

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-11.002
RULE TITLE: Standards of National Fire Protection Association Adopted

PURPOSE AND EFFECT: The proposed rule adopts: NFPA 58, Liquefied Petroleum Gas Code, 2011 Edition; LP Gas Code Handbook, NFPA 58, 2011 Edition; NFPA 54, National Fuel Gas Code, 2006 Edition; and National Fuel Gas Code Handbook, NFPA 54, 2006 Edition; to guide the Department in interpreting the provisions of Chapter 527, Florida Statutes.

SUMMARY: The proposed rule adopts: NFPA 58, Liquefied Petroleum Gas Code, 2011 Edition; LP Gas Code Handbook, NFPA 58, 2011 Edition; NFPA 54, National Fuel Gas Code, 2006 Edition; and National Fuel Gas Code Handbook, NFPA 54, 2006 Edition.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa M. Bassett, Chief, Bureau of Liquefied Petroleum Gas Inspection, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, Telephone Number (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, Liquefied Petroleum Gas LP Gas Code, 2011 2004 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2006 edition, shall be the accepted standards for this state and are hereby adopted and incorporated by reference, subject to such additions and exceptions as are set forth in this rule these rules. The LP Gas

Code Handbook, NFPA 58, 2011 Edition, and the National Fuel Gas Code Handbook, NFPA 54, 2006 Edition, are hereby adopted and incorporated by reference and shall be utilized by the Department as a guide in interpreting the provisions of Chapter 527, Florida Statutes. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. The sSection 6.6.7 of NFPA 58, 2011 2004 edition titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption. The sSection 7.1.6.2 of NFPA 54, 2006 edition, titled "Conduit with Both Ends Terminating Indoors" is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which referenced is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in any part thereof, as the rule provides or the context of the rule may require.

(2)(3) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, or at http://www.nfpa.org.

Rulemaking Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07, 5-28-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore F. Rommes, Director, Division of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.: 5N-1.130
RULE TITLE: Firearms

PURPOSE AND EFFECT: The rule language is a reflection of the division of licensing's past practice and procedure regarding class "G" licensees.

SUMMARY: The rule describes the parameters for carrying firearms for class "G" licensees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency.

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: 493.6103 FS.

LAW IMPLEMENTED: 493.6103, 493.6115, 493.6301, 493.6303 FS.

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

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: Tracy J. Sumner at tracy.sumner@freshfromflorida.com. 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: Tracy J. Sumner at tracy.sumner@freshfromflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.130 Firearms.

(1) A Class "D" Security Officer licensee who also holds a valid Class "G" Statewide Firearm license shall not carry a firearm while on duty unless doing so is authorized by her or his employer as being required by and in connection with those duties.

(a) A Class "D" Security Officer licensee performing armed duties authorized by her or his employer is not required to disarm:

1. When carrying a firearm outside the client's property line provided that the carrying of the firearm is in connection with the security duties performed for the client and is within a half-mile radius of the client's property; or

2. When traveling from one armed site to another armed site, provided the site-to-site transfer is directed by her or his employing agency and the employing agency does not require the licensee to disarm; or

3. When traveling directly to and from home to reach and leave a client's site at which armed security services have been requested by the client, provided that the licensee is in uniform, notwithstanding Section 493.6115(4), Florida Statutes, and has written direction or approval from her or his employing agency, or

4. While performing tasks during duty hours such as refueling an agency-owned vehicle, purchasing carryout food or beverage, or taking a restroom break, provided such activities are carried out within a two-mile radius of the licensee's assigned duty post or the licensee is traveling armed as stated in subsection (3); or

5. While rendering emergency humanitarian assistance or providing assistance to a law enforcement officer when requested by that law enforcement officer;

6. Unless expressly required to do so required by law or her or his employer. In such circumstances, unless the firearm is being transferred to another security officer, which shall require a clearing barrel to facilitate transfer, the firearm shall be securely encased in a glove compartment, gun case, or closed box or container that requires a lid to be opened for access.

(b) A Class "D" Security Officer performing armed duties authorized by her or his employer shall not leave a firearm unsecured while performing armed security duties, including those outlined in subparagraphs (1)(a)1.-5.

(2) As used in this section, a "Field Supervisor" means and includes an individual who holds a valid Class "M" or "MB" manager license and a valid Class "G" Statewide Firearm license, or a valid Class "D" Security Officer license and a valid Class "G" Statewide Firearm license, who is assigned by her or his employer to work full time in overseeing other security officers on multiple sites, and who has the authority to relieve security officers from duty or initiate disciplinary action.

(a) A Field Supervisor shall not carry a firearm while performing regulated duties unless doing so is authorized in writing by her or his employer and is required by and in connection with those duties which include commonly recognized supervisory tasks or management of operational needs during her or his duty shift.

(b) A Field Supervisor who is performing armed duties in uniform authorized by her or his employer is not required to disarm:

1. While supervising licensed employees in the performance of regulated duties at multiple sites at which armed and unarmed services are being provided to various clients, or when required to immediately assume and perform regulated duties at an armed site, unless she or he is directed by his employer to assume and perform regulated duties at an unarmed site; or

2. When traveling in an agency-owned vehicle among sites at which armed and unarmed services are being provided to various clients, unless a client has specifically stated it does not want the licensee to be armed on that client's site. In such circumstances, the employing agency shall establish written protocols that honor the interests of each client; or

3. When conducting an on-site evaluation as part of a threat assessment performed for a current client or when a threat assessment has been requested by a prospective client. A "threat assessment" means and includes any survey or assessment conducted by a security agency, with the written permission of a property owner or representative, for the purpose of evaluating the property owner's security needs; or

4. When meeting with a client or a prospective client unless the client or prospective client has specifically stated it does not want the licensee to be armed during the meeting. In such circumstances, the employing agency shall establish written protocols that honor the interests of each client;

5. Unless expressly required to do so by law or her or his employer. In such circumstances, the firearm shall be securely encased in a glove compartment, gun case, or closed box or container that requires a lid to be opened for access.

(c) A Field Supervisor who is performing armed duties in uniform authorized by her or his employer shall not leave a firearm unsecured while performing armed security duties, including those outlined in subparagraphs (2)(b)1.-4.

(3) No licensee shall wear or carry a firearm while running personal errands or taking care of personal business either for herself or himself or for any other person.

Rulemaking Authority 493.6103 FS. Law Implemented 493.6103, 493.6115, 493.6301, 493.6303 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Constance N. Crawford, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2010

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-102.301	Authority and Purpose
33-102.302	Public Inspection and Duplication
33-102.303	Final Orders Indexed
33-102.304	Numbering of Final Orders
33-102.305	System for Indexing Final Orders
33-102.306	Maintenance of Records
33-102.307	Plan

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal the rules as the statutory rulemaking authority no longer exists.

SUMMARY: The rules are repealed as statutory rulemaking authority no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an adverse impact on small business and are not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency.

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: 120.533 FS.

LAW IMPLEMENTED: 120.53 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-102.301 Authority and Purpose.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History-New 6-7-92, Formerly 33-36.001, Repealed _____.

33-102.302 Public Inspection and Duplication.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)1.-5. FS. History-New 6-7-92, Formerly 33-36.002, Repealed _____.

33-102.303 Final Orders Indexed.

Rulemaking Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3.,(d) FS. History-New 6-7-92, Formerly 33-36.003, Repealed _____.

33-102.304 Numbering of Final Orders.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History-New 6-7-92, Formerly 33-36.004, Repealed _____.

33-102.305 System for Indexing Final Orders.

Rulemaking Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History-New 6-7-92, Formerly 33-36.005, Repealed _____.

33-102.306 Maintenance of Records.

Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History-New 6-7-92, Formerly 33-36.006, Repealed _____.

33-102.307 Plan.

Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented Ch. 91-30, § 10, Laws of Florida. History–New 6-7-92, Formerly 33-36.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Perri Dale, Deputy General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.106
RULE TITLE: Commutation of Sentence
PURPOSE AND EFFECT: The purpose and effect is to repeal the rule.

SUMMARY: Rule 33-601.106, F.A.C., will be repealed, as the statutory rulemaking authority no longer exists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency.

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: 944.30 FS.

LAW IMPLEMENTED: 944.30 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.106 Commutation of Sentence.

Rulemaking Specific Authority 944.30 FS. (1986). Law Implemented 944.30 FS. (1986). History–New 9-19-93, Formerly 33-11.018, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rusty McLaughlin, Chief, Bureau of Classification and Central Records
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin G. Buss, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.305
RULE TITLE: Inmate Discipline – Investigations

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify form references and to indicate the procedure to be followed during an investigation in which an inmate requests a large group of inmates as witnesses, such as an entire dorm.

SUMMARY: The proposed rule clarifies form references and indicates the procedure to be followed during an investigation in which an inmate requests a large group of inmates as witnesses, such as an entire dorm.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.305 Inmate Discipline – Investigations.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

- (1) No change.
- (2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

- (a) through (e) No change.
- (f) Completing and obtaining the inmate’s signature on Form DC6-112B, the Witness Disposition, ~~Form DC6-112B~~, and Form DC6-151, the Documentary or Physical Evidence Disposition, ~~Form DC6-151~~. Form DC6-112B and Form DC6-151 are incorporated by reference in Rule 33-601.313, F.A.C.

- (g) No change.
- (3) Interviewing additional persons who may have information pertaining to the infraction, including those who are listed in the statement of facts. If the inmate requests a large

group of inmates as witnesses (e.g. an entire dorm), the investigating officer will interview a random sample of the requested witnesses and document such on the comments section of Form DC6-112B, Witness Disposition.

(4) No change.

(5) Recording the results of the investigation on Form DC6-112A, the Disciplinary Investigative Report, ~~Form DC6-112A~~. Form DC6-112A is incorporated by reference in Rule 33-601.313, F.A.C.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, 3-22-05, 7-10-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 09-3737) involve creation of non-Title V air general permits to replace Title V air general permits separately proposed for repeal. The amendments would also revise several permitting-related definitions for greater clarity, expand air permitting exemption criteria, revise exemption and general permit rule language for greater clarity, and eliminate air general permit registration forms.

SUMMARY: Revisions are needed to Chapter 62-210, F.A.C., to 1) create minor-source air general permits in Rule 62-210.310, F.A.C., to replace the existing major-source (Title V) air general permits at Rule 62-213.300, F.A.C., thereby reducing reporting requirements and fees for affected source categories and allowing Title V air general permits to be repealed; 2) revise and clarify permitting-related definitions, air permitting exemption criteria, and air general permit rule language; 3) expand the existing exemption from air permitting for stationary internal combustion engines to also include engines subject to recent U.S. Environmental Protection Agency (EPA) emission standards; 4) amend the existing air general permit for stationary engines to also include engines subject to the recent EPA standards; and 5) eliminate the air

general permit registration forms for all air general permits in favor of simple statements of information required for registration.

Rule 62-210.200, F.A.C., is referenced in multiple rules. The amendments would have no impact in the following referencing Rules 62-4.050, 62-204.200, 62-210.200, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-212.100, 62-212.500, 62-212.720, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.600 and 62-297.100, F.A.C. The amendments would have the intended impact in the following referencing Rules 62-210.200, 62-213.100 and 62-213.300, F.A.C.

Rule 62-210.300, F.A.C. is referenced in multiple rules. The amendments would have no impact in the following referencing Rules 62-210.360, 62-256.300, 62-256.700, 62-296.401, 62-296.406, 62-296.417, 62-296.570 and 62-297.310, F.A.C. The amendments would have the intended impact in the following referencing Rules 62-210.200, 62-210.300 and 62-210.310, F.A.C.

Rule 62-210.310, F.A.C. is referenced in multiple rules. The amendments would have the intended impact in the following referencing Rules 62-210.300, 62-210.310 and 62-210.920, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this will not have an adverse impact on small business, and it will not, directly or indirectly, increase regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after implementation of this rule. A SERC has not been prepared by the agency. The agency has determined that legislative ratification is not required.

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, 403.0872, 403.814 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD)

DATE AND TIME: Wednesday, May 4, 2011, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director’s Conference Room, Tallahassee, Florida

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. Lynn Scarce at (850)717-9025 or

lynn.scarce@dep.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).

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Attention: Lynn Scarce, Rules Coordinator, or e-mail to lynn.scarce@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Terri Long at (850)717-9023 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (28) No change.

(29) "Applicable Requirement" –

(a) For purposes of the permitting requirements of Chapter 62-213, F.A.C., applicable requirement means all of the following as they apply to a Title V source or any emissions unit at such source:

(1) Any standard or other requirement provided for in the State Implementation Plan or Designated Facility Plan;

(2) Any term or condition of any preconstruction permit issued by the Environmental Protection Agency pursuant to 40 C.F.R. §5.2.21 or by the Department pursuant to subparagraph 62-204.800(11)(d)2., F.A.C. (formerly 62-204.800(10)(d)2.); Rule 62-212.300, F.A.C. (formerly 17-212.300, formerly 17-2.520); Rule 62-212.400, F.A.C. (formerly 17-212.400, formerly 17-2.500); Rule 62-212.500, F.A.C. (formerly 17-212.500, formerly 17-2.510); Rule 62-212.720, F.A.C.; Rule 17-2.17, F.A.C. (repealed); or Rule 62-4.210, F.A.C. (formerly 17-4.210, formerly 17-4.21);

(3) Any term or condition of any air operation permit issued pursuant to paragraph 62-210.300(2)(b), F.A.C.;

(4) Any standard or other requirement under Chapter 62-4, 62-204, 62-210, 62-212, 62-213, 62-214, 62-252, 62-256, 62-257, 62-281, 62-296, or 62-297, F.A.C.;

(5) Any standard or other requirement pursuant to the definition of "applicable requirement" in 40 C.F.R. § 70.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C. under the Federal Acid Rain Program;

(6) Any standard or other requirement under 42 U.S.C. § 7411 or 7412, as published in "United States Code, 2000 Edition, Supplements 1 and 2," available online at <http://www.gpoaccess.gov/uscode/index.html>;

(7) If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by a local air pollution control program having geographical jurisdiction over the emission unit, unless such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act;

(8) Any standard or other requirement of 40 C.F.R. Part 55, adopted by reference in Rule 62-204.800, F.A.C.;

(9) Any applicable standard or other requirement of Subpart B, C, or D of 40 C.F.R. Part 59, adopted by reference in Rule 62-204.800, F.A.C.;

(10) Any applicable standard or other requirement of 40 C.F.R. Part 64, adopted by reference in Rule 62-204.800, F.A.C.;

(11) Any applicable standard or other requirement of Subpart A, B, C, D, E, F, or G of 40 C.F.R. Part 65, adopted by reference in Rule 62-204.800, F.A.C.;

(12) Any applicable standard or other requirement of Subpart A, B, C, E, F, or G of 40 C.F.R. Part 82, adopted by reference in Rule 62-204.800, F.A.C.

(b) For purposes of the permitting and exemption requirements of Chapters 62-210 and 62-212, F.A.C., all of the following as they apply to any facility or to any emissions unit within such facility:

(1) Any standard or other requirement provided for in the State Implementation Plan;

(2) Any term or condition of any preconstruction permit issued by the Environmental Protection Agency pursuant to 40 C.F.R. 52.21 or by the Department pursuant to subparagraph 62-204.800(11)(d)2., F.A.C. (formerly 62-204.800(10)(d)2.); Rule 62-212.300, F.A.C. (formerly 17-212.300, formerly 17-2.520); Rule 62-212.400, F.A.C. (formerly 17-212.400, formerly 17-2.500); Rule 62-212.500, F.A.C. (formerly 17-212.500, formerly 17-2.510); Rule 62-212.720, F.A.C.; Rule 17-2.17, F.A.C. (repealed); or Rule 62-4.210, F.A.C. (formerly 17-4.210, formerly 17-4.21);

(3) Any term or condition of any air operation permit;

(4) Any standard or other requirement under Chapter 62-4, 62-204, 62-210, 62-212, 62-252, 62-256, 62-257, 62-281, 62-296, or 62-297, F.A.C.

(5) Any standard or other requirement under 42 U.S.C. Section §7411 or 7412, as published in "United States Code, 2000 Edition, Supplements 1 and 2," available online at <http://www.gpoaccess.gov/uscode/index.html>; and

(6) If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by a local air pollution control program having geographical jurisdiction over the emission unit, unless such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act.

(30) through (112) No change.

(113) “Designated Facility Plan” – Collectively, all plans and plan revisions of a state approved by the Administrator pursuant to Section 111(d) of the Clean Air Act. Unless otherwise stated, the term refers specifically to the Designated Facility Plan for the State of Florida, identified in 40 C.F.R. Part 62, Subpart K, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(113) through (118) renumbered (114) through (119) No change.

~~(119) “Emergency Generator” — Any stationary generator powered by an internal combustion engine which operates no more than 500 hours per year as a mechanical or electrical power source to provide power internal to a facility only when the primary power source for that facility has been rendered inoperable by an emergency situation.~~

(120) through (187) No change.

(188) “Major Source of Air Pollution” or “Title V Source” – A facility containing an emissions unit, or any group of emissions units, which is or includes any of the following:

(a) through (c) No change.

(d) A major stationary source as described in Part D of Title I of the Federal Clean Air Act which includes:

1. through 3. No change.

4. For particulate matter (PM₁₀₋₁₀) nonattainment areas classified as “serious,” an emissions unit or group of emissions units, all belonging to the same two digit Major Group as described in the Standard Industrial Classification Manual, 1987, with the potential to emit 70 tons or more per year of PM₁₀₋₁₀;

(e) No change.

(f) An emissions unit or group of emissions units with one or more emissions units subject to standards or regulations promulgated under 40 C.F.R. Part 60, 61 or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C. ~~42 U.S.C. § 7411 — Standards of Performance for New Stationary Sources; or 42 U.S.C. § 7412 — Hazardous Air Pollutants; provided, however, that such emissions unit or group of emissions units is not a Title V source solely because:~~

~~1. It is regulated under the Prevention of Accidental Releases criteria (42 U.S.C. § 7412(r)), or~~

~~2. It is subject to a reporting requirement; or~~

~~3. It is subject to 40 C.F.R. Part 61, Subpart M – National Emission Standard for Asbestos Section 61.145, Standard for Demolition and Renovation, adopted and incorporated by reference at into Rule 62-204.800, F.A.C.; or~~

~~4. It is subject to a standard or regulation promulgated under 40 C.F.R. Part 60, adopted and incorporated by reference at Rule 62-204.800, F.A.C. 42 U.S.C. §7411, unless such standard or regulation specifies that the emission unit or group of emissions units requires a Title V permit; or~~

4. It is subject to an area source standard or regulation promulgated under 40 C.F.R. Part 61 or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., unless such standard or regulation specifies that the emission unit or group of emissions units requires a Title V permit.

(g) through (h) No change.

(189) through (289) No change.

(290) “State Implementation Plan (SIP)” or “Implementation Plan” – Collectively, all plans and plan revisions of a state approved by the Administrator pursuant to The plan which Section 110 of the Clean Air Act requires a state to submit to the Administrator. Unless otherwise stated, the term refers specifically to the The State Implementation Plan for the State of Florida, as approved by the U.S. Environmental Protection Agency, is identified in 40 C.F.R. Part 52, Subpart K, adopted and incorporated by reference at in Rule 62-204.800, F.A.C.

(291) through (315) No change.

(316) “Unit-Specific Applicable Requirement” – For purposes of the permitting requirements of Chapter 62-213, F.A.C., a unit-specific applicable requirement means any An applicable requirement that applies specifically to a given emissions unit; however, for purposes of subsection 62-210.300(3), — subparagraph 62-213.300(2)(a)1. — and paragraph 62-213.430(6)(b), F.A.C., applicable requirements which are not considered unit-specific applicable requirements include the following:

(a) through (c) No change.

~~(d) Subsection 62-296.320(3), F.A.C., Industrial, Commercial, and Municipal Open Burning Prohibited;~~

(e) through (h) renumbered (d) through (g) No change.

(317) “Unit-Specific Limitation or Requirement” – For purposes of the air construction and air operation permitting requirements of Chapters 62-210 and 62-212, F.A.C., and for purposes of the air general permit provisions and air permitting exemption criteria of Chapter 62-210, F.A.C., a unit-specific limitation or requirement means any limitation or requirement that applies specifically to a given emissions unit, including a PAL; however, limitations and requirements which are not considered unit-specific limitations or requirements for these purposes include the following:

(a) Any limitation or requirement under any subpart of 40 C.F.R. Part 60, 61, or 63 that has not been adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) Any limitation or requirement under any of the following EPA regulations adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. 40 CFR Part 61, Subpart M – National Emission Standard for Asbestos, Section 61.145, Standard for Demolition and Renovation.

2. Any subpart of 40 C.F.R. Part 60, 61, or 63 that imposes nothing more than a recordkeeping or reporting requirement on an emissions unit.

(c) Subsection 62-296.320(2), F.A.C., Objectionable Odor Prohibited.

(d) Paragraph 62-296.320(4)(b), F.A.C., General Visible Emissions Standard, except subparagraph 62-296.320(4)(b)2., F.A.C.

(e) Paragraph 62-296.320(4)(c), F.A.C., Unconfined Emissions of Particulate Matter.

(f) Rule 62-4.160, F.A.C.

(g) Any standard or other requirement under Chapter 62-252, 62-256, 62-257, or 62-281, F.A.C.

(317) through (330) renumbered (318) through (331) No change.

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

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at subsection 62-210.300(4), F.A.C. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or Designated Facility Plan that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) through (2) No change.

(3) Exemptions from Permitting. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule

62-210.310, F.A.C., for any facility, emissions unit or pollutant-emitting activity that satisfies the applicable permitting exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility, emissions unit or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific limitation or applicable requirement, unless compliance with such limitation or requirement is specifically listed as a condition of exemption including a PAL. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the use, in whole or in part, of the baseline actual-to-projected actual applicability test in Rule 62-212.400, F.A.C. ~~the provisions of paragraph 62-212.400(2)(a), F.A.C.~~ An emissions unit or pollutant-emitting activity exempt from the requirement to obtain an air construction permit shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source. Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve the owner or operator of a facility or emissions unit from complying with any limitation or requirement applicable to such facility or emissions unit any emissions unit or activity from complying with any requirement under 40 C.F.R. Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., to which it is subject, even if such requirement is not a unit-specific applicable requirement. Furthermore, an exempt emissions unit or activity shall be subject to any general, facility-level applicable requirements, and its emissions shall be considered in determining the applicability of permitting requirements to other emissions units at the facility or to the facility as a whole.

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

subparagraphs ~~62-210.300(3)(a)23. through 37., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.~~

1. through 26. No change.

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

a. The surface coating operation shall use only coatings containing 5.0 percent or less VOC, by volume, or the total quantity of coatings containing greater than 5.0 percent VOC, by volume, used at the facility shall not exceed 6.0 gallons per day, averaged monthly, where the quantity of coatings used includes all solvents and thinners used in the process or for cleanup; ~~and~~

b. Such operations are not subject to any unit-specific limitation or applicable requirement.

28. through 29. No change.

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

a. The facility receives and distributes only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene; ~~and~~

b. The total storage capacity for gasoline at the facility does not exceed 100,000 gallons; ~~and~~

c. The facility shall not ~~exceed a throughput rate (receive and distribute more than)~~ 1.3 million gallons of gasoline in any consecutive 12 months; ~~and~~

d. The facility is not subject to Rule 62-296.418, F.A.C.;

31. through 32. No change.

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

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

b. through c. No change.

34. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour, provided all the following conditions are met with respect to each such unit.

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

b. through h. No change.

~~35. One or more emergency generators located within a single facility provided:~~

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

~~b. The unit shall not burn used oil or any fuels other than natural gas, propane, gasoline, and diesel fuel.~~

~~e. Collectively, all units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph d., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph e.~~

~~d. If burning only one type of fuel, the collective annual amount of fuel burned by all units claiming this exemption at the same facility shall not exceed 2,700 gallons of gasoline, 32,000 gallons of diesel fuel, 144,000 gallons of propane, or 4.4 million standard cubic feet of natural gas.~~

~~e. If burning more than one type of fuel, the equivalent collective annual amount of each fuel burned by the units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in sub-subparagraph d., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total amount of the fuel burned by all units claiming this exemption at the same facility to the total amount of such fuel allowed to be burned by all units claiming this exemption at the same facility pursuant to sub-subparagraph d. The sum of the fuel percentages for all fuels burned by the units claiming this exemption at the same facility must be less than or equal to 100 percent.~~

~~35.36. Stationary General purpose internal combustion engines, and other Reciprocating Internal Combustion Engines devices, provided all the following conditions are met with respect to each such engine unit.~~

~~a. The engine unit is not subject to the Acid Rain Program, CAIR Program, or any other unit-specific limitation or applicable requirement other than any such limitation or requirement that may apply pursuant to 40 C.F.R. Part 60, Subpart IIII or JJJJ, or 40 C.F.R Part 63, Subpart ZZZZ, all adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~b. The engine unit shall not burn used oil or any fuels other than natural gas, propane, gasoline, and diesel fuel.~~

~~c. Collectively, all engines units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph d., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph e.~~

~~d. If burning only one type of fuel, the collective annual amount of fuel burned by all engines units claiming this exemption at the same facility shall not exceed 5,400 2,700 gallons of gasoline, 64,000 32,000 gallons of diesel fuel, 288,000 144,000 gallons of propane, or 8.8 4.4 million standard cubic feet of natural gas.~~

~~e. If burning more than one type of fuel, the equivalent collective annual amount of each fuel burned by the engines units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in sub-subparagraph d., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total amount of the fuel burned by all engines units claiming this exemption~~

at the same facility to the total amount of such fuel allowed to be burned by all engines ~~units~~ claiming this exemption at the same facility pursuant to sub-subparagraph d. The sum of the fuel percentages for all fuels burned by the engines ~~units~~ claiming this exemption at the same facility must be less than or equal to 100 percent.

f. If the engine is a stationary compression ignition internal combustion engine that is subject to 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by virtue of modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart IIII that apply to the engine.

g. If the engine is a stationary spark ignition internal combustion engine that is subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by virtue of modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart JJJJ that apply to the engine.

h. If the engine is a stationary reciprocating internal combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the owner or operator shall comply with all limitations and requirements of Subpart ZZZZ that apply to the engine. If emissions testing is required pursuant to Subpart ZZZZ, all notifications of upcoming tests and reports shall be submitted to the Department in accordance with the provisions of Subpart ZZZZ.

~~36.37.~~ Printing operations, provided:

a. The facility is not subject to any unit-specific limitation ~~or applicable~~ requirement;

b. through c. No change.

(b) Generic and Temporary Exemptions.

1. Generic Emissions Unit or Activity Exemption. Except as otherwise provided at subsection 62-210.300(3) F.A.C., above, an emissions unit or pollutant-emitting activity that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it meets all of the following criteria:

a. It would not be subject to any ~~no~~ unit-specific limitation ~~or applicable~~ requirement.

b. ~~It would neither emit nor have the potential to emit:~~

~~(I) 500 pounds per year or more of lead and lead compounds expressed as lead;~~

~~(II) 1,000 pounds per year or more of any hazardous air pollutant;~~

~~(III) 2,500 pounds per year or more of total hazardous air pollutants; or~~

~~(IV) 5.0 tons per year or more of any other regulated pollutant.~~

~~b.e.~~ Its emissions, in combination with the emissions of other units and activities at the facility, would not cause the facility to emit or have the potential to emit any pollutant in such amount as to create ~~make the facility~~ a Title V source.

c. It would neither emit nor have the potential to emit 500 pounds per year or more of lead and lead compounds expressed as lead, 1,000 pounds per year or more of any hazardous air pollutant, 2,500 pounds per year or more of total hazardous air pollutants, or 5.0 tons per year or more of any other regulated air pollutant as defined at Rule 62-210.200, F.A.C.

d. through e. No change.

2. Generic Facility Exemption. Except as otherwise provided at subsection 62-210.300(3), F.A.C., a facility that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if all of the emissions units and pollutant-emitting activities within the facility, including any proposed new emissions units and activities, individually meet the exemption criteria of paragraph 62-210.300(3)(a), F.A.C., or subparagraph 62-210.300(3)(b)1., F.A.C., or if none of the emissions units and pollutant-emitting activities within the facility, including any proposed new emissions units and activities, is subject to any unit-specific limitation or requirement and the facility meets all of the following criteria:

~~a. No emissions unit or pollutant-emitting activity within the facility would be subject to any unit-specific applicable requirement.~~

~~a.b.~~ The facility would neither emit nor have the potential to emit; ~~(I)~~ 1,000 pounds per year or more of lead and lead compounds expressed as lead; ~~(II)~~ 1.0 ton per year or more of any hazardous air pollutant; ~~(III)~~ 2.5 tons per year or more of total hazardous air pollutants; ~~(IV)~~ 25 tons per year or more of carbon monoxide, nitrogen oxides and sulfur dioxide; or ~~(V)~~ 10 tons per year or more of any other regulated air pollutant as defined at Rule 62-210.200, F.A.C.

~~b.e.~~ The facility would neither emit nor have the potential to emit any pollutant in such amount as to create ~~make the facility~~ a Title V source, nor would the facility be a Title V source for any other reason.

3. through 4. No change.

(c) Conditional Exemptions from Title V Air Permitting. Except as otherwise provided herein, the following facilities shall be exempt from the requirement to obtain a Title V air operation permit under the provisions of Chapter 62-213, F.A.C., provided the conditions of exemption for each such facility are met. Facilities exempt from Title V air permitting pursuant to subparagraph 62-210.300(3)(c)2., F.A.C., are not exempt from the requirement to obtain an air construction

permit or non-Title V air operation permit. A facility shall not be entitled to an exemption from Title V air permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of “major source of air pollution” or the facility would be classified as a Title V source as a result of the combined potential to emit regulated pollutants of all emissions units at the facility.

1. No change.

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

a. through b. No change.

c. Fuel oil shall not exceed 1.0 percent sulfur content, by weight. The owner shall maintain records to demonstrate that each shipment of fuel oil has 1.0 percent or less sulfur ~~and that the sulfur content was determined by ASTM methods ASTM D4057-88 and ASTM D129-91, ASTM D2622-94 or ASTM D4294-90, adopted and incorporated by reference in subsection 62-297.440(1), F.A.C.~~

d. through i. No change.

j. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source unless the Title V permit specifically allows such facility to be collocated with or relocated to the Title V source and operated under the authority of the Title V permit while onsite at the Title V source. An asphalt plant cannot apply this exemption if, nor shall it create a Title V source in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting.

k. The owner or operator of any facility claiming this exemption must have authorization to operate by a non-Title V air operation permit that implements the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through j., F.A.C.

(4) Authorization by Air General Permits. At the option of the owner or operator, certain facilities may use an air general permit pursuant to the procedures and conditions of Rule 62-210.310, F.A.C., Air General Permits, or Rule 62-213.300, F.A.C., Title V Air General Permits. ~~These facilities are specified in Rules 62-210.310 and 62-213.300, F.A.C.~~ The owner or operator of any eligible facility who registers to use an air general permit under either of these rules, and who has is not been notified by the department of ineligibility to denied use of the air general permit, and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to subsection 62-210.300(1), F.A.C., or an air operation permit pursuant to subsection 62-210.300(2), F.A.C., or Rule 62-213.400, F.A.C., as applicable.

(5) through (6) No change.

(7) Transfer of Air Permits.

(a) No change.

(b) For an air general permit, the provisions of paragraph 62-210.300(7)(a) and Rule 62-4.120, F.A.C., do not apply. Thirty days before using an air general permit, the new owner must submit a registration an air general permit notification to the Department in accordance with subsection 62-210.310(2), F.A.C. 62-210.300(4) or paragraph 62-213.300(2)(b), F.A.C.

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

62-210.310 Air General Permits.

(1) Air General Permits Established.

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

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

2. The air general permits provided at subsection 62-210.310(5), F.A.C., are available to specific types of facilities that are subject to limitations or applicable requirements under other state or federal rules. A facility must comply with such limitations and applicable requirements, whether it elects to use an air general permit under this subsection, or obtain an air construction or air operation permit. A facility using one of the air general permits at subsection 62-210.310(5), F.A.C., shall not be entitled to use more than one such air general permit for any single facility, except where all air general permits used at the facility specifically allow the use of one another at the same facility.

(b) The owner or operator of a proposed new or existing facility who registers to use an air general permit in accordance with the procedures of this rule, and who has not been notified by the Department of ineligibility to use is not denied use of the air general permit by the Department, is authorized to construct or operate the facility in accordance with the terms and conditions of the specific rule paragraph subsection which constitutes the air general permit for the type of facility involved.

(2) General Procedures. This subsection sets forth general procedures for use of any of the air general permits provided at subsections 62-210.310(4) and (5), F.A.C.

(a) Determination of Eligibility. ~~The owner or operator of a proposed new or existing facility shall determine the facility's eligibility to use an air general permit under this rule.~~ A facility is eligible to use an air general permit under this rule

if it meets ~~all any~~ specific eligibility criteria given in the applicable air general permit at subsection 62-210.310(4) or (5), F.A.C., and the following general criteria.

~~1. The facility shall not emit nor have the potential to emit 10 tons per year or more of any hazardous air pollutant, 25 tons per year or more of any combination of hazardous air pollutants, or 100 tons per year or more of any other regulated air pollutant; be collocated with, or relocated to, such a facility; or create such a facility in combination with any other collocated facilities, emissions units, or pollutant emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from air permitting.~~

~~1.2. The facility shall not contain any emissions units or pollutant-emitting activities not covered by the applicable air general permit, except:~~

~~a. Units and activities that are exempt from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.; and~~

~~b. Units and activities that are authorized by another air general permit where such other air general permit and the air general permit of interest specifically allow the use of one another at the same facility.~~

~~2. The facility as a whole, including any emissions units or pollutant-emitting activities that are exempt from air permitting and any units or activities that are authorized under another air general permit, shall not emit nor have the potential to emit ten (10) tons per year or more of any hazardous air pollutant, twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or one hundred (100) tons per year or more of any other regulated air pollutant.~~

~~3. The facility shall not be collocated with, or relocated to, an existing Title V source unless the Title V permit allows such facility to be collocated with or relocated to the Title V source and operated under the authority of the Title V permit while onsite at the Title V source.~~

~~4. The owner or operator of any facility shall register to use the air general permit pursuant to paragraph 62-210.310(2)(b), F.A.C.~~

~~5. The owner or operator of any facility shall re-register to use the air general permit pursuant to paragraph 62-210.310(2)(b), F.A.C., in the following cases: impending expiration of the term for air general permit use; change of ownership of all or part of the facility; proposed new construction, modification, or other equipment change that requires registration pursuant to paragraph 62-210.310(2)(e), F.A.C.; and any other change not considered an administrative correction under paragraph 62-210.310(2)(d), F.A.C.~~

~~(b) Registration. The owner or operator who intends to construct or operate an eligible facility under the authority of an air general permit shall submit a registration to the Department complete and submit the proper registration form to the Department for the specific air general permit to be used, as provided in subsection 62-210.920(1) or (2), F.A.C. The~~

~~registration form shall be accompanied by the appropriate air general permit processing fee pursuant to Rule 62-4.050, F.A.C. The fee and any hard copy registrations shall be sent via mail delivery to the Department of Environmental Protection, Attn: FDEP Receipts, Post Office Box 3070, Tallahassee, Florida 32315-3070; or via hand-delivery or courier to the Department of Environmental Protection, Attn: FDEP Receipts, 3800 Commonwealth Boulevard, MS-77, Tallahassee, Florida 32399. The registration shall include the following information.~~

~~1. The specific air general permit to be used.~~

~~2. Whether the registration is an initial registration (registration of a facility that is not currently authorized to construct or operate under the terms and conditions of an air general permit) or a re-registration (registration of a facility that is currently authorized to operate under the terms and conditions of an air general permit).~~

~~1. Initial Registration. Registration of a facility which is not currently authorized to construct or operate under the terms and conditions of an air general permit is classified as an initial registration. Any existing, individual air operation permit(s) authorizing operation of the facility must be surrendered by the owner or operator, effective upon the first day of use of the air general permit.~~

~~2. Re-registration. Registration of a facility which is currently authorized to operate under the terms and conditions of an air general permit is classified as a re-registration. An owner or operator shall re-register the facility in the following cases:~~

~~a. Impending expiration of the term for air general permit use;~~

~~b. Change of ownership of all or part of the facility;~~

~~e. Proposed new construction, modification, or other equipment change that requires registration pursuant to paragraph 62-210.310(2)(e), F.A.C.; and~~

~~d. Any other change not considered an administrative correction under paragraph 62-210.310(2)(d), F.A.C.~~

~~3. For initial registrations, a statement that the owner or operator surrenders all existing air operation permits for the facility upon the effective date of the air general permit, and a list of the specific permit numbers of the permits to be surrendered, if any.~~

~~4. For re-registrations, the facility identification number (if known) and the reason for re-registration (one or more of the following: impending expiration of the term for air general permit use; change of ownership of all or part of the facility; proposed new construction, modification, or other equipment change that requires registration pursuant to paragraph 62-210.310(2)(e), F.A.C.; or any other change not considered an administrative correction under paragraph 62-210.310(2)(d), F.A.C.).~~

5. The following general facility information: facility owner/company name (name of corporation, agency, or individual owner who or which owns, leases, operates, controls, or supervises the facility); site name (name, if any, of the facility site); facility location (physical location of the facility, not necessarily the mailing address); and, for a proposed new facility, the estimated start-up date.

6. The following information about the facility contact (plant manager or person to be contacted regarding day-to-day operations at the facility): name and position title; contact numbers (all of the following that apply: telephone number, cell phone number, fax number, and e-mail address); and mailing address.

7. If the owner or operator requests that the Department send correspondence regarding the facility to any other person, the following information about each such person: name and position title; contact numbers (all of the following that apply: telephone number, cell phone number, fax number, and e-mail address); and mailing address.

8. A description of the operations at the facility in sufficient detail to demonstrate the facility's eligibility for use of the air general permit and to provide a basis for tracking any future equipment or process changes at the facility. Describe all air pollutant-emitting processes and equipment at the facility, and identify any air pollution control measures or equipment used.

9. Other information required to be included in the registration by the specific air general permit, pursuant to subsection 62-210.310(4) or (5), F.A.C.

(c) Use of Air General Permit.

1. Unless the owner or operator of a facility has been notified by the Department of ineligibility to use ~~Department denies use of~~ the air general permit, the owner or operator ~~of an eligible facility~~ may use the air general permit for such facility 30 days after giving notice to the Department. The first day of the 30 day time frame, day one, is the date the Department receives the proper registration ~~form~~ and processing fee. The last day of the 30 day time frame, day 30, is the date the owner or operator may use the air general permit, provided there is no agency action to notify the owner or operator of ineligibility to use ~~deny use of~~ the air general permit.

2. To avoid lapse of authority to operate, an owner or operator intending to use, or continue to use, an air general permit must submit the proper registration ~~form~~ and processing fee at least 30 days prior to expiration of the facility's existing air operation permit or air general permit.

(d) Administrative Corrections. Within 30 days of any minor changes requiring corrections to information contained in the registration ~~form~~, the owner or operator shall notify the Department in writing. Such changes shall include:

1. Any change in the name, address, or phone number of the facility or authorized representative not associated with a change in ownership or with a physical relocation of the facility or any emissions units or operations comprising the facility; or

2. Any other similar minor administrative change at the facility.

(e) Equipment Changes. The owner or operator shall maintain records of all equipment changes. In the case of installation of new process or air pollution control equipment, alteration of existing process or control equipment without replacement, or replacement of existing process or control equipment with equipment that is substantially different in terms of capacity, control efficiency, method of operation, material processed, or intended use than that noted on the most recent registration ~~form~~, the owner or operator shall submit a new and complete air general permit registration ~~form~~ for the facility with the appropriate fee pursuant to Rule 62-4.050, F.A.C. to the Department at least 30 days prior to the change; provided, however, that any change that would constitute a new major stationary source, major modification, or modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(f) Enforcement of Ineligibility. If a facility using an air general permit at any time becomes ineligible for the use of the air general permit, or if any facility using an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under subsection 62-210.300(1) or (2), F.A.C., or Chapter 62-213, F.A.C., as appropriate.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this subsection are "general permit conditions" and are binding upon the owner or operator of any facility using an air general permit provided at subsection 62-210.310(4) or (5), F.A.C.

(a) The owner or operator's use of an air general permit is limited to five years. Prior to the end of the five year term, the owner or operator who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to paragraph 62-210.310(2)(b) ~~subparagraph 62-210.310(2)(b)2~~, F.A.C. To avoid lapse of authority to operate, the owner or operator must submit the proper registration ~~form~~ and processing fee at least 30 days prior to expiration of the facility's existing air general permit. The air general permit re-registration ~~form~~ shall contain all current information regarding the facility.

(b) Use of an air general permit is not transferable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The new owner or operator

who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to paragraph 62-210.310(2)(b) subparagraph 62-210.310(2)(b)2, F.A.C.

(c) through (n) No change.

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

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

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

a. No change.

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

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

a. through b. No change.

c. The facility shall not exceed a throughput rate (~~receive and~~ distribute) of 6.0 million gallons of gasoline in any consecutive 12 months.

d. through e. No change.

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

a. For initial registrations, an estimate of the facility's expected gasoline throughput rate (amount distributed) over a 12-month period.

b. For re-registrations, the highest 12-month gasoline throughput rate for the facility for the previous five years, and the 12-month period over which this usage occurred.

c. The county in which the facility is located.

d. The annual average daily throughput (gallons) of the facility.

e. The date the facility began (or is expected to begin) operation.

f. The capacity (gallons) of each gasoline storage tank at the facility.

g. For each gasoline storage tank, whether the tank is equipped for submerged filling (yes or no); whether the tank is equipped with a loading rack (yes or no); and whether the loading rack is equipped with a vapor collection and control system (yes or no).

h. A description of the loading racks and vapor collection and control system.

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

1. A facility comprising one or more reciprocating internal combustion engines shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. No change.

b. The facility shall not be subject to any unit-specific limitation or applicable requirement other than any such limitation or requirement set forth in this air general permit.

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

a. through c. No change.

d. If the stationary compression ignition internal combustion engine is subject to 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart IIII that apply to the engine.

e. If the stationary spark ignition internal combustion engine is subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart JJJJ that apply to the engine.

f. If the stationary reciprocating internal combustion engine is subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the owner or operator shall comply with all limitations and requirements of Subpart ZZZZ that apply to the engine. If emissions testing is required pursuant to Subpart ZZZZ, all notifications of upcoming tests and reports shall be submitted to the Department in accordance with the provisions of Subpart ZZZZ.

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

a. For initial registrations, an estimate of the total amount of fuel expected to be consumed over a 12-month period.

b. For re-registrations, the highest 12-month total fuel consumption amount for the last five years, and the 12-month period over which this consumption occurred.

c. For each compression ignition internal combustion engine subject to 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine as per the definition at 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); whether there is a manufacturer certification for the engine (yes or no); and the displacement (liters per cylinder).

d. For each spark ignition internal combustion engine subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine as per the definition at 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); whether there is a manufacturer certification for the engine (yes or no); and the rated capacity (horsepower).

e. For each compression ignition internal combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., but not subject to 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine or limited use engine as per the definitions at 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); engine displacement (liters per cylinder); and rated capacity (horsepower).

f. For each spark ignition internal combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., but not subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine or limited use engine as per the definitions at 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); engine type (two stroke lean burn, four stroke lean burn, or four stroke rich burn); and rated capacity (horsepower).

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

1. A facility comprising one or more surface coating operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. No change.

b. The facility shall not be subject to any unit-specific limitation or applicable requirement other than any such limitation or requirement set forth in this air general permit.

2. No change.

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

a. For initial registrations, an estimate of the average quantity of volatile organic compounds in all coatings (solvents and thinners) expected to be used on a daily basis.

b. For re-registrations, the highest monthly average of the daily quantity of volatile organic compounds in all coatings (solvents and thinners) used in the last five years, and the month and year during which this usage occurred.

(d) Air General Permit for Facilities Comprising Reinforced Polyester Resin Operations.

1. A facility comprising one or more reinforced polyester resin operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. No change.

b. The facility shall not be subject to any unit-specific limitation or applicable requirement other than any such limitation or requirement set forth in this air general permit.

2. No change.

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

a. For initial registrations, an estimate of the total quantity, in pounds, of styrene-containing materials (resin and gelcoat) expected to be used over a 12-month period.

b. For re-registrations, the highest 12-month total quantity, in pounds, of styrene-containing materials (resin and gelcoat) used in the last five years, and the 12-month period over which this usage occurred.

(e) Air General Permit for Facilities Comprising Cast Polymer Operations.

1. A facility comprising one or more cast polymer operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. No change.

b. The facility shall not be subject to any unit-specific limitation or applicable requirement other than any such limitation or requirement set forth in this air general permit.

2. No change.

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

a. For initial registrations, an estimate, in pounds, of the total quantity of styrene-containing materials (resin and gelcoat) expected to be used over a 12-month period.

b. For re-registrations, the highest 12-month total quantity, in pounds, of styrene-containing materials (resin and gelcoat) used in the last five years, and the 12-month period over which this usage occurred.

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

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

a. No change.

b. The facility shall not be subject to any unit-specific limitation or applicable requirement other than any such limitation or requirement set forth in this air general permit.

2. No change.

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

a. For initial registrations, the method (mass balance or material usage rates) expected to be used to demonstrate compliance with subparagraph 62-210.310(4)(f)2., F.A.C., and the estimated amount of materials containing hazardous air pollutants and solvent-containing materials expected to be used over a 12-month period.

b. For re-registrations of facilities where compliance is demonstrated through mass balance, the calculations to show compliance with sub-subparagraph 62-210.310(4)(f)2.a., F.A.C.

c. For re-registrations of facilities where compliance is demonstrated through material usage rates, the highest 12-month total quantity of materials containing hazardous air pollutants and the highest 12-month total quantity of solvent-containing materials used in the last five years to show compliance with sub-subparagraph 62-210.310(4)(f)2.b., F.A.C.

d. For re-registrations of facilities where compliance is demonstrated through both mass balance and material usage rates, the information specified above in sub-subparagraphs 62-210.310(4)(f)3.a. and 62-210.320(4)(f)3.b., F.A.C.

e. A description of the number and types of printing processes, presses, and ink systems being used at the facility (one or more of the following: heatset offset lithographic; screen or letterpress; flexographic; non-heatset offset lithographic; water based; rotogravure; digital; or ultraviolet cured).

(5) Air General Permits for Miscellaneous Facilities.

(a) Air General Permit for Facilities Comprising Volume Reduction, Mercury Recovery, and Mercury Reclamation Processes.

1. through 3. No change.

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

a. The type of process (one or more of the following: volume reduction, mercury recovery, or mercury reclamation).

b. For facilities with dual air handling systems pursuant to paragraph 62-296.417(1)(c), F.A.C., a description of the air pollution control equipment on the primary and secondary air handling systems; the number, type, and capacity of the filters; the make and model numbers of the air pollution control equipment on the primary and secondary air handling systems; and the type of adsorbent used, the number and location of filters, and the filter capacity and replacement frequency.

c. For facilities with a single air handling system with redundant mercury controls pursuant to paragraph 62-296.417(1)(d), F.A.C., a description of the redundant air pollution control equipment; the number, type, and capacity of filters; the make and model numbers of the air pollution control equipment; and the type of adsorbent used, the number and location of filters, and the filter capacity and replacement frequency.

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

1. through 5. No change.

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

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

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

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

d. For each silo, weigh hopper, batcher, and other enclosed storage and conveying equipment that is limited to a visible emissions of 5 percent opacity pursuant to subsection 62-296.414(1), F.A.C., the process equipment type (silo, weigh hopper, batcher, or other); an identifier specific to each piece of equipment (location, numeric designation, capacity, product, or other); control device (baghouse, vent filter, or other); and control device manufacturer and model number.

(c) Air General Permit for Facilities Comprising Human Crematories.

1. through 2. No change.

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

a. For an initial registration for a proposed new human crematory unit, design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees F.

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

(d) Air General Permit for Facilities Comprising Animal Crematories.

1. through 2. No change.

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

a. For an initial registration for a proposed new animal crematory unit, design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees F.

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

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

1. through 2. No change.

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

a. through d. No change.

e. Nonmetallic mineral processing plants subject to 40 C.F.R. Part 60, Subpart OOO, shall comply with all applicable standards, limitations, and requirements of Subpart OOO. Such facilities shall conduct initial performance tests for particulate matter and visible emissions in accordance with all requirements of Subpart OOO and 40 C.F.R. Part 60, Subpart A, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Thereafter, such facilities shall conduct performance tests for visible emissions annually ~~pursuant to Rule 62-297.310, F.A.C.~~ The annual visible emissions performance tests shall be conducted in accordance with the test methods and procedures set forth at Subpart OOO. All notifications of upcoming visible emissions tests and all test results shall be submitted ~~reported~~ to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

f. No change.

4. through 5. No change.

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

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

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

c. The location of spray bars (one or more of the following: feeders; entrance to crushing operation; exit of crushing operation; classifier screens; or conveyor drop points).

d. For each emission unit, component description (primary crusher, secondary crusher, screener, conveyor, reciprocating internal combustion engine, or other fuel burning equipment), manufacturer, date of manufacture, model number, serial number, and rated capacity (tons per hour material throughput or horsepower).

(f) Air General Permit for Facilities Comprising Perchloroethylene Dry Cleaning Systems.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 63, Subparts A and M, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more perchloroethylene dry cleaning systems shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and with all requirements of 40 C.F.R. Part 63, Subparts A and M, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable, except as follows.

a. In lieu of the provisions of 40 C.F.R. § 63.6(e)(3) and 40 C.F.R. § 63.10(d)(5), the owner or operator shall maintain onsite a startup, shutdown, malfunction plan for the facility that describes, in detail, procedures for operating and maintaining the equipment during periods of startup, shutdown, and malfunction. The plan may be in the form of an equipment operation manual and shall also specify corrective action for malfunctioning process and air pollution control equipment.

b. During periods of startup, shutdown, and malfunction, the owner or operator shall operate and maintain equipment in accordance with the procedures specified in the plan. Records of compliance with the plan shall be kept onsite for a minimum of five years and shall contain a certification statement signed by the owner or operator that the documentation is true, accurate, and complete, based upon information and belief formed after reasonable inquiry.

c. If any action is taken which is inconsistent with the plan, the owner or operator shall record and report the actions taken to the Department during facility inspections. The record shall explain the circumstances of the event, the reason for not following the startup, shutdown, and malfunction plan, and whether any excess emissions or parameter monitoring exceedances are believed to have occurred. Taking actions inconsistent with those in the plan constitutes a violation of a general permit condition.

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

a. The number of dry-to-dry machines on-site, and for each on-site dry-to-dry machine, the date the machine was installed, whether the machine is new or existing as defined at 40 C.F.R. Part 63, Subpart M, whether the control device is refrigerated condenser or carbon adsorber, and the date the control device was installed.

b. Whether the facility is a co-residential dry cleaning facility as defined at 40 C.F.R. Part 63, Subpart M.

c. For each dry-to-dry machine at a co-residential dry cleaning facility, whether the machine is a perchloroethylene dry cleaning machine (yes or no), and whether the machine has a vapor barrier enclosure (yes or no).

d. Gallons of perchloroethylene used within the most recent 12 months.

e. The horsepower and fuel type (propane, no. 2 fuel oil, no. 4 fuel oil, no. 6 fuel oil, natural gas, electric, or other) for all steam and hot water generating units (boilers) on-site, or a statement that there are no boilers on-site.

(g) Air General Permit for Facilities Comprising Ethylene Oxide Sterilizers.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 63, Subparts A and O, as applicable, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more ethylene oxide sterilizers shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the requirements of 40 C.F.R. Part 63, Subparts A, and O, adopted and incorporated by reference in Rule 62-204.800, F.A.C., as applicable, and the general conditions given at subsection 62-210.310(3), F.A.C.

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

a. The number of ethylene oxide sterilization units on-site.

b. For each unit on-site, the following information: vent type (sterilization chamber, chamber exhaust, or aeration room); date initially purchased from manufacturer; status (new or existing as defined at 40 C.F.R. Part 63, Subpart O); control device required (yes or no); and date control installed, if applicable.

c. The total amount of ethylene oxide purchased in the most recent 12 months, in tons.

d. Indicate all control technologies that are required for sterilization units pursuant to this air general permit (one or more of the following: acid-water scrubber, catalytic oxidation unit, thermal oxidation unit, other, or none required).

(h) Air General Permit for Facilities Comprising Halogenated Solvent Degreasers.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 63, Subparts A and T, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more halogenated solvent degreasers shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the requirements of 40 C.F.R. Part 63, Subparts A and T, adopted and incorporated by reference in Rule 62-204.800, F.A.C., as applicable, and the general conditions given at subsection 62-210.310(3), F.A.C.

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

a. For each halogenated solvent degreaser, the type of machine (batch vapor solvent; batch cold; or in-line); the date initially purchased from the manufacturer; whether the machine is new or existing as defined at 40 C.F.R. Part 63, Subpart T; and the date the control device was installed, if applicable.

b. The total amount of halogenated solvents used in the most recent 12 months, in gallons.

c. The halogenated solvents used at the facility (one or more of the following: perchloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, or chloroform).

d. The method of compliance (complying with an alternative solvent emission limit; implementing a control device combination/work practice standards; meeting an idling emission limit/work practice standards; or meeting the requirements for batch cold cleaning machines).

e. If implementing a control device combination, the controls that apply to the facility (one or more of the following: 1.0 freeboard ratio; carbon adsorber; dwell time; reduced room draft; working mode cover; super-heated vapor; or freeboard refrigeration device).

(i) Air General Permit for Facilities Comprising Chromium Electroplaters and Anodizers.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 63, Subparts A and N, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more chromium electroplaters and anodizers shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the requirements of 40 C.F.R. Part 63, Subparts A and N, adopted and incorporated by reference in Rule 62-204.800, F.A.C., as applicable, and the general conditions given at subsection 62-210.310(3), F.A.C.

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

a. For each hard electroplating machine, whether the machine is existing or new as defined at 40 C.F.R. Part 63, Subpart N; date of purchase; date of control device installation; type of control device (packed-bed scrubber, composite mesh pad, packed-bed scrubber and composite mesh pad, fume suppressant, fume suppressant with a wetting agent, fiber-bed mist eliminator, or wetting agent); and applicable standard (0.03 mg/dscm, 0.015 mg/dscm, or an alternative standard for multiple tanks under common control).

b. Whether the facility's cumulative potential rectifier capacity is greater than 60 million ampere-hours per year (yes or no).

c. For each decorative electroplating or anodizing machine, whether the machine is existing or new as defined at 40 C.F.R. Part 63, Subpart N; date of purchase; date of control device installation; type of control device (packed-bed scrubber, composite mesh pad, packed-bed scrubber and composite mesh pad, fume suppressant, fume suppressant with a wetting agent, fiber-bed mist eliminator, or wetting agent); and applicable standard (0.01 mg/dscm, 45 dynes/cm, records of bath components for trivalent chromium tanks, or alternative standard for multiple tanks under common control).

d. The compliance demonstration method (initial performance test, or use of a wetting agent to reduce emissions so as to meet the existing surface tension limit).

(j) Air General Permit for Facilities Comprising Asbestos Manufacturers and Fabricators.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 61, Subparts A and M, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more asbestos manufacturers or fabricators shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the requirements of 40 C.F.R. Part 61, Subparts A and M adopted and incorporated by reference in Rule 62-204.800, F.A.C., as applicable, and the general conditions given at subsection 62-210.310(3), F.A.C.

4. The registration for this air general shall indicate whether the facility is classified as asbestos manufacturing, asbestos fabrication, or both.

(k) Air General Permit for Facilities Comprising Secondary Aluminum Sweat Furnaces.

1. For the purposes of this air general permit, the definitions at 40 C.F.R. Part 63, Subparts A and RRR, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply.

2. A facility comprising one or more secondary aluminum sweat furnaces shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the requirements of the general conditions given at subsection 62-210.310(3), F.A.C., and 40 C.F.R. Part 63, Subparts A and RRR, adopted and incorporated by reference in Rule 62-204.800, F.A.C., as applicable, except that:

a. In lieu of conducting a performance test to demonstrate compliance with the emission standard of 40 C.F.R. § 63.1505(f)(2), the owner or operator shall comply with the residence time and operating temperature requirements of 40 C.F.R. § 63.1505(f)(1); and

b. In lieu of submitting a written operation, maintenance, and monitoring plan to the Department, the owner or operator shall prepare and implement a plan that meets the criteria of 40 C.F.R. § 63.1510(b), operate the sweat furnaces(s) in compliance with the operation, maintenance and monitoring plan at all times, and maintain the plan on-site and available for inspection by the Department.

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

a. The number of secondary aluminum sweat furnaces, scrap shredders, degreasers, paint shops, boilers, and emergency generators on-site.

b. A description of any other process operations at the site that may emit air pollutants.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended 5-9-07, 10-12-08,_____.

62-210.920 Registration Forms for Air General Permits.

The registration forms for use of air general permits provided at Rule 62-210.310, F.A.C., are adopted and incorporated by reference in this rule. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

~~(1) Air General Permit Registration Forms for Facilities Claiming Conditional Exemption from Title V Air Permitting.~~

~~(a) Bulk Gasoline Plant Air General Permit Registration Form (DEP Form No. 62-210.920(1)(a), Effective 5-9-07).~~

~~(b) Reciprocating Internal Combustion Engines Air General Permit Registration Form (DEP Form No. 62-210.920(1)(b), Effective 1-10-07).~~

~~(c) Surface Coating Operations Air General Permit Registration Form (DEP Form No. 62-210.920(1)(c), Effective 1-10-07).~~

~~(d) Reinforced Polyester Resin Operations Air General Permit Registration Form (DEP Form No. 62-210.920(1)(d), Effective 1-10-07).~~

~~(e) Cast Polymer Operations Air General Permit Registration Form (DEP Form No. 62-210.920(1)(e), Effective 1-10-07).~~

~~(f) Printing Operations Air General Permit Registration Form (DEP Form No. 62-210.920(1)(f), Effective 1-10-07).~~

~~(2) Air General Permit Registration Forms for Miscellaneous Facilities.~~

~~(a) Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Registration Form (DEP Form No. 62-210.920(2)(a), Effective 1-10-07).~~

~~(b) Concrete Batching Plant Air General Permit Registration Form (DEP Form No. 62-210.920(2)(b), Effective 1-10-07).~~

~~(c) Human Crematory Air General Permit Registration Form (DEP Form No. 62-210.920(2)(c), Effective 1-10-07).~~

~~(d) Animal Crematory Air General Permit Registration Form (DEP Form No. 62-210.920(2)(d), Effective 1-10-07).~~

~~(e) Nonmetallic Mineral Processing Plant Air General Permit Registration Form (DEP Form No. 62-210.920(2)(e), Effective 1-10-07).~~

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, 6-21-01, 1-10-07, 5-9-07, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Trina L. Vielhauer, Acting Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-213.202	Responsible Official
62-213.300	Title V Air General Permits
62-213.440	Permit Content
62-213.900	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 09-3738) eliminate all Title V air general permits and provide that persons using such general permits automatically transition to the use of replacement non-Title V air general permits separately being proposed for adoption in Chapter 62-210, F.A.C. The amendments also delete the Title V air general permit registration forms, renumber remaining forms, and correct citations to the renumbered forms where needed.

SUMMARY: Revisions are needed to Chapter 62-213, F.A.C., to eliminate general permits for six source categories from the department's Title V air general permit program. During the 2008 legislative session, the Florida Legislature amended Section 403.0872, F.S., to eliminate certain source categories from the state Title V permitting program.

Chapter 62-213, F.A.C., is referenced in multiple rules. The amendments would have no impact in the following referencing Rules 62-4.090, 62-4.510, 62-204.800, 62-210.100, 62-210.200, 62-210.220, 62-210.300, 62-210.350, 62-212.720, 62-213.420, 62-214.300, 62-214.320, 62-214.370, 62-214.420, and 62-296.470, F.A.C. The amendments would have the intended impact in the following referencing Rules 62-204.800, 62-210.200, 62-210.300, 62-210.310 and 62-213.310, F.A.C.

Rule 62-213.300 is referenced in multiple rules. The amendments would have no impact in the following referencing Rules 62-210.200, 62-210.300, 62-213.400, 62-296.406, 62-296.570 and 62-297.310, F.A.C. The amendments would have the intended impact in the following referencing Rules 62-210.300, and 62-213.300, F.A.C.

Rule 62-213.440, F.A.C., is referenced in and has no impact in the following Rules 62-213.405, 62-213.412, and 62-213.420, F.A.C. The amendments would have the intended impact in the following referencing Rule 62-213.440, F.A.C.

Rule 62-213.900, F.A.C., is referenced in, and the amendments would have the intended impact in the following Rules 62-210.340 and 62-213.300, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this will not have an adverse impact on small business, and it will not, directly or indirectly, increase regulatory costs in excess of \$200,000 in the aggregate in Florida within 1 year after implementation of this rule. A SERC has not been prepared by the agency. The agency has determined that legislative ratification is not required.

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, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, May 4, 2011, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, Tallahassee, Florida

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. Lynn Scearce at (850)717-9025 or lynn.scearce@dep.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).

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to: Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Attention: Lynn Scearce, Rules Coordinator, or e-mail to: lynn.scearce@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Terri Long at (850)717-9023 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-213.202 Responsible Official.

(1) through (2) No change.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit a Responsible Official Notification Form (DEP Form No. 62-213.900(3) ~~62-213.900(8)~~) designating all

responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) A Title V source with only one responsible official shall submit DEP Form No. ~~62-213.900(3)~~ 62-213.900(8) for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, except that the existing responsible official of any Title V source which had a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. ~~62-213.900(3)~~ 62-213.900(8) or the next application for Title V permit, permit revision or permit renewal, whichever comes first.

Rulemaking Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.061, 403.0872 FS. History—New 6-2-02, Amended _____.

62-213.300 Title V Air General Permits.

(1) Applicability. The following facilities are eligible to operate under the terms of a Title V air general permit issued pursuant to the procedures and conditions of this rule.

(a) Perchloroethylene Dry Cleaning Facilities. ~~The Title V air general permit for perchloroethylene dry cleaning facilities is no longer effective. The owner or operator of a perchloroethylene dry cleaning facility operating under the authority of this Title V air general permit is automatically authorized to operate under the authority of the air general permit for perchloroethylene dry cleaning facilities at paragraph 62-210.310(5)(f), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the responsible official submits a completed Perchloroethylene Dry Cleaner Air General Permit Notification Form (DEP Form No. 62-213.900(2)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:~~

~~1. The facility operates no emissions units other than perchloroethylene dry cleaning systems and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;~~

~~2. The facility is classified as a small or large area source pursuant to 40 C.F.R. Part 63, Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 C.F.R. Part 63, Subpart M, but does not emit any pollutant in a~~

major amount as set forth in paragraphs (a) through (e) of the definition of “major source of air pollution” at Rule 62-210.200, F.A.C.; and

~~3. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of Rule 62-296.412, F.A.C., and 40 C.F.R. Part 63, Subparts A and M, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable, except as follows.~~

~~a. In lieu of the provisions of 40 C.F.R. § 63.6(e)(3) and 40 C.F.R. § 63.10(d)(5), the responsible official shall maintain onsite a startup, shutdown, malfunction plan for the facility that describes, in detail, procedures for operating and maintaining the equipment during periods of startup, shutdown, and malfunction. The plan may be in the form of an equipment operation manual and shall also specify corrective action for malfunctioning process and air pollution control equipment.~~

~~b. During periods of startup, shutdown, and malfunction, the responsible official shall operate and maintain equipment in accordance with the procedures specified in the plan. Records of compliance with the plan shall be kept onsite for a minimum of five years and shall contain a certification statement signed by the responsible official that the documentation is true, accurate, and complete, based upon information and belief formed after reasonable inquiry.~~

~~e. If any action is taken which is inconsistent with the plan, the responsible official shall record and report the actions taken in accordance with the requirements of subparagraphs 62-213.300(3)(k)3. and 4., F.A.C. The record shall explain the circumstances of the event, the reason for not following the startup, shutdown, and malfunction plan, and whether any excess emissions or parameter monitoring exceedances are believed to have occurred. Taking actions inconsistent with those in the plan constitutes a violation of a permit condition and shall be subject to the provisions of paragraph 62-213.300(2)(d), F.A.C.~~

(b) Ethylene Oxide Sterilization Facilities. ~~The Title V air general permit for ethylene oxide sterilization facilities is no longer effective. The owner or operator of a ethylene oxide sterilization facility operating under the authority of this Title V air general permit is automatically authorized to operate under the authority of the air general permit for ethylene oxide sterilization facilities at paragraph 62-210.310(5)(g), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the responsible official submits a completed Ethylene Oxide Sterilizers Air General Permit Notification Form (DEP Form No. 62-213.900(3)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:~~

1. The facility operates no emission units other than ethylene oxide sterilization systems and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;

2. The facility is classified as a Title V source pursuant to paragraph (f), only, of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 C.F.R. Part 63, Subpart O, adopted and incorporated by reference in Rule 62-204.800, F.A.C., but does not emit any pollutant in a major amount as set forth in paragraphs (a) through (e) of the definition of "major source of air pollution"; and

3. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of 40 C.F.R. Part 63, Subparts A and O, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable.

(c) Halogenated Solvent Degreasing Facilities. The Title V air general permit for halogenated solvent degreasing facilities is no longer effective. The owner or operator of a halogenated solvent degreasing facility operating under the authority of this Title V air general permit is automatically authorized to operate under the authority of the air general permit for halogenated solvent degreasing facilities at paragraph 62-210.310(5)(h), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the responsible official submits a completed Halogenated Solvent Degreasers Air General Permit Notification Form (DEP Form No. 62-213.900(4)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:

1. The facility operates no emissions units other than degreasing machines and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;

2. The facility is classified as a Title V source pursuant to paragraph (f), only, of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 C.F.R. Part 63, Subpart T, adopted and incorporated by reference in Rule 62-204.800, F.A.C., but does not emit any pollutant in a major amount as set forth in paragraphs (a) through (e) of the definition of "major source of air pollution"; and

3. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of Rule 62-296.511, F.A.C., and 40 C.F.R. Part 63, Subparts A and T, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable.

(d) Chromium Electroplating and Anodizing Facilities. The Title V air general permit for chromium electroplating and anodizing facilities is no longer effective. The owner or operator of a chromium electroplating and anodizing facility operating under the authority of this Title V air general permit

is automatically authorized to operate under the authority of the air general permit for chromium electroplating and anodizing facilities at paragraph 62-210.310(5)(i), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the responsible official submits a completed Chromium Electroplating and Anodizing Air General Permit Notification Form (DEP Form No. 62-213.900(5)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:

1. The facility operates no emissions units other than chromium electroplating and anodizing tanks and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;

2. The facility is classified as a Title V source pursuant to paragraph (f), only, of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 C.F.R. Part 63, Subpart N, adopted and incorporated by reference in Rule 62-204.800, F.A.C., but does not emit any pollutant in a major amount as set forth in paragraphs (a) through (e) of the definition of "major source of air pollution"; and

3. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of 40 C.F.R. Part 63, Subparts A and N, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable.

(e) Asbestos Manufacturing and Fabrication Facilities. The Title V air general permit for asbestos manufacturing and fabrication facilities is no longer effective. The owner or operator of a asbestos manufacturing and fabrication facility operating under the authority of this Title V air general permit is automatically authorized to operate under the authority of the air general permit for asbestos manufacturing and fabrication facilities at paragraph 62-210.310(5)(j), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the facility previously obtained an air construction permit pursuant to subsection 62-210.300(1), F.A.C., the responsible official submits a completed Asbestos Manufacturing and Fabrication Air General Permit Notification Form (DEP Form No. 62-213.900(6)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the term of the general permit, all of the following conditions are met:

1. The facility operates no emissions units other than asbestos manufacturing and fabrication systems and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;

2. The facility is classified as a Title V source pursuant to paragraph (f), only, of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 CFR Part 61,

Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C., but does not emit any pollutant in a major amount as set forth in paragraphs (a) through (e) of the definition of "major source of air pollution"; and

3. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of 40 CFR Part 61, Subparts A and M, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as applicable.

(f) Secondary Aluminum Sweat Furnaces. The Title V air general permit for secondary aluminum sweat furnaces is no longer effective. The owner or operator of a secondary aluminum sweat furnace operating under the authority of this Title V air general permit is automatically authorized to operate under the authority of the air general permit for secondary aluminum sweat furnaces at paragraph 62-210.310(5)(k), F.A.C., until the date the authorization to operate under the Title V air general permit would have expired, provided the responsible official submits a completed Secondary Aluminum Sweat Furnace Air General Permit Registration Form (DEP Form No. 62-213.900(9)) to the Department at least 30 days prior to beginning operation under this general permit and, throughout the terms of the general permit, complies with all of the following conditions:

1. The facility operates no emissions units other than the secondary aluminum sweat furnace(s) and emissions units which are considered insignificant pursuant to the criteria of subparagraph 62-213.300(2)(a)1., F.A.C.;

2. The facility is classified as a Title V source pursuant to paragraph (f), only, of the definition of "major source of air pollution" at Rule 62-210.200, F.A.C.; that is, the facility is a Title V source by virtue of being subject to 40 C.F.R. Part 63, Subpart RRR, adopted and incorporated by reference at Rule 62-204.800, F.A.C., but does not emit any pollutant in a major amount as set forth in paragraphs (a) through (e) of the definition of "major source of air pollution";

3. The facility is not subject to any requirement of 40 C.F.R. Part 61 or 63, other than 40 C.F.R. Part 63, Subparts A and RRR, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and

4. The facility complies with all general conditions of subsection 62-213.300(3), F.A.C., and all requirements of 40 C.F.R. Part 63, Subparts A and RRR, as applicable, except that:

a. In lieu of conducting a performance test to demonstrate compliance with the emission standard of 40 C.F.R. § 63.1505(f)(2), the owner or operator shall comply with the residence time and operating temperature requirements of 40 C.F.R. § 63.1505(f)(1); and

b. In lieu of submitting a written operation, maintenance, and monitoring plan to the Department, the owner or operator shall prepare and implement a plan that meets the criteria of 40 C.F.R. 63.1510(b), operate the sweat furnace(s) in compliance

with the operation, maintenance and monitoring plan at all times, and maintain the plan on-site and available for inspection by the Department.

(2) General Procedures.

(a) Eligibility Determination. The responsible official of the facility shall determine its eligibility for a Title V air general permit pursuant to the applicability criteria of subsection 62-213.300(1), F.A.C.

1. No facility which contains an emissions unit, other than a unit described in a Title V air general permit under this rule or a unit considered insignificant pursuant to this paragraph, shall be eligible to use any air general permit in this rule. No facility is eligible to use more than one air general permit under this rule. For purposes of this rule, an emissions unit or activity shall be considered insignificant if all of the following criteria are met:

a. The emissions unit or activity would be subject to no unit specific applicable requirement.

b. The emissions unit or activity would neither emit nor have the potential to emit:

(i) 500 pounds per year or more of lead and lead compounds expressed as lead;

(ii) 1,000 pounds per year or more of any hazardous air pollutant;

(iii) 2,500 pounds per year or more of total hazardous air pollutants; or

(iv) 5.0 tons per year or more of any other regulated pollutant.

e. The emissions unit or activity, in combination with other units and activities at the facility, would not cause the facility to emit or have the potential to emit:

(i) 100 tons per year or more of carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, or volatile organic compounds;

(ii) 5 tons per year or more of lead and lead compounds expressed as lead;

(iii) 10 tons per year or more of any hazardous air pollutant;

(iv) 25 tons per year or more of total hazardous air pollutants; or

(v) 100 tons per year or more of any other regulated pollutant.

2. Any facility that would use a Title V air general permit under this rule must surrender all existing air permits authorizing the operation of the facility.

3. If a facility permitted by this rule at any time becomes ineligible for the use of the Title V air general permit and is subject to the source-specific Title V air operation permit requirements of Chapter 62-213, F.A.C., it shall be subject to enforcement action for operating without an air operation permit.

4. Notwithstanding the shield provisions of Rule 62-213.460, F.A.C., any facility utilizing a Title V air general permit will be subject to enforcement action for operation without a permit under Chapter 62-213, F.A.C., if it is determined to be initially ineligible for the air general permit which is being utilized by the facility.

(b) Notification. For each facility intending to operate under the provisions of a Title V air general permit, the responsible official must submit the correct notification form for the specific general permit to be utilized, as set forth in Rule 62-213.900, F.A.C., to give notice to the Department of intent to use one of the air general permits listed in this rule.

(c) Administrative Corrections. Within 30 days of any changes requiring corrections to information contained in the notification form, the responsible official shall notify the Department in writing. Such changes shall include:

1. Any change in name of the responsible official or facility address or phone number;
2. A change in facility status requiring more frequent monitoring or reporting by the responsible official from that noted on the most recent notification form; and
3. Any other similar minor administrative change at the facility.

(d) Violation of Permit. The Title V air general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity is a violation of the permit. The responsible official is placed on notice that violation of the permit constitutes grounds for revocation and suspension pursuant to Rule 62-4.100 and subsection 62-4.530(4), F.A.C., and initiation of enforcement action pursuant to Sections 403.141 through 403.161, F.S. No revocation shall become effective except after notice is served by personal service, certified mail, or newspaper notice pursuant to Section 120.60(5), F.S., upon the person or persons named therein and a hearing held, if requested within the time specified in the notice. The notice shall specify the provision of the law or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

(e) Nullification of Eligibility. Eligibility for use of a Title V air general permit is nullified by:

1. Submission of false or inaccurate information in the notification form for use of the Title V air general permit or in the required reports;
2. Refusal of lawful inspection by Department staff;
3. Failure to submit operational reports or other information required by the general permit; or
4. Failure to timely pay the required annual emissions fee, penalty, or interest.

(f) Any facility eligible to operate under the terms of a Title V air general permit may use the permit 30 days after giving notice to the Department without any agency action.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator and upon the responsible official of any facility utilizing a Title V air general permit pursuant to this rule.

(a) The duration of the general permit is five years. No later than 30 days prior to the fifth anniversary of the filing of intent to use the general permit, the responsible official shall submit a new notice of intent which shall contain all current information regarding the facility. Eligibility to use the general permit is not transferable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the responsible official is encouraged to notify the Department of the pending action. The owner shall remain liable for corrective actions that may be required as a result of any violations occurring in the time after the sale or legal transfer of the facility, but before a new owner is entitled to use an air general permit.

(b) The owner or operator of the facility must, upon written notice from the Department, submit payment of an annual operation fee in the amount of \$50.00. This fee is due and payable annually between January 15 and March 1 for the preceding year during which the facility was in operation and subject to the requirements of this rule and the general permit.

(c) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit.

(d) The general permit does not convey any vested rights or any exclusive privileges, nor does it authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.

(e) The general permit does not relieve the responsible official or the owner or operator of the facility from liability and penalties when the operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the responsible official, owner, or operator to cause pollution in contravention of Florida law.

(f) The general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.

(g) The responsible official shall make every reasonable effort to conduct the specific activity authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resource, water quality, or air quality.

(h) The responsible official shall allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the general permit and Department rules.

(i) The responsible official shall maintain any permitted facility or activity in good condition.

(j) The general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule.

~~(k) Monitoring and Related Recordkeeping and Reporting Requirements.~~

~~1. The responsible official shall maintain records of monitoring information that specify the date, place, time, and operating conditions of measurement; the methodology used; the company or entity which performed the monitoring; and the analytical results. These shall include all calibration and maintenance records, original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the general permit.~~

~~2. The responsible official shall retain records of all monitoring data and supporting information for a period of at least five years from the date of collection.~~

~~3. The responsible official shall keep records in which all occurrences of deviations from any specific monitoring requirements and from the procedures of any startup, shutdown, and malfunction plan required pursuant to paragraph 62-213.300(1)(a), F.A.C., shall be clearly identified. Reports of these deviations shall be submitted to the Department during facility inspections and also submitted with the annual compliance certification as required by subparagraph 62-213.300(3)(m)2., F.A.C. The responsible official shall certify each report as true, accurate, and complete.~~

~~4. The responsible official shall ensure that the Department is promptly notified of deviations from any specific monitoring requirements, including those attributable to upset conditions. Notification shall include the probable cause of such deviations and any corrective actions or preventive measures taken, except that notification shall not be required of actions taken consistent with any startup, shutdown, and malfunction plan required pursuant to paragraph 62-213.300(1)(a), F.A.C. Notification shall be provided within one working day of occurrence of the deviation and may be given by telephone.~~

~~(l) Compliance Plan Requirements.~~

~~1. For each applicable permit condition with which the facility is not in compliance at the time of giving notice to the Department of intent to use the general permit, and for which the facility has not come into compliance within 30 days after the giving of such notice, the responsible official shall submit to the Department a compliance plan. The compliance plan shall contain measurable and enforceable milestones, including specific dates for completion of each milestone.~~

~~2. The responsible official shall notify the Department in writing, within 15 days after the date for completion of each milestone, detailing the achievement of compliance, of progress achieved, requirements met or unmet, corrective measures adopted, and an explanation of any measures not met by the completion date for the compliance milestone. The responsible official shall certify that such notice is complete and accurate. Any deviation from the compliance plan shall constitute a violation of the permit condition and shall be subject to the provisions of paragraph 62-213.300(2)(d), F.A.C.~~

~~(m) Compliance Certification.~~

~~1. For each applicable requirement with which the facility is in compliance, the responsible official shall submit a statement certifying such compliance to the Department annually. The responsible official shall certify each statement as true, accurate, and complete.~~

~~2. The statement of compliance shall identify each term or condition of the permit with which the facility has remained in compliance during the period covered by the statement and shall specify the method used to demonstrate compliance. It shall identify each term or condition of the permit with which the facility has not been in continuous compliance during that reporting period. It shall also include the monitoring report required pursuant to subparagraph 62-213.300(3)(k)3., F.A.C.~~

~~3. For those terms or conditions with which the facility has not been in continuous compliance during any reporting period, the statement shall include the exact period of non-compliance, actions taken to achieve compliance, and the method used to demonstrate compliance.~~

~~(n) The general permit does not authorize any demolition or renovation of the facility or its parts or components which involves asbestos removal. The permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(o) Refrigerant Requirements.~~

~~Any facility having appliances or refrigeration equipment, including air conditioning equipment, which uses Class I or II ozone depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82, Subpart A, Appendices A and B, adopted and incorporated by reference in Rule 62-204.800, F.A.C., shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, reporting and recordkeeping requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82, Subpart F, adopted and incorporated by reference in Rule 62-204.800, F.A.C. No person shall knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82, Subpart F.~~

~~(p) The general permit does not authorize any open burning nor does it constitute any waiver of the requirements of Chapter 62-256, F.A.C.~~

~~(q) No person shall circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.~~

~~(r) All reports and notices submitted by the facility and all records required to be maintained according to subparagraph 62-213.300(3)(k)3., F.A.C., shall contain a certification statement signed by the responsible official that the documentation is true, accurate, and complete, based upon information and belief formed after reasonable inquiry.~~

~~(4) Local Air Program Requirements. Each facility located within the borders of any of the following counties shall also comply with the requirements of that county as set forth below:~~

- ~~(a) Broward County.~~
- ~~(b) Dade County.~~
- ~~(c) Duval County.~~

~~1. Pursuant to Jacksonville Environmental Board Rule 2.901, no person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor.~~

~~2. Pursuant to Jacksonville Ordinance Code Chapter 376, any facility that causes or contributes to the emission of objectionable odors which results in the Air Quality Division (AOD) receiving and validating complaints from five or more different households within a 90-day period may be cited for objectionable odors.~~

- ~~(d) Hillsborough County.~~
- ~~(e) Palm Beach County.~~

~~Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.814 FS. History-New 3-13-96, Amended 6-25-96, 10-7-96, 7-7-97, 11-13-97, 2-24-99, 1-3-01, 4-16-01, 4-14-03,_____.~~

62-213.440 Permit Content.

- (1) through (2) No change.
- (3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

- 1. through 2. No change.

3. In lieu of requiring a responsible official to individually identify all applicable requirements and specify times of compliance with, noncompliance with, and deviation from each, a provision that a responsible official may use DEP Form No. 62-213.900(2) ~~62-213.900(7)~~ as such statement of compliance so long as the responsible official specifically identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

- (b) No change.
- (4) No change.

~~Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History-New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 1-3-01, 4-16-01, 6-2-02,_____.~~

62-213.900 Forms and Instructions.

The forms used by the Department in the Title V source operation permit program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Major Air Pollution Source Annual Emissions Fee Form (Effective 1-3-01).

~~(2) Perchloroethylene Dry Cleaner Air General Permit Notification Form, Form and Instructions (Effective February 24, 1999).~~

~~(3) Ethylene Oxide Sterilizers Air General Permit Notification Form, Form and Instructions (Effective February 24, 1999).~~

~~(4) Halogenated Solvent Degreasers Air General Permit Notification Form, Form and Instructions (Effective February 24, 1999).~~

~~(5) Chromium Electroplating and Anodizing Air General Permit Notification Form, Form and Instructions (Effective February 24, 1999).~~

~~(6) Asbestos Manufacturing and Fabrication Air General Permit Notification Form, Form and Instructions (Effective February 24, 1999).~~

~~(2)(7) Statement of Compliance Form. (Effective _____ 6-2-02).~~

~~(3)(8) Responsible Official Notification Form. (Effective _____ 6-2-02).~~

~~(9) Secondary Aluminum Sweat Furnace Air general Permit Registration form (Effective 4-14-03).~~

~~Rulemaking Specific Authority 403.061 FS. Law Implemented 403.0872, 403.814 FS. History-New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Trina L. Vielhauer, Acting Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.007
 RULE TITLE: Disclosure of Certain Criminal Records for Renewal of License

PURPOSE AND EFFECT: Section 497.142(10)(a), F.S., requires every licensee to disclose certain criminal records when applying for renewal of any license issued under Chapter 497, F.S. Section 497(10)(g), F.S., requires the Department to adopt rules specifying forms and procedures to be used by licensees to disclose those criminal records.

SUMMARY: Rule 69K-1.007, F.A.C., adopts a disclosure form to be used by licensees to disclose criminal records when applying for renewal of his or her license under Chapter 497, F.S. A licensee who previously disclosed his or her criminal record upon initial application or renewal must disclose only those criminal offenses that occurred since the most recent renewal, or if the license has not been renewed, since the licensee's initial application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has been prepared by the agency.

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: 497.103(5)(b), 497.142(10)(g) FS.

LAW IMPLEMENTED: 497.103(2)(c), 497.141, 497.142 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: May 3, 2011, 10:00 a.m.
 PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, FL

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: LaTonya Bryant-Parker at (850)413-3039 or LaTonya.Bryant-Parker@MyFloridaCFO.com. 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: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.007 Disclosure of Certain Criminal Records for Renewal of License.

(1) A licensee who, pursuant to Section 497.142(10)(a), F.S., is required to disclose a criminal record when renewing his or her license, shall disclose the criminal record by completing and filing with the Division of Funeral, Cemetery, and Consumer Services, a Form DFS-N1-2043, Disclosure of Criminal Record at Renewal of License. Form DFS-N1-2043 (Eff. 3/11), which is hereby incorporated by reference, is available on the website of the Division, at <http://www.MyFloridaCFO.com/funeralcemetery/>, or by contacting the Division at phone number (850)413-3039.

(2) Form DFS-N1-2043 shall be filed by mailing or otherwise delivering the completed form to the Division at the following address: Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Form DFS-N1-2043 shall be filed with the Division prior to the expiration date of the license to which the disclosure relates.

(3) Pursuant to Section 497.142(10), F.S., when renewing a license, a licensee is only required to disclose those criminal offenses that occurred since the initial issuance of the license or the most recent renewal of the license, whichever is more recent. Any criminal record that was disclosed to the Division when the license was initially applied for, or that was disclosed in connection with a prior renewal of the license, is not required to be disclosed again at any subsequent renewal. Traffic infractions that are not criminal offenses are not required to be disclosed.

Rulemaking Authority 497.103(5)(b), 497.142(10)(g) FS. Law Implemented 497.103(2)(c), 497.141, 497.142 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011