; clarify rule language, particularly where needed as a result of the intended repeal of DEP Method 9; and to revise cross-references because of the intended repeal of Rule 62-297.401 and subsections of Rule 62-297.440.

OTHER RULES INCORPORATING THESE RULES: 62-160.110; 62-204.800; 62-210.200; 62-210.300; 62-210.310; 62-212.500; 62-213.400; 62-213.412; 62-213.440; 62-256.300; 62-256.700; 62-297.310; 62-297.450; 62-640.400; 62-701.320; 62-701.530; 62-701.710; 62-701.730; 62-701.803; 62-709.300; 62-709.320; and 62-709.460, F.A.C.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department determined that the amendments to these rules are necessary to clarify and to remove unnecessary, redundant, and obsolete references related to air emission from stationary standards and will not increase regulatory costs for any entity.

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

RULEMAKING AUTHORITY: 403.061, 403.716, 403.8055 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.716, 497.606 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, Telephone: (850)717-9098, E-mail: Cindy.Phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.320 General Pollutant Emission Limiting Standards.

(1) through (3) No change.

(4) General Particulate Emission Limiting Standards. The following emission limiting standards shall apply to emissions units of particulate matter not subject to a particulate emission limit or opacity limit set forth in or established elsewhere in this chapter.

(a) Process Weight Table.

1. through 2. No change.

3. Particulate Matter Emissions Test Method and procedures. All particulate matter emissions tests performed pursuant to the requirements of this rule shall comply with the following provisions.

a. Emissions units incorporating a scrubber for control of particulate matter shall use the following test methods.

(i) Citrus Plants. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. An acetone wash shall be used. The minimum sample volume shall be 32 dry standard cubic feet.

(ii) All Others. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. An acetone wash shall be used.

b. Emissions units incorporating dry controls for control of particulate matter shall use the following test methods.

(i) Phosphate Processing. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. An acetone wash shall be used. The minimum sample volume shall be 30 dry standard cubic feet.

(ii) All Others. The test method for particulate emissions shall be EPA Method 17, with an acetone wash and an average stack temperature below 275 degrees Fahrenheit, or EPA Method 5 with an acetone wash. EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 5 is described at 40 C.F.R. Part 60, Appendix A-3. These test methods are ~~adopted and incorporated and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

c. No change.

(b) General Visible Emissions Standard.

1. No person shall cause, let, permit, suffer or allow to be discharged into the atmosphere the emissions of air pollutants from any activity, the density of which is equal to or greater than ~~that designated as Number 1 on the Ringelmann Chart~~ (20 percent opacity).

2. through 3. No change.

4. All visible emissions tests performed pursuant to the requirements of this rule shall comply with the following provisions.

a. The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

b. No change.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.620, 17-296.320, Amended 1-1-96, Amended 3-13-96, 10-6-08,\_\_\_\_\_.

62-296.401 Incinerators.

(1) Small Incinerators. Any incinerator, other than a biological waste incinerator, human or animal crematory, or air curtain incinerator, with a charging rate of less than ~~fifty (50)~~ tons per day shall comply with the following requirements.

(a) Emission Limiting Standards. Visible emissions shall not exceed ~~five percent (5%)~~ opacity except that visible emissions not exceeding ~~fifteen (15%) percent~~ opacity are allowed for one six-minute period up to six (6) minutes in any one ~~(1)~~ -hour period.

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

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

2. No change.

(c) No change.

(2) Existing incinerators, other than those which are operated or utilized for the disposal or treatment of biological waste, with a charging rate equal to or greater than 50 tons per day.

(a) through (b) No change.

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

1. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 3 or 3A, using Orsat analysis is required for percent excess air correction. EPA Methods 3 and 3A, are described at 40 C.F.R. Part 60, Appendix A-2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. No change.

(d) No change.

(3) New incinerators, other than those which are operated or utilized for the disposal or treatment of biological waste, with a charging rate equal to or greater than 50 tons per day.

(a) through (b) No change.

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

1. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 3 or 3A, using Orsat analysis is required for percent excess air correction. EPA Methods 3 and 3A, are described at 40 C.F.R. Part 60, Appendix A-2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. No change.

(d) No change.

(4) Biological Waste Incinerators.

(a) No change.

(b) Emission Limiting Standards.

1. For any biological waste incinerator unit with a capacity less than ~~fifty (50)~~ tons per day, visible emissions shall not exceed ~~five percent (5%)~~ opacity, ~~six (6) minute average,~~ except that visible emissions not exceeding ~~fifteen percent (15%) percent~~ opacity shall be allowed for one six-minute period up to six (6) minutes in any one ~~(1)~~-hour period.

2. through 5. No change.

(c) No change.

(d) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendices ~~A-2 through A-8~~, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

- 1. through 6. No change.
- (e) No change.

(f) Continuous Emissions Monitoring Requirements. Each owner or operator of a biological waste incinerator unit shall install, operate, and maintain, in accordance with the manufacturer's instructions, continuous emission monitoring equipment at the exit of the secondary (or last) combustion chamber.

1. The monitors shall record the following operating parameters:

- a. ~~Secondary (or last) combustion chamber exit~~ Temperature.
- b. No change.
- 2. No change.
- (5) Human Crematories.
  - (a) No change.
  - (b) Emission Limiting Standards.

1. Visible emissions shall not exceed 5% opacity, ~~six-minute average~~, except that visible emissions not exceeding 15% opacity shall be allowed for one six-minute period up to six minutes in any one-hour period.

- 2. through 3. No change.
- (c) through (e) No change.

(f) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendices ~~A-2 through A-4~~, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

- 1. through 5. No change.
- (g) No change.
- (h) Frequency of Testing.
  - 1. through 2. No change.

3. The owner or operator of any human crematory unit shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(~~c~~)(~~b~~), F.A.C.

- (i) No change.
- (6) Animal Crematories.
  - (a) No change.
  - (b) Emission Limiting Standards.

1. Visible emissions shall not exceed ~~five percent (5%)~~ opacity, ~~six (6) minute average~~, except that visible emissions not exceeding ~~fifteen percent (15%) percent~~ opacity shall be

allowed for one six-minute period up to six (6) minutes in any one ~~(1)~~ -hour period.

- 2. through 3. No change.
- (c) through (e) No change.

(f) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendices ~~A-2 through A-4~~, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

- 1. through 5. No change.
- (g) No change.
- (h) Frequency of Testing.
  - 1. through 2. No change.

3. The owner or operator of any animal crematory unit with a capacity of less than 500 pounds per hour shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(~~c~~)(~~b~~), F.A.C.

- 4. No change.
- (i) No change.
- (7) Air Curtain Incinerators.
  - (a) No change.
  - (b) Operating Requirements.

1. Outside of startup periods, visible emissions shall not exceed ~~ten percent (10%)~~ percent opacity, ~~six (6) minute average~~. During startup periods, which shall not exceed the first ~~thirty (30)~~ minutes of operation, an opacity of up to ~~thirty five percent (35%)~~, ~~averaged over a six (6) minute period~~, shall be allowed. The general excess emissions rule, Rule 62-210.700, F.A.C., shall not apply.

- 2. through 10. No change.

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

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

- 2. through 3. No change.
- (d) No change.

Rulemaking Authority 403.061, 403.716 FS. Law Implemented 403.031, 403.061, 403.087, 403.716, ~~497.606, 470.025~~ FS. History—Formerly 17-2.600(1), Amended 12-2-92, Formerly 17-296.401, Amended 11-23-94, 1-1-96, 3-13-96, 11-13-97, 1-10-07, \_\_\_\_\_.

62-296.402 Sulfuric Acid Plants.

- (1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA DEP Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for acid mist/sulfur dioxide shall be EPA Method 8, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 40 dry standard cubic feet.

(c) No change.

(4) through (5) No change.

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

62-296.403 Phosphate Processing Fluorides Limits.

Fluorides (water soluble or gaseous atomic weight 19) expressed as pounds of fluoride per ton of phosphate materials input to the system expressed as tons of P2O5.

(1) through (2) No change.

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

(a) The test method for fluoride emissions shall be EPA Method 13A or EPA Method 13B, as described at 40 C.F.R. Part 60, Appendix A-5, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(b) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(3), 17-296.403, Amended 11-23-94, 1-1-96, 3-13-96,\_\_\_\_\_.

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

~~The provisions of this rule that apply to tall oil plants within Kraft (Sulfate) Pulp Mills also apply to tall oil plants that are located in a separate facility. In the case of separate tall oil plants, phrases such as “the owner or operator of a kraft pulp mill” shall be construed to read “the owner or operator of a tall oil plant.”~~

(1) Visible Emissions.

(a) Kraft Recovery Furnaces Equipped with Dry Collectors – 45 percent opacity, ~~six minute average~~, except:

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

2. If the emissions unit is equipped with a certified continuous emission monitoring device for measuring opacity, then the monitoring results shall be reported to the Department quarterly in the form of an excess emissions report, and visible

emissions in excess of 45 percent opacity shall be allowed for up to six percent of the total number of possible contiguous periods of excess emissions in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the emissions unit is not operating). The continuous emission monitoring device shall be certified, calibrated, and operated according to the procedures for opacity monitors contained in 40 C.F.R. Part 60, Subpart A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) through (c) No change.

(2) Particulate Matter.

(a) No change.

(b) Visible emission limits for kraft pulp mill emissions units equipped with wet scrubbers shall be effective only if the visible emission measurement can be made without being substantially affected by plume mixing or moisture condensation. ~~If the Department determines that visible emissions exceed 20 percent opacity, a special compliance test may be required in accordance with subsection 62-297.340(2), F.A.C.~~

(3) No change.

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

(a) Kraft Recovery Furnaces.

1. The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

2. The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. For EPA Method 5, the filter temperature must not exceed 320 degrees Fahrenheit. EPA Method 17, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may be used if stack temperature is less than 400 degrees Fahrenheit. An adjustment of 0.004 grains per dry standard cubic foot shall be added to the test results when using Method 17. A water wash shall be used with either method.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C pursuant to subsection 62-297.401(16), F.A.C., shall also be required for instrument certification and compliance testing.

(b) Lime Kilns and Calciners.

1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.

2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C pursuant to subsection 62-297.401(16), F.A.C., shall also be required for instrument certification and compliance testing.

(c) Smelt Dissolving Tank Vents.

1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5 as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.

2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C pursuant to subsection 62-297.401(16), F.A.C., shall also be required for instrument certification and compliance testing.

(d) The TRS test method for tall oil plants shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C pursuant to subsection 62-297.401(16), F.A.C., shall also be required for instrument certification and compliance testing.

(e) Other Combustion Devices used to Incinerate TRS.

1. The particulate emissions test method for scrubber controlled emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. A water wash shall be used.

2. The particulate emissions test method for dry control emissions units shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 32 dry standard cubic feet. An acetone wash shall be used.

3. The test method for TRS shall be EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C, as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. EPA Method 16 or EPA Method 16A or EPA Method 16B or EPA Method 16C pursuant to subsection 62-297.401(16), F.A.C., shall also be required for instrument certification and compliance testing.

(f) No change.

(5) Continuous Emissions Monitoring Requirements. Each owner or operator of a tall oil plant or kraft (sulfate) pulp mill or tall oil plant shall install continuous monitoring systems for monitoring total reduced sulfur (TRS) emissions, or the performance of total reduced sulfur air pollution control systems as specified in this subsection.

(a) No change.

(b) Continuous determination of total reduced sulfur emissions.

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

a. through c. No change.

d. The continuous emissions monitoring system shall be located, installed and certified pursuant to the provisions of 40 C.F.R. Part 60, Appendix B, Performance Specification 2 and Performance Specification 3, and 40 C.F.R. Part 60, Appendix B, Performance Specification 5, which are adopted and incorporated by reference at rule in subsection 62-204.800(7), F.A.C. The exception is that the phrase “or other approved alternative” in Section 3.2 of Performance Specification 5 is not adopted. For the purposes of emissions compliance testing and certification of continuous emissions monitoring systems, 40 C.F.R. Part 60, Appendix A, Reference EPA Method 16, and EPA-Method 16A, EPA Method 16B, or EPA Method 16C as described at 40 C.F.R. Part 60, Appendix A-6, adopted and incorporated by reference at Rule in subsection 62-204.800(7), F.A.C., shall be ~~are~~ to be used.

e. No change.

f. During any initial ~~emissions compliance~~ tests conducted pursuant to Rule 62-296.404, F.A.C., or within 30 days thereafter, and at such times as there is reason to believe the system does not conform to the performance specifications under this rule (for example, equipment repairs, replacements, excessive drift and such), the owner or operator of any affected emissions unit shall conduct continuous monitoring system performance evaluations and furnish the Department, within sixty days thereof, ~~two copies of~~ a written report of the results of such tests. The report may be submitted electronically to the Department as specified in Rule 62-210.370, F.A.C. These continuous emissions monitoring systems performance evaluations shall be conducted in accordance with the requirements and procedures contained in sub-subparagraph 62-296.404(5)(b)1.d., F.A.C.

g. through h. No change.

2. No change.

(c) No change.

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

(6) Quarterly Reporting Requirements. The owner or operator of any digester system, multiple effect evaporator system, condensate stripper system, tall oil plant, kraft recovery furnace, lime kiln, calciner or other emissions unit subject to the

provisions of subsection 62-296.404(5), F.A.C. (Continuous Monitoring Requirements), shall submit a written total reduced sulfur emissions and surrogate parameter data report to the Department or local program, as specified in the facility's permit, postmarked by the 30th day following the end of each calendar quarter. The report may be submitted electronically.

(a) through (c) No change.

(d) The owner or operator of any tall oil plant or kraft pulp mill ~~or tall oil plant~~ shall notify the Department or local program, as specified in the facility's permit, in writing within fourteen days of the date on which periods of excess emissions exceed the percentages allowed by subparagraphs 62-296.404(6)(c)1. through 3., F.A.C. The notification may be submitted electronically.

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

62-296.405 Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input.

(1) Existing Emissions Units Emissions Limits.

(a) Visible emissions – 20 percent opacity except for ~~either one six-minute period per one-hour period during which opacity shall not exceed 27 percent, or one two minute period per hour during which opacity shall not exceed 40 percent. The option selected shall be specified in the emissions unit's construction and operation permits.~~ Emissions units governed by this visible emission limit shall test for particulate emissions ~~compliance~~ annually and as otherwise required by Chapter 62-297, F.A.C. Emissions units electing to test for particulate matter emissions ~~compliance~~ quarterly shall be allowed visible emissions of 40 percent opacity. The results of such tests shall be submitted to the Department or local program, as specified in the facility's permit. Upon demonstration that the particulate standard has been regularly complied with, the Secretary, upon petition by the applicant, shall reduce the frequency of particulate testing to no less than once annually.

(b) through (d) No change.

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

1. The test method for visible emissions shall be EPA DEP Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. In lieu of Method 9 testing, a transmissometer utilizing a ~~six~~ 6-minute block average for opacity measurement may be used, provided such transmissometer is installed, certified, calibrated, operated and maintained in accordance with the provisions of 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. The test methods for particulate emissions shall be EPA Methods 17, 5, 5B, or 5F, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~ The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5 may be used with filter temperature at no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. ~~The owner or operator may use EPA Method 5 to demonstrate compliance.~~ EPA Method 3 or 3A with Orsat analysis shall be used when the oxygen base F-factor computed according to EPA Method 19 is used in lieu of heat input. Acetone wash shall be used with EPA Method 5 or 17. Methods 3 and 3A are described at 40 C.F.R. Part 60, Appendix A-2; EPA Methods 5, 5B, and 5F are described at 40 C.F.R. Part 60, Appendix A-3; EPA Method 17 is described at 40 C.F.R. Part 60, Appendix A-6; and EPA Method 19 is described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated by reference at Rule 62-204.800, F.A.C.

3. The test methods for sulfur dioxide emissions shall be EPA Methods 6, 6A, 6B or 6C, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. Fuel sampling and analysis may be used as an alternate sampling procedure if such a procedure was incorporated in the operation permit for the emissions unit prior to April 23, 1985. Otherwise, fuel sampling and analysis may be used if the emissions unit obtains an alternate procedure under the provisions of Rule 62-297.620, F.A.C. Such alternate procedure shall become a condition of the emissions unit's permit. The Department will retain the authority to require EPA Method 6 or 6C if it has reason to believe that exceedances of the sulfur dioxide emissions limiting standard are occurring. Results of an approved fuel sampling and analysis program or continuous emissions monitoring program shall have the same effect as EPA Method 6 test results for purposes of demonstrating compliance or noncompliance with sulfur dioxide standards.

4. For emission units not subject to nitrogen oxides continuous monitoring requirements, the test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, or 7E, as described at 40 C.F.R. Part 60, Appendix A-4 adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. Four grab samples at 15 minute intervals ( $\pm 2$  min.) per run shall be required for EPA Methods 7 and 7A. For emission units that are subject to continuous monitoring requirements under 42 U.S.C. sections 7661 – 7661f or 40 C.F.R. Part 75, emissions of compliance with nitrogen oxides emission limits shall be determined demonstrated based on a 30-day rolling average, except as specifically provided by 40 C.F.R. Parts 60 or 76. 40 C.F.R. Parts 60, 75, and 76 are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

5. No change.

(f) through (g) No change.

(2) New Emissions Units Emissions Limits.

(a) through (d) No change.

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

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

62-296.406 Fossil Fuel Steam Generators with Less Than 250 Million Btu Per Hour Heat Input, New and Existing Emissions Units.

The following standards apply to new and existing emissions units, except for emissions units that would otherwise be exempt from permitting pursuant to subsection 62-210.300(3), F.A.C., and emissions units that would otherwise be considered insignificant pursuant to subparagraph 62-213.300(2)(a)1. or paragraph 62-213.430(6)(b), F.A.C. These standards apply unless otherwise specified by rule, or by order or permit issued by the Department prior to July 15, 1989.

(1) Visible Emissions – shall not exceed 20 percent opacity except for ~~either~~ one six-minute period per one-hour period during which opacity shall not exceed 27 ~~twenty seven~~ percent (27%), ~~or one two minute period per hour during which opacity shall not exceed 40 percent.~~ ~~The option selected shall be specified in the emissions unit's construction and operation permits.~~ An opacity of 30 percent shall be allowed for emissions units rated at 241 million Btu per hour heat input for which a valid Department operating permit was issued prior to October 1, 1972 in Escambia County, while burning fuel oil in conjunction with waste material derived from waste streams previously discharged into underground wells.

(2) through (3) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(6), Amended 6-29-93, Formerly 17-296.406, Amended 11-23-94, 3-13-96, 3-2-99, \_\_\_\_\_.

62-296.408 Nitric Acid Plants.

These limits are applicable to new and existing emissions units producing weak nitric acid (50 to 70 percent) by pressure or atmospheric pressure process.

(1) Visible emissions – shall not exceed 10 percent opacity.

(2) Nitrogen Oxides – emissions shall not exceed 3 pounds per ton of acid produced (100 percent basis).

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

(a) The test method for visible emissions shall be EPA DEP Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test methods for nitrogen oxides emissions shall be EPA Methods 7, 7A, 7B, 7C, or 7D, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be as specified in EPA Method 7. Four grab samples at 15 minute intervals ( $\pm 2$  minutes) per run required.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(8), 17-296.408, Amended 11-23-94, 1-1-96, \_\_\_\_\_.

#### 62-296.409 Sulfur Recovery Plants.

~~These limits are applicable to plants recovering sulfur from crude oil gas.~~

(1) New Plants recovering sulfur from crude oil gas – emissions shall not exceed 0.004 pounds of sulfur dioxide per pound of sulfur input to the recovery system or 0.004 pounds of sulfur dioxide per pound of sulfur removed from an oil well.

(2) Existing Plants (for which a valid Department Construction permit was issued prior to July 1, 1973) recovering sulfur from crude oil gas – emissions shall not exceed 0.08 pounds of sulfur dioxide per pound of sulfur input to the recovery system or 0.08 pounds of sulfur dioxide per pound of sulfur removed from crude oil or gas processed.

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

(a) The test method for sulfur dioxide shall be EPA Method 6, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 0.71 dry standard cubic feet. Two 20-minute samples (+ or - five minutes) per run required.

(b) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(9), 17-296.409, Amended 11-23-94, 1-1-96, \_\_\_\_\_.

#### 62-296.410 Carbonaceous Fuel Burning Equipment.

(1) Emissions units for which a valid Department operation or construction permit was issued prior to July 1, 1974.

(a) Burners with a capacity less than 30 million Btu per hour heat input – Visible emissions shall not exceed with a density of Number 1 on the Ringelmann Chart (20 percent opacity) except that visible emissions not exceeding 27 percent opacity shall be allowed for one six-minute period in any one-

hour period, with a density of Number 2 (40 percent opacity) are permissible for not more than two minutes in any one hour.

(b) Burners with a capacity equal to or greater than 30 million Btu per hour heat input.

1. Visible Emissions – shall not exceed Visible emissions with a density of Number 1.5 on the Ringelmann Chart (30 percent opacity) except that visible emissions not exceeding 33 percent opacity shall be allowed for one six-minute period in any one-hour period, a density of Ringelmann Number 2 (40 percent opacity) is permissible for not more than two minutes in any one hour.

2. Particulate Matter – shall not exceed 0.3 pounds per million Btu of heat input of carbonaceous fuel plus 0.1 pounds per million Btu heat input of fossil fuel.

(2) New Emissions Units.

(a) Burners of capacity less than 30 million Btu per hour total heat input – Visible emissions shall not exceed Ringelmann Number 1 (20 percent opacity) except that visible emissions not exceeding 27 percent opacity shall be allowed for one six minute period in any one-hour period, a density of Ringelmann Number 2 (40 percent opacity) is permissible for not more than two minutes in any one hour.

(b) Burners of capacity equal to or greater than 30 million Btu per hour total heat input.

1. Visible Emissions – shall not exceed Number 1.5 on the Ringelmann Chart (30 percent opacity) except that visible emissions not exceeding 33 percent opacity shall be allowed for one six-minute period in any one-hour period, a density of Ringelmann Number 2 (40 percent opacity) is permissible for not more than two minutes in any one hour.

2. Particulate Matter – shall not exceed 0.2 pounds per million Btu of heat input of carbonaceous fuel plus 0.1 pounds per million Btu heat input of fossil fuel.

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

(a) The test method for visible emissions shall be EPA DEP Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(10), 17-296.410, Amended 11-23-94, 1-1-96, \_\_\_\_\_.

#### 62-296.412 Dry Cleaning Facilities.

(1) through (4) No change.



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

(a) No change.

(b) The concentration of organic compounds in the filter residue, per paragraph 62-296.412(2)(c), F.A.C., shall be determined by the procedure specified in EPA-340/1-80-007, "RACT Compliance Guidance for Carbon Adsorbers on Perchloroethylene Drycleaners," adopted and incorporated by reference at subparagraph 62-297.440(2)(e)2., F.A.C. using ASTM 322-67, 1972.

(c) The mass reduction of organic compounds from solvent stills shall be determined using EPA Method 21, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(d) through (f) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(12), 17-296.412, Amended 11-23-94, 4-18-95, 1-1-96, 3-13-96, 6-25-96, 10-7-96, 3-11-10, \_\_\_\_\_.

62-296.414 Concrete Batching Plants.

The following requirements apply to new and existing emissions units producing concrete and concrete products by batching or mixing cement and other materials. This rule also applies to facilities processing cement and other materials for the purposes of producing concrete, and to equipment used to mix cement and soil for onsite soil augmentation or stabilization.

(1) through (2) No change.

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

(a) The reference test method for visible emissions shall be EPA Method 9, as described at 40 CFR, Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) through (d) No change.

(4) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(14), 17-296.414, Amended 11-23-94, 1-1-96, 11-13-97, 1-10-07, \_\_\_\_\_.

62-296.415 Soil Thermal Treatment Facilities.

This rule prescribes air pollution control requirements for soil thermal treatment facilities. Soil thermal treatment facilities are only authorized to treat petroleum contaminated soil as defined in Chapter 62-775, F.A.C., Soil Thermal Treatment Facilities. The following requirements apply to all new, modified, and existing soil thermal treatment facilities. All

facilities shall comply with these requirements by December 1, 1992.

(1) Volatile Organic Compounds (VOC).

(a) No change.

(b) The average carbon monoxide (CO) emissions shall not exceed 100 parts per million (ppm) by volume, dry basis, during all 60 consecutive minute periods of plant operation. The average CO emissions is the arithmetic mean of all CO concentration measurements during any consecutive 60 minutes of plant operation that were recorded by the continuous emissions monitor required pursuant to subsection 62-296.415(6) Rule 62-297.500, F.A.C.

(c) through (d) No change.

(2) through (4) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) The test method for carbon monoxide shall be EPA Method 10, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(d) No change.

(6) Continuous Emissions Monitoring Requirements. Any facility subject to this rule shall be equipped with instruments to continuously monitor and record the temperature and the carbon monoxide concentration of the flue gases leaving the high temperature zone, but before any dilution air is mixed with the flue gases. The temperature monitor shall be certified by the manufacturer to be accurate to within 1% of the temperature being measured. The temperature monitoring system shall be calibrated at least annually by the procedure recommended by the manufacturer. The calibration shall be at a minimum of three temperatures and over a range from 10% below to 10% above the designed flue gas hot zone temperature of the soil thermal treatment facility. Calibration records shall be kept for a minimum of three years. The carbon monoxide monitor shall be certified by the manufacturer to be accurate to within 10% of the carbon monoxide concentration by volume, mean value, or 5% of the applicable standard of 100 ppm, whichever is greater, as determined by EPA Test Method 10, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference in subsection 62-204.800(7), F.A.C. The carbon

monoxide continuous emission monitoring device shall be certified, calibrated, and operated according to Performance Specification 4 of 40 C.F.R. Part 60, Appendix B, adopted and incorporated by reference in subsection 62-204.800(7), F.A.C., excluding Section 5.2, Calibration Drift Test Period, of Performance Specification 2.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 11-17-92, Formerly 17-296.415, Amended 11-23-94, 1-1-96, 3-13-96,\_\_\_\_\_.

62-296.416 Waste-to-Energy Facilities.

(1) through (2) No change.

(3) Mercury Emissions Limiting Standards. Waste-to-energy facilities subject to the requirements of this rule shall comply with the mercury emission limiting standards of paragraph 62-296.416(3)(a) or (b), F.A.C., depending on whether the facility chooses to control mercury emissions through the use of post-combustion control equipment designed to remove mercury from flue gases or mercury waste separation, respectively. Facilities choosing to control mercury emissions through the use of mercury control equipment must also comply with the flue gas temperature standard of subsection 62-296.416(4), F.A.C.

(a) through (c) No change.

(d) Mercury Emissions Test Method and Procedures. All mercury emissions tests performed pursuant to the requirements of this rule shall comply with the following provisions.

1. The test method for mercury shall be EPA Method 29, as described at 40 C.F.R. Part 60, Appendix A-8, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

2. No change.

(4) through (5) No change.

~~(6) Review of Standards. The Department shall review the mercury emission limits contained in subsection 62-296.416(3), F.A.C., and make recommendations to the Environmental Regulation Commission on revising the mercury emission limits no later than July 1, 1998. The review shall include an examination of available mercury emissions data and advances in mercury control technologies and mercury source separation techniques.~~

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 10-5-93, Formerly 17-296.416, Amended 11-23-94, 1-1-96, 10-20-96,\_\_\_\_\_.

62-296.501 Can Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)1., 17-296.501, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.502 Coil Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization

Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)2., 17-296.502, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.503 Paper Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)3., 17-296.503, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.504 Fabric and Vinyl Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)4., 17-296.504, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.505 Metal Furniture Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7., adopted and incorporated by reference

at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 ~~subsection 62-297.440(7)~~, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)5., 17-296.505, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.506 Surface Coating of Large Appliances.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 ~~subsection 62-297.440(7)~~, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)6., 17-296.506, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.507 Magnet Wire Coating.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 ~~subsection 62-297.440(7)~~, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)7., 17-296.507, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.508 Petroleum Liquid Storage.

(1) through (2) No change.

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

(a) No change.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7)~~, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)8., 17-296.508, Amended 11-23-94, 1-1-96, 10-6-08, \_\_\_\_\_.

62-296.510 Bulk Gasoline Terminals.

(1) through (3) No change.

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

(a) Vapor Control Emissions. The test methods for volatile organic compounds shall be EPA Methods 2A~~7~~ and 2B, as described at 40 C.F.R. Part 60, Appendix A-1; and EPA Methods 25A and 25B, as described at 40 C.F.R. Part 60, Appendix A-7; adopted and incorporated ~~and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. sub-subparagraph 62-297.440(2)(b)1.a., F.A.C., shall also apply.

(b) Equipment Vapor-Leak Detection. The test methods for volatile organic compounds shall be EPA Methods 21, as described at 40 C.F.R. Part 60, Appendix A-7; and EPA Method 27, as described at 40 C.F.R. Part 60, Appendix A-8; adopted and incorporated ~~and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. sub-subparagraph 62-297.440(2)(b)2.a., F.A.C., shall also apply.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)10., 17-296.510, Amended 11-23-94, 1-1-96, \_\_\_\_\_.

62-296.511 Solvent Metal Cleaning.

(1) through (4) No change.

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

(a) The test method for volatile organic compound emissions from the specified equipment shall be EPA Method 21, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated ~~and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for non-halogenated organic solvent emissions from a destructive add-on control device shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test

Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated ~~and adopted~~ by reference in Chapter 62-297, F.A.C.

(c) The test method for organic solvent emissions from a non-destructive add-on control device shall be ~~EPA VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7)~~, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(d) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)12., 17-296.511, Amended 11-23-94, 1-1-96, 6-25-96, 10-7-96, \_\_\_\_\_.

62-296.512 Cutback Asphalt.

(1) through (2) No change.

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

(a) The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated ~~and adopted~~ by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(b) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)13., 17-296.512, Amended 11-23-94, 1-1-96, \_\_\_\_\_.

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-

041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)14., 17-296.513, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.514 Surface Coating of Flat Wood Paneling.

(1) through (3) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference. incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)15., 17-296.514, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.515 Graphic Arts Systems.

(1) through (2) No change.

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

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24 ~~or, 24A,~~ as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (Dept. of State link), hereby adopted and incorporated by reference incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/ 2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be ~~EPA~~ VOC Capture Efficiency Test Procedures as described at Rule 62-297.450 subsection 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)16., 17-296.515, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.516 Petroleum Liquid Storage Tanks with External Floating Roofs.

(1) through (2) No change.

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

(a) The test method for volatile organic compounds shall be EPA Method 21, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and as described in section 5.2 on p. 5-3 of EPA 450/2-78-047, adopted and incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)17., 17-296.516, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

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

(1) through (3) No change.

(4) RACT Emission Limiting Standards.

(a) Emissions Testing Compliance Dates and Monitoring.

1. through 2. No change.

3. For units that are not equipped with a continuous emission monitoring system (CEMS) for NOx or VOCs, ~~compliance with the emission limits established in this rule shall be demonstrated by annual emissions testing is required in accordance with applicable EPA Reference Methods from as described in 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800 Rule 62-297.401, F.A.C., or other methods approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C., except as otherwise provided in paragraph 62-296.570(4)(b), F.A.C.~~ If required, such annual emission testing shall be conducted during each federal fiscal year (October 1 – September 30). Annual emissions compliance testing while firing oil is unnecessary for units operating on oil for less than 400 hours in the current federal fiscal year.

4. No change.

(b) Emission Limiting Standards.

1. through 8. No change.

9. Emissions of NOx from any other external combustion emissions unit subject to the requirements of this rule, and not covered in subparagraph 62-296.570(4)(b)1. through 8., F.A.C., shall not exceed 0.50 lb/million BTU. Emissions Compliance shall be determined demonstrated annually in accordance with the applicable EPA Method from 40 C.F.R. Part 60, Appendices A-1 through A-8, adopted and incorporated by reference at Rule 62-204.800 Rule 62-297.401, F.A.C., or other method approved by the Department in accordance with the requirements of Rule 62-297.620, F.A.C.

10. through 11. No change.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New 2-2-93, Amended 4-17-94, Formerly 17-296.570, Amended 11-23-94, 1-1-96, 3-2-99,\_\_\_\_\_.

62-296.600 Reasonably Available Control Technology (RACT) – Lead.

(1) through (5) No change.

(6) Emissions Determination Compliance Demonstration.

The owner or operator of any facility subject to an emissions limiting standard pursuant to Rules 62-296.602 through 62-296.605, F.A.C., shall determine emissions demonstrate compliance with such limit by the initial compliance date established in the permit required pursuant to this rule, or in accordance with the terms of any construction permit

addressing the requirements of this rule, and every five years thereafter unless a more frequent schedule is specified in the permit. Emissions Compliance shall be determined demonstrated as follows:

(a) ~~Compliance with Lead emissions standards~~ shall be determined demonstrated by EPA Method 12, as described at 40 C.F.R. Part 60, Appendix A-5, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) ~~Compliance with opacity standards~~ shall be determined demonstrated by EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History–New 8-8-94, Formerly 17-296.600, Amended 1-1-96, 3-13-96,\_\_\_\_\_.

62-296.602 Primary Lead-Acid Battery Manufacturing Operations.

(1) through (2) No change.

(3) Attainment Demonstration. As part of the initial application for the permit required pursuant to subsection 62-296.600(3), F.A.C., the owner or operator of a facility subject to the requirements of this rule shall demonstrate to the Department that, after the application of RACT, the facility shall not cause or contribute to a violation of the national ambient air quality standard for lead as set forth in Rule 62-204.240, F.A.C. The demonstration shall be made using air quality models as provided in 40 C.F.R. Part 51, Appendix W, adopted and incorporated by reference at Rule 62-204.800 subsection 62-204.220(2), F.A.C., and shall address both stack and fugitive emissions.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History–New 8-8-94, Formerly 17-296.602, Amended 1-1-96, 3-13-96,\_\_\_\_\_.

62-296.603 Secondary Lead Smelting Operations.

(1) through (2) No change.

(3) Attainment Demonstration. As part of the initial application for the permit required pursuant to subsection 62-296.600(3), F.A.C., the owner or operator of a facility subject to the requirements of this rule shall demonstrate to the Department that, after the application of RACT, the facility shall not cause or contribute to a violation of the national ambient air quality standard for lead as set forth in Rule 62-272.300, F.A.C. The demonstration shall be made using air quality models as provided in 40 C.F.R. Part 51, Appendix W, adopted and incorporated by reference at Rule 62-204.800 Rule 62-210.500, F.A.C., and shall address both stack and fugitive emissions.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History–New 8-8-94, Formerly 17-296.603, Amended 1-1-96,\_\_\_\_\_.

62-296.604 Electric Arc Furnace Equipped Secondary Steel Manufacturing Operations.

(1) through (2) No change.

(3) Attainment Demonstration. As part of the initial application for the permit required pursuant to subsection 62-296.600(3), F.A.C., the owner or operator of a facility subject to the requirements of this rule shall demonstrate to the Department that, after the application of RACT, the facility shall not cause or contribute to a violation of the national ambient air quality standard for lead ~~as set forth in Rule 62-272.300, F.A.C.~~ The demonstration shall be made using air quality models as provided in 40 C.F.R. Part 51, Appendix W, adopted and incorporated by reference at Rule 62-204.800 ~~Rule 62-210.500, F.A.C.~~, and shall address both stack and fugitive emissions.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 8-8-94, Formerly 17-296.604, Amended 1-1-96,\_\_\_\_\_.

62-296.701 Portland Cement Plants.

(1) through (3) No change.

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

(a) For emissions units subject to the visible emissions standard in subsection 62-296.701(2), F.A.C., the test method shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) A transmissometer shall be used to determine the opacity of compliance with the visible emissions regulated by the standard in subsection 62-296.701(3), F.A.C. The transmissometer shall be calibrated in accordance with 40 C.F.R. Part 60, Appendix B, Rule 62-297.520, F.A.C., and 40 C.F.R. 60.13, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(c) The test method for particulate emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(d) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)1., Amended 6-29-93, Formerly 17-296.701, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.702 Fossil Fuel Steam Generators.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. A transmissometer may be used and calibrated in accordance with 40 C.F.R. Part 60, Appendix B, Rule 62-297.520, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 17, as described at 40 C.F.R. Part 60, Appendix A-6, EPA Method 5B as described at 40 C.F.R. Part 60, Appendix A-3; or EPA Method 5F, as described at 40 C.F.R. Part 60, Appendix A-3; adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated by reference at Rule 62-204.800, F.A.C., may be used with the filter temperature at no more than 320 degrees Fahrenheit. For EPA Method 17, stack temperature shall be less than 375 degrees Fahrenheit. ~~The owner or operator may use EPA Method 5 to demonstrate compliance.~~ EPA Method 3 or 3A with Orsat analysis, as described at 40 C.F.R. Part 60, Appendix A-2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be used when oxygen based F factor computed according to EPA Method 19, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is used in lieu of heat input. Use Acetone wash with Method 5 or 17.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)2., 17-296.702, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.703 Carbonaceous Fuel Burners.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.



(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet. For EPA Method 5, the filter temperature may not exceed 320 degrees Fahrenheit.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)3., 17-296.703, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.704 Asphalt Concrete Plants.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5 or EPA Method 5A, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)4., 17-296.704, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.705 Phosphate Processing Operations.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5 or EPA Method 5A, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)5., 17-296.705, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.706 Glass Manufacturing Process.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5 or EPA Method 5A, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)6., 17-296.706, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.707 Electric Arc Furnaces.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5 or EPA Method 5D, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)7., 17-296.707, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.708 Sweat or Pot Furnaces.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)8., 17-296.708, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.709 Lime Kilns.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)9., 17-296.709, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.710 Smelt Dissolving Tanks.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)10., 17-296.710, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.711 Materials Handling, Sizing, Screening, Crushing and Grinding Operations.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) through (d) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)11., 17-296.711, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

62-296.712 Miscellaneous Manufacturing Process Operations.

(1) through (2) No change.

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

(a) The test method for visible emissions shall be EPA Method 9, as described at 40 C.F.R. Part 60, Appendix A-4, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) The test method for particulate matter emissions shall be EPA Method 5, as described at 40 C.F.R. Part 60, Appendix A-3, adopted and incorporated and adopted by reference at Rule 62-204.800 in Chapter 62-297, F.A.C. The minimum sample volume shall be 30 dry standard cubic feet.

(c) through (d) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(2)(c)12., 17-296.712, Amended 11-23-94, 1-1-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cindy Phillips, Division of Air Resource Management  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary  
DATE PROPOSED RULE ADOPTED BY AGENCY HEAD: April 1, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2013

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
RULE NO.: 62-297.401      RULE TITLE: Compliance Test Methods  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 12-1178) will be to repeal this rule as it is redundant and no longer necessary.

**SUMMARY:** The rule proposed to be repealed lists the air emissions test methods to be used where a compliance test is required by a department air pollution rule or air permit. This list of test methods in Rule 62-297.401, F.A.C., is no longer necessary because the required test method for a compliance test is now prescribed in each rule that requires a compliance test to be performed. The state air emissions opacity test method “DEP Method 9” is being repealed in order for businesses to be able to rely solely on a comparable federal air emissions opacity test method, “EPA Method 9”, so that businesses will not be subject to both state and federal opacity test methods.

**OTHER RULES INCORPORATING THIS RULE:** 62-160.110; 62-296.320; 62-296.401; 62-296.402; 62-296.403; 62-296.404; 62-296.405; 62-296.406; 62-296.408; 62-296.409; 62-296.410; 62-296.412; 62-296.415; 62-296.416; 62-296.501; 62-296.502; 62-296.503; 62-296.504; 62-296.505; 62-296.506; 62-296.507; 62-296.508; 62-296.510; 62-296.511; 62-296.512; 62-296.513; 62-296.514; 62-296.515; 62-296.516; 62-296.570; 62-296.600; 62-296.701; 62-296.702; 62-296.703; 62-296.704; 62-296.705; 62-296.706; 62-296.707; 62-296.708; 62-296.709; 62-296.710; 62-296.711; and 62-296.712, F.A.C.

**EFFECT ON THOSE OTHER RULES:** The repeal of Rule 62-297.401, F.A.C., will require rule citation changes from Chapter 62-297 or Rule 62-297.401, F.A.C., to Rule 62-204.800, F.A.C., in the referencing rules. The repeal of “DEP Method 9” will require that, where included in the rule, all two-minute period opacity limits be replaced by equivalent federal six-minute period opacity limits as required by the federal “EPA Method 9”.

**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: The Department determined that repeal of this rule containing a redundant list of air emission test methods will not increase regulatory costs for any entity.

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

**RULEMAKING AUTHORITY:** 403.061 FS.

**LAW IMPLEMENTED:** 403.031, 403.061, 403.087 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, Telephone: (850)717-9098, E-mail: Cindy.Phillips@dep.state.fl.us

**THE FULL TEXT OF THE PROPOSED RULE IS:**

62-297.401 Compliance Test Methods.  
 Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.700(6)(b), Amended 6-11-93, Formerly 17-297.401, Amended 11-23-94, 1-1-96, 3-13-96, 10-7-96, 3-2-99, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Cindy Phillips, Division of Air Resource Management  
**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Herschel T. Vinyard Jr., Secretary  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** March 27, 2014

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NOS.:** 62-297.440  
 62-297.450  
**RULE TITLES:** Supplementary Test Procedures  
 EPA VOC Capture Efficiency Test Procedures

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments (OGC No. 12-1179) is to amend Rules 62-297.440, (containing supplementary air emission test procedures) and 62-297.450, F.A.C, (containing test procedures for air emission units emitting Volatile Organic Compounds (VOC)) to eliminate unnecessary, redundant, and obsolete references, and to reformat procedures for clarification.

**SUMMARY:** Subsections of Rule 62-297.440, F.A.C., will be repealed because they contain unnecessary adoptions by reference of test methods and procedures that are obsolete or elsewhere adopted by reference. The proposed amendments to Rule 62-297.450, F.A.C., reformat for the sake of clarification, but do not change, the requirements related to the procedures for determining the capture efficiency of a VOC capture system and incorporate language transferred from subsection 62-297.440(7), F.A.C. (VOC Capture Efficiency Test Procedures). The proposed amendments also remove language that is redundant.

**OTHER RULES INCORPORATING THESE RULES:** 62-113.200; 62-160.110; 62-210.200; 62-296.501; 62-296.502; 62-296.503; 62-296.504; 62-296.505; 62-296.506; 62-296.507;

62-296.508; 62-296.510; 62-296.511; 62-296.513; 62-296.514; and 62-296.515, F.A.C.

EFFECT ON THOSE OTHER RULES: References in subsections 62-210.200(135) and 62-210.200(163) will need to be revised. The Department will clarify Volatile Organic Compounds (VOC) Capture Efficiency Test Procedures in rules contained in Chapter 62-296, F.A.C.

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: The Department determined that the amendments to these rules are necessary to clarify and to remove unnecessary, redundant, and obsolete references related to air emission test procedures and will not increase regulatory costs for any entity. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, Telephone: (850)717-9098, E-mail: Cindy.Phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-297.440 Supplementary Test Procedures.

The following test procedures are adopted by reference. Copies of these documents are available from the sources set forth below. Copies may also be inspected at the Department's Tallahassee Office.

(1) [Reserved]. ASTM Methods—Standard Methods published by the American Society for Testing and Materials are available from the Society at 1916 Race Street, Philadelphia, Pennsylvania 19103.

~~(a) ASTM D 322 67, 1972. Standard Method of Test for Dilution of Gasoline Engine Crankcase Oils.~~

~~(b) ASTM D 396 98. Standard Specification for Fuel Oils.~~

~~(c) ASTM D 2880 98. Standard Specification for Gas Turbine Fuel Oils.~~

~~(d) ASTM D 975 98b. Standard Specification for Diesel Fuel Oils.~~

~~(e) ASTM D 323 72. Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method).~~

~~(f) ASTM D 97 66. Standard Test Method for Pour Point of Petroleum Oils.~~

~~(g) ASTM D 4057 88. Standard Practice for Manual Sampling of Petroleum and Petroleum Products.~~

~~(h) ASTM D 129 91. Standard Test Method for Sulfur in Petroleum Products (General Bomb Method).~~

~~(i) ASTM D 2622 94. Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry.~~

~~(j) ASTM D 4294 90. Standard Test Method for Sulfur in Petroleum Products by Energy Dispersive X-Ray Fluorescence Spectroscopy.~~

~~(k) ASTM D 240 92. Standard Test Method for Heat Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter.~~

~~(l) ASTM D 482 00. Standard Test Method for Ash from Petroleum Products.~~

~~(m) ASTM D 1552 95. Standard Test Method for Sulfur in Petroleum Products (High Temperature Method).~~

~~(n) ASTM D 1826 94. Standard Test Method for Calorific (Heating) Value of Gases in Natural Gas Range by Continuous Recording Calorimeter.~~

~~(o) ASTM D 1945 96. Standard Test Method for Analysis of Natural Gas by Gas Chromatography.~~

~~(p) ASTM D 2015 00. Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter.~~

~~(q) ASTM D 2622 98. Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.~~

~~(r) ASTM D 3228 96. Standard Test Method for Total Nitrogen in Lubricating Oils and Fuels By Modified Kjeldahl Method.~~

~~(s) ASTM D 3246 96. Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry.~~

~~(t) ASTM D 3588 98. Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density of Gaseous Fuels.~~

~~(u) ASTM D 4294 98. Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.~~

~~(v) ASTM D 4629-96. Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection.~~

~~(w) ASTM D 4809-00. Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter (Precision Method).~~

~~(x) ASTM D 4891-89. Standard Test Method for Heating Value of Gases in Natural Gas Range by Stoichiometric Combustion.~~

~~(y) ASTM D 5865-02. Standard Test Method for Gross Calorific Value of Coal and Coke.~~

(2) No change.

(3) ~~[Reserved]. American Conference of Governmental Industrial Hygienists, Recommended Practices—Industrial Ventilation: A Manual of Recommended Practice—Equipment Specifications published in the 16th Edition of the Industrial Ventilation Manual (or any subsequent versions approved by the department) are available from the American Conference of Governmental Industrial Hygienists, Committee on Industrial Ventilation, P. O. Box 16153, Lansing, Michigan 48901, and may be inspected at the Department's Tallahassee office.~~

(4) No change.

(5) ~~Technical Association of the Pulp and Paper Industry (TAPPI), Test Methods—These are available from TAPPI, P. O. Box 105113, Atlanta, Georgia 30348.~~

~~(a) TAPPI Method T.624, Analysis of Soda and Sulfate White and Green Liquors.~~

~~(b) (Reserved).~~

~~(6) Sulphur Development Institute of Canada (SUDIC) Sampling and Testing Sulphur Forms—These are available from SUDIC, Box 950, Bow Valley Square 1, 830, 202-6 Avenue S.W., Calgary, Alberta T2P 2W6.~~

~~(a) S1-77. Collection of a Gross Sample of Sulphur.~~

~~(b) S2-77. Sieve Analysis of Sulphur Forms, except paragraph 4.3 concerning wet sieving is not adopted.~~

~~(c) S3-77. Determination of Material Finer than No. 50 (300um) Sieve in Sulphur Forms by Washing.~~

~~(d) S5-77. Determination of Friability of Sulfur Forms.~~

(7) ~~EPA VOC Capture Efficiency Test Procedures. This rule lists the capture efficiency test procedures to be used where required by department air pollution rule or air permit. The EPA test procedures listed in this rule and contained in 40 CFR Part 51, Appendix M, are adopted and incorporated by reference at Rule 62-204.800, F.A.C. The EPA test procedures that are adopted by reference at Rule 62-204.800, F.A.C., are adopted in their entirety except for those provisions referring to approval of alternative procedures by the Administrator. For purposes of this rule, such alternative procedures may only be approved by the Secretary or his or her designee in accordance with Rule 62-297.620, F.A.C. In addition, the EPA document GD-035, "Guidelines for Determining Capture Efficiency," dated~~

~~January 9, 1995, is hereby adopted and incorporated by reference. A copy can be obtained by writing to: Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

~~(a) Method 204, Criteria for and Verification of a Permanent or Temporary Total Enclosure.~~

~~(b) Method 204A, Volatile Organic Compounds Content in Liquid Input Stream.~~

~~(c) Method 204B, Volatile Organic Compounds Emissions in Captured Stream.~~

~~(d) Method 204C, Volatile Organic Compounds Emissions in Captured Stream, (Dilution Technique).~~

~~(e) Method 204D, Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure.~~

~~(f) Method 204E, Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure.~~

~~(g) Method 204F, Volatile Organic Compounds Content in Liquid Input Stream (Distillation Approach).~~

~~Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.700(6)(c), Amended 6-11-93, Formerly 17-297.440, Amended 11-23-94, 1-1-96, 3-2-99, 10-22-02, \_\_\_\_\_.~~

62-297.450 EPA VOC Capture Efficiency Test Procedures.

(1) Applicability. The requirements set forth in subsections 62-297.450(2) and (3), F.A.C., shall apply to all regulated VOC-emitting emissions units employing a control system pursuant to Rules 62-296.501 through 62-296.516, F.A.C., and Rule 62-296.800, F.A.C., except as provided in paragraphs 62-297.450(1)(a) and (b), F.A.C.

(2) Capture Efficiency Determination. The owner or operator shall determine the capture efficiency of a VOC capture system by using the EPA Emission Measurement Technical Information Center Guideline Document GD-035, "Guidelines for Determining Capture Efficiency," January 9, 1995 (Dept. of State link), hereby adopted and incorporated by reference; and one or more of the following EPA test methods, adopted and incorporated by reference at 62-204.800, F.A.C., as applicable to the capture system:

(a) Method 204, Criteria for and Verification of a Permanent or Temporary Total Enclosure;

(b) Method 204A, Volatile Organic Compounds Content in Liquid Input Stream;

(c) Method 204B, Volatile Organic Compounds Emissions in Captured Stream;

(d) Method 204C, Volatile Organic Compounds Emissions in Captured Stream, (Dilution Technique);

(e) Method 204D, Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure;

(f) Method 204E, Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure; or

(g) Method 204F, Volatile Organic Compounds Content in Liquid Input Stream (Distillation Approach).

(a) If an owner or operator installs a Permanent Total Enclosure that meets the specifications of Method 204, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and which directs all VOC to a control device, the capture efficiency is assumed to be 100 percent, and the facility owner or operator is exempted from the requirements described in subsection 62-297.450(2), F.A.C. This does not exempt the owner or operator from conducting any required control device efficiency test.

(3)(b) In lieu of determining the capture efficiency of a capture system, the owner or operator of an affected activity, process, or emissions unit may determine the overall emission reduction efficiency of the system by dividing the recovered liquid VOC by the input liquid VOC using the procedure given in 40 C.F.R. § 60.433, adopted and incorporated by reference at Rule 62-204.800, F.A.C., if all of the following criteria are met:

(a) The owner or operator uses a nondestructive control device designed to collect and recover VOC; and

(b) The owner or operator is able to equate solvent usage with solvent recovery on a 24-hour (daily) basis, rather than a 20-day weighted average; and

(c) The owner or operator can equate solvent usage with solvent recovery within 72 hours following each 24-hour period; and If the owner or operator of an affected activity, process, or emissions unit uses a nondestructive control device designed to collect and recover VOC (e.g., carbon adsorber), an explicit measurement of capture efficiency is not necessary if the owner or operator is able to equate solvent usage with solvent recovery on a 24-hour (daily) basis, rather than a 30-day weighted average, and can determine this within 72 hours following each 24-hour period, and one of the following two criteria is also met:

1. The solvent recovery system (i.e., capture and control system) is dedicated to a single activity, process line, or emissions unit (e.g., one process line venting to a carbon adsorber system), or

(d) 2. The solvent recovery system (i.e., capture and control system) is dedicated to a single activity, process line, or emissions unit; or tThe solvent recovery system controls multiple activities, process lines, or emissions units, and the owner or operator is able to demonstrate that the overall control (i.e., the total recovered solvent VOC divided by the sum of liquid VOC input to all activities, process lines, or emissions units venting of the control system) meets or exceeds the most stringent emission standard applicable for any activity, process line, or emissions unit venting to the control system.

~~(c) If the conditions given above in paragraph 62-297.450(1)(b), F.A.C., are met, the overall emission reduction efficiency of the system can be determined by dividing the recovered liquid VOC by the input liquid VOC. The general procedure for this determination is given in 40 CFR 60.433, which is adopted by reference at Rule 62-204.800, F.A.C.~~

~~(2) Specific Requirements. The capture efficiency of a capture system shall be determined using one of the following EPA procedures, or an alternate capture efficiency test procedure if approved by the Department under the provisions of Rule 62-297.620, F.A.C.~~

~~(a) Gas/gas method using a Temporary Total Enclosure. The EPA specifications to determine whether an enclosure is considered a Temporary Total Enclosure are given in Method 204, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The capture efficiency equation to be used for this procedure is:~~

$$\text{CE} = (G / (G + F)) \times 100$$

~~where:~~

~~CE = capture efficiency, percent,~~

~~G = mass of VOC captured and delivered to control device using a Temporary Total Enclosure,~~

~~F = mass of fugitive VOC that escapes from a Temporary Total Enclosure.~~

~~Method 204B or Method 204C shall be used to obtain G. Method 204D shall be used to obtain F.~~

~~(b) Liquid/gas method using Temporary Total Enclosure. The EPA specifications to determine whether an enclosure is considered a Temporary Total Enclosure are given in Method 204, adopted and incorporated by reference at Rule 62-204.800, F.A.C. The capture efficiency equation to be used for this procedure is:~~

$$\text{CE} = ((L - F) / L) \times 100$$

~~where:~~

~~CE = capture efficiency, percent,~~

~~L = mass of liquid VOC input to the activity, process, or emissions unit,~~

~~F = mass of fugitive VOC that escapes from a Temporary Total Enclosure.~~

~~Method 204A or Method 204F shall be used to obtain L. Method 204D shall be used to obtain F.~~

~~(c) Gas/gas method using the building or room in which the affected activity, process, or emissions unit is located as the enclosure and in which G and Fb are measured while operating only the affected activity, process, or emissions unit. All fans and blowers in the building or room must be operated as they would under normal production. The capture efficiency equation to be used for this procedure is:~~

$$CE = (G / (G + F_B)) \times 100$$

where:

CE = capture efficiency, percent,

G = mass of VOC captured and delivered to a control device,

F<sub>B</sub> = mass of fugitive VOC that escapes from building enclosure.

Method 204B or Method 204C shall be used to obtain G. Method 204E shall be used to obtain F<sub>B</sub>.

(d) Liquid/gas method using the building or room in which the affected activity, process, or emissions unit is located as the enclosure and in which L and F are measured while operating only the affected activity, process, or emissions unit. All fans and blowers in the building or room shall be operated as they would under normal production. The capture efficiency equation to be used for this procedure is:

$$CE = ((L - F_B) / L) \times 100$$

where:

CE = capture efficiency, percent,

L = mass of liquid VOC input to the activity, process, or emissions unit,

F<sub>B</sub> = mass of fugitive VOC that escapes from building enclosure.

Method 204A or Method 204F shall be used to obtain L. Method 204E shall be used to obtain F<sub>B</sub>.

(e) Traditional liquid/gas method using the building or room in which the affected activity, process, or emissions unit is located as the enclosure and in which L and G are measured while operating only the affected activity, process, or emissions unit. All fans and blowers in the building or room shall be operated as they would under normal production conditions. The testing shall be conducted in accordance with Section 3.0 of EPA Emission Measurement Technical Information Center Guideline Document GD-035, "Guidelines for Determining Capture Efficiency," January 9, 1995, adopted by reference at Rule 62-297.440, F.A.C. Measurements shall be obtained using the EPA methods and procedures adopted by reference in this chapter. The capture efficiency equation to be used for this procedure is:

$$CE = (G / L) \times 100$$

where:

CE = capture efficiency, percent,

L = mass of liquid VOC input to the activity, process, or emissions unit,

G = mass of VOC captured and delivered to a control device.

Method 204A or Method 204F shall be used to obtain L. Method 204B or Method 204C shall be used to obtain G.

(f) The use of the aggregate sampling procedure described in Section 4.1 of EPA Emission Measurement Technical Information Center Guideline Document GD-035, "Guidelines

for Determining Capture Efficiency," January 9, 1995, adopted by reference at Rule 62-297.440, F.A.C., may be used only if specifically authorized as applicable to the facility in the State Implementation Plan.

(3) Sampling Requirements.

(a) Capture efficiency tests which use a total temporary enclosure or building enclosure with one of the liquid/gas or gas/gas methods identified in paragraphs 62-297.450(2)(a) through (d), F.A.C., shall consist of at least three sampling runs. Each run shall cover at least one complete production cycle, but shall be at least 3 hours long. The sampling time for each run need not exceed 8 hours, even if the production cycle has not been completed.

(b) Capture efficiency tests which use the traditional liquid/gas method identified in paragraph 62-297.450(2)(e), F.A.C., shall consist of the total number of runs needed to comply with either the data quality objective criteria or lower confidence limit criteria of Section 3.0 of EPA Emission Measurement Technical Information Center Guideline Document GD-035, "Guidelines for Determining Capture Efficiency," January 9, 1995, adopted by reference at Rule 62-297.440, F.A.C. However, each traditional liquid/gas capture efficiency test shall consist of at least 3 sampling runs. The sampling time for each run shall be neither less than 20 minutes nor more than 24 hours. All runs with a capture efficiency result of more than 105 percent shall be deemed invalid and discarded. Traditional liquid/gas capture efficiency tests shall also comply with all other provisions of section 3.0 of Guideline Document GD-035.

(3)(4) Recordkeeping and Reporting.

(a) through (c) No change.

(d) Notwithstanding the provisions of subsection 62-297.340(1), F.A.C., the owner or operator of an affected activity, process, or emissions unit shall notify the Department thirty (30) days prior to performing any capture efficiency and/or control efficiency tests.

(e) through (f) No change.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.700(7), Amended 6-11-93, Formerly 17-297.450, Amended 11-23-94, 1-1-96, 3-2-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cindy Phillips, Division of Air Resource Management  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2014  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 5, 2013

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NOS.:	RULE TITLES:
64B14-7.004	Citations
64B14-7.005	Notice of Noncompliance
64B14-7.007	Mediation

PURPOSE AND EFFECT: Changes to the violations identified for mediation, notices of noncompliance, and citations were requested by the Department of Health in order to streamline the disciplinary process.

SUMMARY: Changes have been made to the violations in order to streamline the disciplinary process.

**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, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. There is little or no adverse impact on small business because these rules affect only individuals who have violated existing statutes and rules regulating the profession. The rule changes will likely decrease regulatory costs because some violations will be resolved early and the Department of Health's disciplinary process will be avoided. 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: 120.695, 456.073(3), 456.072, 456.077, 456.078 FS.

LAW IMPLEMENTED: 120.695, 456.072, 456.073(3), 456.077, 456.078 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 Jusevitch, Acting Executive

Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B14-7.004 Citations.

Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

(1) Second-time violations or when mediation is unsuccessful:

(a) Failure to timely furnish patient records in violation of subsection 456.057(4), F.S. If corrected within 15 days: Fine of \$100;

(b) Failure to notify the department of a change in current mailing address in violation of Section 456.035, F.S.: Fine of \$250;

(c) Tendering a check or electronic payment that is dishonored: Fine of \$100 and payment of the check amount within 30 days.

(d) Failure to keep license conspicuously displayed in licensee's office, place of business, or place of employment in violation of subsection 468.8095(3), F.S.: Fine of \$100 and compliance within 30 days;

(e) Failure to prominently wear an identification tag or badge during patient contact in violation of subsection 468.8095(3), F.S.: Fine of \$100.

(2) First-time violations:

~~(1) Failure to furnish patient records in a timely manner in violation of Section 456.057(4), F.S.: If corrected within 15 days, fine of \$100.~~

~~(a)(2) No change.~~

~~(3) Failure to notify the Board of a change of current mailing address in violation of Section 456.035, F.S., second offense: Fine of \$500.~~

~~(b)(4) No change.~~

(c) Failure to satisfy continuing education requirements: Fine of \$100 per hour of continuing education not completed;

(d) Failure to timely pay fees or costs imposed by a final order of the Board: Fine of \$500.00, but double the original fee or fine if not paid within 60 days from the date due;

~~(5) Failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$100 per hour of continuing education not completed.~~

~~(6) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check amount within 30 days.~~

~~(7) Failure to pay a fee or fine timely: If paid no later than 60 days from the date due, a fine of \$500.00; if fine or fee is paid but more than 60 days from the date due, the fine shall be double the original fee or fine amount.~~



~~(8) Failure to pay a one time assessment fee assessed pursuant to Rule 64B14 2.013, F.A.C., in a timely manner: a fine of \$500.00 and payment of the assessment.~~

Rulemaking Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History—New 7-1-98, Amended 3-19-02, 10-24-04, 4-25-06, 3-1-10, \_\_\_\_\_.

64B14-7.005 Notice of Noncompliance.

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which the Board authorizes issuance of a notices of noncompliance for a first-time offense:

(1) Renewal of a license by ~~fraudulent misrepresentation~~ through submitting a worthless check or dishonored electronic payment.

(2) No change.

Rulemaking Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3) FS. History—New 7-1-98; Amended \_\_\_\_\_.

64B14-7.007 Mediation.

The Board finds that mediation is an acceptable resolution of the following first-time violations that are economic in nature or can be remedied by the licensee:

(1) Failure to timely furnish patient records;

(2) Failure to notify the department of a change in current mailing address;

(3) Tendering a check or electronic payment that is dishonored;

(4) Failure to keep license conspicuously displayed in licensee’s office, place of business, or place of employment;

(5) Failure to prominently wear an identification tag or badge during patient contact.

Rulemaking Authority 456.078, FS. Law Implemented 456.078 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Orthotists and Prosthetists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Orthotists and Prosthetists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 27, 2014

### Section III Notice of Changes, Corrections and Withdrawals

#### DEPARTMENT OF HEALTH

##### Division of Emergency Medical Operations

RULE NO.: RULE TITLE:  
64J-2.020 Acute Care Hospital Trauma Registry  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40, No. 70, April 10, 2014 issue of the Florida Administrative Register.

The date of the notice for the proposed rule in the FAR should be Vol. 40, No.47, March 10, 2014.

### Section IV Emergency Rules

NONE

### Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on April 09, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for BB&T Garage. Petitioner seeks an emergency variance of the requirements of an unspecified Section and edition of A17.1, as adopted by 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-087).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On April 10, 2014, the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Chase Bank, filed March 27, 2014, and advertised on April 1, 2014 in Vol. 40, No. 63, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 101.2b and 101.4 ASME A17.1, 1965 edition, as by adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a minimum clearance of 84 inches in the machine space within the machine room and to allow non-elevator equipment in the machine room because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-076).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On April 10, 2014 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from Denning Parking Garage, filed March 25, 2014, and advertised on March 28, 2014 in Vol. 40, No. 61, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.27.3.3.7 ASME A17.1b, 2009 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires Phase II Emergency In-Car operation because the Petitioner has demonstrated that the purpose of the underlying statute has been met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-073).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On April 10, 2014, the Department issued a Final Order that was in response to a Petition for Variance from Peacock Condominium, filed March 18, 2014, and advertised on March 20, 2014 in Vol. 40, No. 55, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-068).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On April 10, 2014, the Department issued a Final Order that was in response to a Petition for Variance from Red Roof Inn #173, filed March 14, 2014, and advertised on March 20, 2014 in Vol. 40, No. 55, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 211.3c(3)(B), ASME A17.1, 1986 edition, as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires phase II emergency in-car operations because the Petitioner has not demonstrated that the purpose of the underlying statute has been met or that Petitioner would suffer a substantial hardship if required to comply with this rule (VW2014-063).

A copy of the Order or additional information may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850)488-1133.

## Section VI

### Notice of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 23, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: 1(888)670-3525, conference code: 7923533220

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Membership Work-group, General Council Membership discussion.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF REVENUE

##### Property Tax Oversight Program

The Florida Department of Revenue, Property Tax Oversight Program announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2014, 10:00 a.m. in Tallahassee, Florida and May 21, 2014, 10:00 a.m. in Orlando

PLACE: The Tallahassee forum will be located in Conference Room 1220, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The Orlando forum will be located at the Orange County Public Library, Cypress Room, 101 E. Central Blvd., Orlando, Florida. The public can attend these meetings in person or participate by conference call. Specific information about how to participate by conference call is included in the Agenda posted on the Department's website at: <http://dor.myflorida.com/dor/property/vab/draftdocs.html>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Property Tax Oversight program will hold an informal public forum to obtain public input and discuss the Department's "Redline" draft of the training materials for Florida value adjustment boards. A copy of the Redline draft value adjustment board training may be obtained from the Department's website at <http://dor.myflorida.com/dor/property/vab/pdf/draft2013vabtrng093013.pdf>. Send questions or comments to VAB@dor.state.fl.us.

A copy of the agenda may be obtained by contacting: Mike Cotton at (850)617-8870 or CottonM@dor.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mike Cotton (850)617-8870 or CottonM@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2014, 1:30 p.m.

PLACE: Orange County School Board – Board Room, 445 W Amelia St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 43219315201; Project Description: I-4 Ultimate Project.

The purpose of the meeting is for the Project Selection Committee to meet and make decisions regarding the selection of the Best Value Proposal for the I-4 Ultimate Project. The meeting will be recorded. Additionally, any person may record the meeting.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

A copy of the agenda may be obtained by contacting: Michelle Sloan at michelle.sloan@dot.state.fl.us or (386)943-5528.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: Michelle Sloan at the phone number above. Persons who require translation services (free of charge) should contact Michelle Sloan at the phone number above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Michelle Sloan, the FDOT Procurement Manager at (386)943-5528 or email at michelle.sloan@dot.state.fl.us.

Additional information on the project is available at <http://www.moving-4-ward.com/>.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The Governor’s Commission on Community Service (Volunteer Florida) announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Tuesday, April 22, 2014, 1:00 p.m., EST until all business is complete

**PLACE:** 1(888)670-3525, Passcode: 3822432866#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Commission business.

A copy of the agenda may be obtained by contacting: Debbie Brown at (850)414-7400 or [Debbie@volunteerflorida.org](mailto:Debbie@volunteerflorida.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Debbie Brown at (850)414-7400 or [Debbie@volunteerflorida.org](mailto:Debbie@volunteerflorida.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Debbie Brown at (850)414-7400 or [Debbie@volunteerflorida.org](mailto:Debbie@volunteerflorida.org).

**REGIONAL PLANNING COUNCILS**

East Central Florida Regional Planning Council

The Local Emergency Planning Committee District VI announces a public meeting to which all persons are invited.

**DATE AND TIME:** April 25, 2014, 10:00 a.m.

**PLACE:** East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Mayor John H. Land Board Room, Altamonte Springs, FL 32701

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Material related to EPCRA Community right-to-know.

A copy of the agenda may be obtained by contacting: Tim Kitchen, (407)262-7772 or [tkitchen@ecfrpc.org](mailto:tkitchen@ecfrpc.org).

**REGIONAL PLANNING COUNCILS**

Treasure Coast Regional Planning Council

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

**DATE AND TIME:** May 8, 2014, 2:00 p.m.

**PLACE:** Treasure Coast Regional Planning Council, 421 SW Camden Avenue, Stuart, FL 34994

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a meeting of the Council’s Comprehensive Economic Development Committee.

A copy of the agenda may be obtained by contacting: Kim Koho at (772)221-4060 or [kkoho@tcrcpc.org](mailto:kkoho@tcrcpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kim Koho at (772)221-4060 or [kkoho@tcrcpc.org](mailto:kkoho@tcrcpc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kim Koho at (772)221-4060 or [kkoho@tcrcpc.org](mailto:kkoho@tcrcpc.org).

**WATER MANAGEMENT DISTRICTS**

St. Johns River Water Management District

The St. Johns River Water Management District Indian River Lagoon Advisory Board announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, April 30, 2014, 10:00 a.m. – 2:30 p.m.

**PLACE:** Florida Atlantic University – Harbor Branch, Edwin A. Link Building, Room LE246, 5600 U.S. 1 North, Fort Pierce, FL 34946

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Indian River Lagoon Advisory Board (IRLAB) will discuss and consider IRLAB business, including the adoption of the Indian River Lagoon National Estuary Program’s (IRLNEP) 2014-2015 Work Plan, an update on the allocation of unexpended 2013 Cooperative Assistance Funds, discussion and potential adoption of the IRLNEP 2014-2019 Communication Plan, and consider approval of a sponsorship for the American Assembly. A copy of the agenda may be obtained by contacting: Troy Rice, 525 Community College Pkwy., SE, Palm Bay, FL 32909, (321)984-4950 or [trice@sjrwmd.com](mailto:trice@sjrwmd.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Troy Rice, 525 Community College Pkwy., SE, Palm Bay, FL 32909, (321)984-4950 or [trice@sjrwm.com](mailto:trice@sjrwm.com). Written and physical evidence must be submitted at least 48 hours before the meeting.

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#### WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2014, 10:00 a.m., L31N Technical Meeting

PLACE: Headquarter, B-1, 3rd Floor Conference Room 3B, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: L31N Technical Meeting as part of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss technical issues in regards to the L31N.

This meeting is available as a conference call and a WebEx meeting. To access the conference call:

Meeting Number: 998 390 629

Meeting Password: This meeting does not require a password.

(561)682-6800 (WPB Local Number)

(855)682-6800 (Toll Free Nationwide)

To access the WebEX meeting

Start or join the WebEx meeting from here:

<https://webmeeting.sfwmd.gov/orion/joinmeeting.do?MK=998390629>

A copy of the agenda may be obtained by contacting: Lourdes Elias, (561)682-2706 or <http://www.sfwmd.gov/miamidade>, Click on "Task Force and Coordination Teams" in the Related Links section.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the District Clerk, (56)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The South Florida Water Management District, Attention: Lourdes Elias, MSC 4110, 3301 Gun Club Road, PO Box 24680, West Palm Beach, FL 33416-4680.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Board of Accountancy announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 14, 2014, 2:00 p.m., Independence Task Force meeting

PLACE: By conference call, call in number: 1(888)670-3525, passcode: 980192456#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been cancelled.

A copy of the agenda may be obtained by contacting: Denise Graves.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: April 23, 2014, 1:00 p.m.

PLACE: Marion County Growth Management, 2710 East Silver Springs Boulevard, Ocala, FL 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a technical meeting to discuss the Silver Springs Basin Management Action Plan (BMAP). The draft inventory of sources of nitrogen loading to ground water will be presented at the meeting along with a presentation on the evaluation of nitrate concentrations in the Floridan aquifer.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic, (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, April 24, 2014, 10:00 a.m.

PLACE: 1(888)670-3525, Conference Code: 513 489 6685

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Florida Board of Pharmacy at (850)245-4292.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

The Florida Board of Pharmacy Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, May 8, 2014, 10:00 a.m.

PLACE: 1(888)670-3525, Conference Code: 513 489 6685

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: The Florida Board of Pharmacy at (850)245-4292.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
Refugee Services**

The Florida Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 21, 2014, 9:00 a.m.

PLACE: Conference Call-In Number: 1(888)670-3525, Conference Participation Code: 3082681153#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Title: Final Debriefing Meeting of the Evaluators and Ranking of the Replies for Integration Assistance Services for Refugees and Entrants in Hillsborough/Pinellas and Duval County (ITN# 03K14BS1 & 03K14BS2).

Description: As provided for in Sections 2.5 and 5.2 of this ITN which was published to the Vendor Bid System (VBS) on March 27, 2014. The VBS can be accessed at:

[http://www.myflorida.com/apps/vbs/vbs\\_www.main\\_menu](http://www.myflorida.com/apps/vbs/vbs_www.main_menu).

The purpose of the Debriefing Meeting of the Evaluators and Ranking of the Replies is to receive and record all evaluation scores for the ITN and calculate the final scores according to the evaluation methodology outlined in Section 5.2.

A copy of the agenda may be obtained by contacting: Jenifer\_Fonseca@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jenifer\_Fonseca@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**NAVIGATION DISTRICTS**

**Florida Inland Navigation District**

The Florida Inland Navigation District's Board of Commissioners, and other interested parties and agencies, will be making an inspection trip of a portion of the Atlantic Intracoastal Waterway from Miami, FL to Stuart, FL.

DATES AND TIMES: April 23, 2014, 9:30 a.m. through April 25, 2014, 1:00 p.m.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this inspection trip is to view and discuss the waterway and projects and issues associated with the waterway. No actions will be taken by the District during this trip. Please contact the District office at 1314 Marcinski Road, Jupiter, FL 33477, telephone: (561)627-3386 for more information.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Wildlife Foundation of Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 22, 2014, 10:30 a.m. – 11:00 a.m.

PLACE: The public may participate in the call in Suite 100, Marathon Building, 2574 Seagate Dr., Tallahassee, FL Please call (850)921-1144 for admittance into the Marathon Building

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Marketing Committee of the Wildlife Foundation of Florida will conduct marketing business of the Foundation.

A copy of the agenda may be obtained by contacting: Mr. Tim O’Neil, 2252 Central Ave. South, Flagler Beach, Florida 32136, (850)212-5454.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Tim O’Neil, 2252 Central Ave. South, Flagler Beach, Florida 32136, (850)212-5454.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

The Department of Economic Opportunity (f/k/a the Agency for Workforce Innovation), Reemployment Assistance Claims and Benefits Information System, Executive Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: CANCELED – Friday, April 11, 2014, 10:30 a.m. – 12:00 Noon

PLACE: Caldwell Building, Conference Room B-50, 107 E. Madison Street, Tallahassee, Florida 32399 or by conference call: 1 (888)670-3525, Passcode: 9025197566 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular recurring meeting to review CONNECT status and act on any decisions required of the Committee.

A copy of the agenda may be obtained by contacting: <http://www.floridajobs.org/calendar>.

**PASCO-PINELLAS AREA AGENCY ON AGING**

The AGENCY AREA ON AGING OF PASCO-PINELLAS announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 21, 2014, 9:30 a.m.

PLACE: Elfer’s Senior Center, 4136 Barker Drive, New Port Richey, FL 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Brenda Black at (727)570-9696, ext. 233

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Brenda Black at (727)570-9696, ext. 233. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Black at (727)570-9696, ext. 233.

**TAMPA BAY ESTUARY PROGRAM**

The Tampa Bay Estuary Program announces a workshop to which all persons are invited.

DATE AND TIME: April 23, 2014, 9:00 a.m. – 12:00 Noon

PLACE: Tampa Bay Estuary Program, 263 – 13th Avenue South, Suite 350, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to develop a draft long-term funding strategy for the TBEP. Discussions at this meeting may come before the TBEP Management and Policy Board at their regularly scheduled meetings.

A copy of the agenda may be obtained by contacting: [ron@tbep.org](mailto:ron@tbep.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [ron@tbep.org](mailto:ron@tbep.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**FLORIDA SPORTS FOUNDATION**

The Florida Sports Foundation Grant Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 30, 2014, 10:00 a.m.

PLACE: CONFERENCE CALL INFORMATION: Call Number: 1(888)670-3525, Participant Code: 656 578 0871, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendation of funding for grant applications received through April 10, 2014 deadline.

A copy of the agenda may be obtained by contacting: For more information, you may contact: Lisa Kirkland OSteen, Director of Marketing at [losteen@flasports.com](mailto:losteen@flasports.com).

**Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF CORRECTIONS**

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate Donald Dixon, DC#C04285. The petition seeks the

agency’s opinion as to the applicability of subsection 33-602.101(4), F.A.C., as it applies to the petitioner.

The petition seeks to resolve controversy or answer questions or doubts regarding whether inmates are allowed some flexibility in the types of hairstyles they can have pursuant to subsection 33-602.101(4), F.A.C.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Elena Soutullo, In Re: Kensington Condominium Association of Hialeah, Inc., Docket No. 2013051479, on December 23, 2013. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement concerning events that have already taken place.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Peter and Jo Ann Salm, In Re: Imperial Cove Condominium XI Association, Inc., Docket No. 2014003933, on January 28, 2014. The following is a summary of the agency’s declination of the petition:

The division declined to issue a Declaratory Statement because it cannot issue a statement determining the application of the statute to the actions of a third party; or when a statement would not guide any prospective action on the part of the Petitioner.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Danny Brown, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1486, Daniel.Brown@myfloridalicense.com.

Section VIII  
Notice of Petitions and Dispositions  
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX  
Notice of Petitions and Dispositions  
Regarding Non-rule Policy Challenges

NONE

Section X  
Announcements and Objection Reports of the  
Joint Administrative Procedures Committee

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

SARASOTA MEMORIAL HOSPITAL  
NOTICE OF REQUEST FOR QUALIFICATIONS  
REQUEST FOR STATEMENTS OF QUALIFICATIONS  
for

ARCHITECTURAL AND ENGINEERING SERVICES  
The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, Sarasota County, Florida (“the Hospital”) is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the



provisions of the Consultants’ Competitive Negotiation Act. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for all architectural, interior design, civil, site work, mechanical, electrical, plumbing, fire protection, structural design work, and all required demolition of an existing 5-story, 50,000-square-foot building, demolition of an emergency transformer vault, and the relocation of an existing service road, in association with the design of a new inpatient comprehensive rehabilitation facility, along with related outpatient rehabilitation services, to include two options.

Option 1 is a 4-story, approximately 85,000-square-foot comprehensive rehabilitation facility where level one is surface parking and patient drop off, level two is outpatient rehabilitation and support space, and level three and four are inpatient comprehensive rehabilitation nursing units. Option 1 also includes the relocation of an existing service road and the demolition of an existing transformer vault. New and existing facilities will have to be connected to the main energy plant.

Option 2 is a 5-story, approximately 110,000-square-foot comprehensive rehabilitation facility where level one is surface parking and patient drop off, level two is outpatient rehabilitation and support space, level three and four are inpatient comprehensive rehabilitation nursing units, level 5 is enclosed interior, conditioned mechanical space, and the entire building structure is designed with vertical expansion capability to 9 stories. Option 2 also includes the relocation of an existing service road and the demolition of an existing transformer vault. New and existing facilities will have to be connected to the main energy plant.

Services required by qualified firms include architectural design, civil, mechanical, electrical, plumbing, fire protection and structural design and engineering; and construction administration. Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Proof of General and Professional Liability Insurability.
3. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE certificate is required as part of the submission package.
4. Proposed design team with resumes.
5. A current list of five client references consisting of name, title, address, telephone number and project name(s) for each project specified.

6. Past design experience on inpatient comprehensive rehabilitation units, outpatient rehabilitation services and associated support functions.
7. Design and permitting experience within the City of Sarasota, FL and other applicable permitting agencies.
8. Location of the design firm’s main office, and location of the proposed team for this project.
9. An explanation of how the firm intends to respond expeditiously on urgent project matters.
10. Illustrate the project team including resumes for each.

All interested firms are further informed as follows:

1. This will be a two-step public selection process:
  - a. An initial public meeting will be conducted to short list three firms from all who submit complete and on-time submissions.
    - i. The three short list firms will be announced and invited to return for a second public meeting.
    - ii. An information packet will be given to the short list firms.
    - iii. The owner representative will answer questions up to the time of the submission deadline.
  - b. A second public meeting will invite the three short list firms to present project specific qualifications.
    - i. This second public meeting will be used to rank and award the project to the number one ranked firm.
2. The Hospital reserves the right to reject any or all submittals at any time during this process.
3. The basis for selecting candidates includes, but is not limited to the firm’s experience with local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, design criteria experience as stated above, ability to respond, and project approach.
4. The Hospital reserves the right to request additional information beyond the data set forth above.
5. Questions regarding submissions shall be directed only to Thomas Perigo, (941)917-1804.

Submissions shall be titled  
Statement of Qualifications  
for

**ARCHITECTURAL AND ENGINEERING SERVICES**  
The Sarasota Memorial Hospital  
Comprehensive Rehabilitation Project

6. Submittals must be received by the Hospital no later than 3:30 PM Thursday, May 15, 2014. Submit statements to Thomas Perigo, Director of Architecture and Construction at 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.

7. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.
8. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.
9. The selection committee will meet in a public meeting in Sarasota Memorial's first floor Waldemere Auditorium located at 1700 S. Tamiami Trail, Sarasota, FL 34239, on Thursday, May 29, 2014 from 12:30 PM to 3:00 PM to discuss and announce the top three short list firms with whom the Hospital will subsequently invite to a second public meeting on June 19, 2014, in a venue and time to be determined, where all three firms will present project specific qualifications. Immediately after the public meeting the Hospital will rank and announce the ranking order. The Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

SARASOTA MEMORIAL HOSPITAL  
 NOTICE OF REQUEST FOR QUALIFICATIONS  
 REQUEST FOR STATEMENTS OF QUALIFICATIONS  
 For  
 GENERAL CONTRACTING WORK

The Sarasota County Public Hospital Board of Sarasota, Sarasota Memorial Hospital, Sarasota County, Florida ("the Hospital") is accepting statements of qualifications from General Contracting Firms. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to phased construction management services including but not limited to all required demolition of an existing 5-story, 50,000-square-foot building, demolition of an emergency transformer vault, and the relocation of an existing service road, in association with the design of a new inpatient comprehensive rehabilitation facility, along with related outpatient rehabilitation services, to include two options.

Option 1 is a 4-story, approximately 85,000-square-foot comprehensive rehabilitation facility where level one is surface parking and patient drop off, level two is outpatient rehabilitation and support space and level three and four are inpatient comprehensive rehabilitation nursing units. Option 1 also includes the relocation of an existing service road and the demolition of an existing transformer vault. New and existing facilities will have to be connected to the main energy plant.

Option 2 is a 5-story, approximately 110,000-square-foot comprehensive rehabilitation facility where level one is surface parking and patient drop off, level two is outpatient rehabilitation and support space, level three and four are

inpatient comprehensive rehabilitation nursing units, level 5 is enclosed interior, conditioned mechanical space, and the entire building structure is designed with vertical expansion capability to 9 stories. Option 2 also includes the relocation of an existing service road and the demolition of an existing transformer vault. New and existing facilities will have to be connected to the main energy plant.

Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement, latest edition.
3. Proof of general, automobile and workers' compensation liability insurance coverage.
4. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm's current, valid MBE, WMBE certificate is required as part of your qualification statement submittal.
5. A CURRENT list of five client references consisting of name, title, address, telephone number and project name(s) for each project specified.
6. Resumes of key personnel that would be used on this project.
7. Past design experience on comprehensive rehabilitation projects and associated support functions.
8. Construction building experience with AHCA and within the City of Sarasota, FL.
9. Location of the firm's main office and location of the proposed project team members

All interested firms are further informed as follows:

1. This will be a two-step public selection process:
  - a. An initial public meeting will be conducted to short list three firms from all who submit complete and on-time submissions.
    - i. The three short list firms will be announced and invited to return for a second public meeting.
    - ii. An information packet will be given to the short list firms.
    - iii. The owner representative will answer questions up to the time of the submission deadline.
  - b. A second public meeting will invite the three short list firms to present project specific qualifications.
    - i. This second public meeting will be used to rank and award the project to the number one ranked firm.
2. The Hospital reserves the right to reject any or all submittals at any time during this process.

3. The basis for selecting candidates includes, but is not limited to the firm’s experience AHCA, and with the local regulatory agency having jurisdiction, consideration of related project experience, qualifications of proposed team, construction management experience as stated above, ability to respond, and project approach.
4. The Hospital reserves the right to request additional information beyond the data set forth above.
5. Questions regarding submissions shall be directed only to Thomas Perigo, (941)917-1804.  
 Submissions shall be titled  
 Statement of Qualifications  
 for  
**GENERAL CONTRACTING WORK**  
 The Sarasota Memorial Hospital  
 Comprehensive Rehabilitation Project
6. Submittals must be received by the Hospital no later than 3:30 PM Thursday, May 15, 2014. Submit statements to Thomas Perigo, Director of Architecture and Construction at 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.
7. Only Thomas Perigo shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification at the discretion of the Director of Architecture and Construction.
8. Interested persons should contact Thomas Perigo, (941)917-1804 with any project-related questions.
9. The selection committee will meet in a meeting in Sarasota Memorial’s first floor Waldemere Auditorium located at 1700 S. Tamiami Trail, Sarasota, FL 34239, on May 29, 2014 from 8:00 AM to 11:00 AM to discuss and announce the top three short list firms with whom the Hospital will subsequently invite to a second public meeting on June 19, 2014, in a venue and time to be determined, where all three short list firms will present project specific qualifications. Immediately after the public meeting the Hospital will rank and announce the ranking order. The Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.

## Section XII Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need

### NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need application:

County: Broward      Service District: 10-1  
 CON #10225      Decision Date: 4/9/2014      Decision:  
 W

Applicant/Facility: East Florida Healthcare, LLC

Project Description: Establish an acute care hospital of up to 100 beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notice of Receipt of Applications for Permit Coverage under  
the State’s Generic Permit for MS4’s

The Department announces receipt of the applications listed below for permit coverage under the Generic Permit for Stormwater Discharge from Phase II Municipal Separate Storm Sewer Systems for the City of Cocoa Beach and Citrus County. The application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection in Tallahassee, Florida. Any comments related to noticed application, or objections to use the Generic Permit by any of the noticed applicants must be received by the Department within 14 days from the date of this notice. Comments may be mailed to the following address: Mr. Kenneth Kuhl, NPDES Stormwater Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3585, Tallahassee, FL 32399-2400.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On April 10, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Lixia Yang, L.M.T., License Number: MA 66282. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On April 10, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Amy Elizabeth Labbe, R.N., License No.: RN 9261429. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On April 10, 2014, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Feng Ying Ren, L.M.T., License Number: MA 73361. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. (2012-2013). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Lifting Emergency Action

On April 10, 2014, the State Surgeon General, issued an Order Vacating Order of Emergency Suspension of License with regard to the license of Peter Dominic Del Toro, R.Ph, License #: PS 35959 and PU 5914. The Department orders that the Emergency Suspension of License be vacated.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Lifting Emergency Order

On April 10, 2014, the State Surgeon General, issued an Order Vacating Order of Emergency Suspension of License with regard to the license of Timothy Scott Sigman, MD, License: ME 82284. The Department orders that the Emergency Suspension of License be vacated.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order nos.: DEO-14-031 and DEO-14-032

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order Nos. DEO-14-031 and DEO-14-032 on April 7, 2014, in response to applications submitted by Los Arcos Homeowner’s Association, Inc., and Waverly Village Homeowners’ Association, Inc., respectively, for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department determined that the applications met the statutory requirements for covenant revitalization. Accordingly, the Department’s Final Orders granted the applications for covenant revitalization.

Copies of the final orders may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or James.Bellflower@deo.myflorida.com.

DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order, DEO-14-033

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-14-033 on April 8, 2014, in response to an application submitted by Lake Dora Homeowner's Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department determined that the application did not meet the statutory requirements for covenant revitalization because the application did not contain a copy of the previous bylaws for the community, as required by Section 720.406, Florida Statutes. Accordingly, the Department's Final Order denied the application for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or James.Bellflower@deo.myflorida.com.

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SONSHINE COMMUNICATIONS  
FDOT Roadside Litter Prevention Education  
Media Campaign Launch

In an effort to establish and build public awareness of the importance of roadside litter prevention on our state highway systems, the Florida Department of Transportation invites you to a press conference and campaign unveiling.

Date: Friday, April 25, 2014

Time: 10:30 a.m. – 11:30 a.m.

Where: The State Capitol

Courtyard

400 South Monroe Street

Tallahassee, FL 32301

To RSVP and for more information, call: (305)948-8063, ext. 201 or email: bmorris@sonshine.com

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### Section XIII Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.

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