

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSED REVISION TO STATE IMPLEMENTATION PLAN**



**NUMBER 2007-02
GASOLINE VAPOR RECOVERY
MAY 31, 2007**

**STATE IMPLEMENTATION PLAN SUBMITTAL
NUMBER 2007-02**

GASOLINE VAPOR RECOVERY

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May 31, 2007

Mr. James I. Palmer, Jr.
Regional Administrator
United States Environmental
Protection Agency - Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Re: Air Program: Proposed Revision to State Implementation Plan (SIP)
Gasoline Vapor Recovery

Dear Mr. Palmer:

In accordance with the requirements of 40 CFR 51.103 and 51.104, and on behalf of the Governor of Florida, I am pleased to submit the subject proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act. The proposed SIP revision consists of amendments to Florida Administrative Code (F.A.C.) Chapters 62-252, 62-210, and 62-296. The rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants and gasoline tanker trucks. One hard copy and one electronic copy (compact disk) of the complete submittal package have been sent directly to the Air Planning Branch.

The Department of Environmental Protection (DEP) held a public hearing in Tallahassee, Florida, on April 6, 2007, on this proposed SIP revision and has considered all comments received into the hearing record. I hereby certify that the public notice and hearing requirements of all applicable state and federal regulations, including those of 40 C.F.R. 51.102, have been satisfied with respect to this revision.

Thank you for your continued support of our efforts to fully implement the Clean Air Act in Florida.

Sincerely,

Joseph Kahn, Director
Division of Air Resource Management

JK/igt

cc (letter only): Mimi Drew, Deputy Secretary, DEP
cc (with enclosures): Kay Prince, Chief, Air Planning Branch, EPA Region 4

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY
SIP SUBMITTAL NUMBER 2007-02

GASOLINE VAPOR RECOVERY

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Introduction

The Department of Environmental Protection (DEP) is proposing to revise Florida's State Implementation Plan (SIP) to incorporate amendments to Florida Administrative Code (F.A.C.) Chapters 62-210, 62-252, and 62-296, F.A.C. The proposed rule amendments would eliminate Stage II gasoline vapor recovery requirements for new and upgraded gasoline dispensing facilities in Palm Beach, Broward, and Miami-Dade counties, and phase out Stage II requirements for existing facilities in those counties. In addition, the proposed rule amendments would require new and upgraded gasoline dispensing facilities and new bulk gasoline plants statewide to employ Stage I gasoline vapor recovery systems, and it would phase in Stage I requirements statewide for existing gasoline dispensing facilities.

With respect to phasing out the Stage II program, DEP is proposing this action based on the fact that Stage II vapor recovery was not an "applicable requirement" under 40 CFR 51.900(f) for Southeast Florida at the time of its designation as attainment for the 8-hour ozone standard, and the benefits of the program are rapidly diminishing as new motor vehicles equipped with on-board refueling vapor recovery (ORVR) systems continue to occupy a greater share of the vehicle fleet. In addition, many gasoline dispensing facilities in the area will be replacing their underground storage tanks with new, double-walled tanks between now and 2009, and the capital expense of installing new, upgraded Stage II systems on those tanks cannot be justified given the area's relatively low 8-hour ozone design value (70 ppb for 2004-2006).

DEP is satisfied that phase-out of the Stage II vapor control program will not jeopardize Southeast Florida's continued compliance with the 8-hour ozone ambient air quality standard. Any temporary increase in refueling-related volatile organic compound (VOC) emissions in the

area due to the phase-out of Stage II requirements will be more than offset by projected reductions in VOC emissions from other source categories. Furthermore, the vacuum-assist Stage II vapor recovery systems currently used in Southeast Florida are not compatible with ORVR systems. This incompatibility causes some of the vapors meant to be captured by the Stage II system to be emitted to the air through the storage tank vents. By phasing out the current Stage II vapor control program, Southeast Florida will ultimately, if not immediately, realize a net reduction in refueling-related VOC emissions due to elimination of these ORVR incompatibility-related excess emissions.

By requiring the application of Stage I vapor recovery technology at gasoline dispensing facilities and new bulk gasoline plants statewide, DEP expects to achieve significant reductions in VOC emissions in all of Florida's urban areas and in upwind areas that contribute to urban ozone concentrations. These reductions will help the state as a whole maintain its current attainment status with respect to the 8-hour ozone air quality standard.

Similarly, DEP is satisfied that the phase-out of the Stage II program will not jeopardize continued compliance with the PM_{2.5} ambient air quality standard. First, the Southeast Florida area's PM_{2.5} design values are well below both the annual and 24-hour ambient air quality standards (2004-2006 design values for the area = 9.5 ug/m³, annual, and 22.3 ug/m³, 24-hour). Second, VOC emissions play only a partial role in PM_{2.5} formation, and, as stated above, any temporary increase in VOC emissions in the area that may occur due to the phase-out of Stage II requirements will be more than offset by projected reductions in VOC emissions from other source categories.

Background

Effective January 6, 1992, the three-county Southeast Florida area consisting of Palm Beach, Broward, and Miami-Dade counties was designated and classified as a "moderate" ozone nonattainment area by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act Amendments of 1990 (see 56 FR 56694). The designation was based on the area's 1-hour ozone design value, 138 ppb, for the three-year period 1987-1989.

Pursuant to the requirements of section 182(b)(3) of the federal Clean Air Act, DEP developed Rule 62-252.400, F.A.C., Gasoline Dispensing Facilities – Stage II Vapor Recovery, and submitted the rule to EPA for approval as part of Florida's ozone SIP. The rule was adopted by DEP effective February 2, 1993, and approved by EPA effective April 25, 1994 (59 FR 13883). Under the state rule, new gasoline dispensing facilities built after November 15, 1992, were required to employ Stage II systems upon startup; existing facilities were required to install Stage II systems by specific dates ranging from June 30, 1993, to November 15, 1994.

On November 8, 1993, having implemented all measures required of the state to that date for moderate ozone nonattainment areas under the Clean Air Act, and with three years of data (1990-1992) showing compliance with the 1-hour ozone standard, DEP submitted to EPA an ozone maintenance plan and request for redesignation of the Southeast Florida area to attainment status. The maintenance plan, as required under section 175A of the Clean Air Act, showed that VOC

emissions in the area would remain below the 1990 “attainment year” levels throughout the ten-year period from 1995 to 2005. In making these projections, DEP factored in the emissions benefit of the area’s Stage II program, thereby expressing the state’s intent to maintain this program as part of its 1-hour ozone SIP. The redesignation request and maintenance plan were approved by EPA, effective April 25, 1995 (60 FR 10325). Subsequently, the maintenance plan was extended by DEP to 2015 and approved by EPA, effective April 13, 2004 (69 FR 7127).

On April 6, 1994, EPA promulgated regulations requiring the phase-in of ORVR systems on new motor vehicles. Under section 202(a)(6) of the Clean Air Act, moderate ozone nonattainment areas are not required to implement Stage II vapor recovery programs after promulgation of ORVR standards. Since the Southeast Florida Stage II program was already in place and had been included in the state’s November 8, 1993, redesignation request and 1-hour ozone maintenance plan for the area, DEP elected not to back the program out of the SIP at that time.

With repeal of the 1-hour ozone standard on June 15, 2005, the section 175A ozone maintenance plan for the Southeast Florida area became largely moot. Under EPA’s April 30, 2004, Phase I implementation rule for the 8-hour ozone standard, the state is required to submit a SIP revision under section 110(a)(1) of the Clean Air Act by June 15, 2007, showing how it plans to maintain compliance with the 8-hour standard in the area through the year 2014 (69 FR 23951). The section 110(a)(1) maintenance plan for the Southeast Florida area is currently under development and will further demonstrate that elimination of the Stage II vapor program will not jeopardize maintenance of the 8-hour ozone standard.

Note: the Phase I implementation rule, at 40 CFR 51.905(4), requires that any “applicable requirement” under the 1-hour ozone SIP, if rescinded, be retained as a contingency measure in the 8-hour ozone SIP. However, since the Southeast Florida Stage II vapor recovery program ceased to be an “applicable requirement” upon EPA’s promulgation of the ORVR standards in 1994, the state is not obligated, and is not proposing, to retain the program as a contingency measure.

State Rule Development Process

On February 2, 2007, the DEP Division of Air Resource Management held a rule development workshop to provide an opportunity for stakeholders and the public to comment on its proposed changes to Florida’s gasoline vapor recovery rules. On March 16, 2007, DEP published notices of proposed rulemaking in the Florida Administrative Weekly, offering the opportunity for interested parties to submit comments on the proposed rules or request a Secretarial rule adoption hearing. A Secretarial rule adoption hearing was neither requested nor held.

Under the state process, the deadline for submission of comments on the notices of proposed rulemaking was April 6, 2007. Therefore, DEP held a public hearing pursuant to the requirements of 40 CFR 51.102 on that date to receive verbal or written comments on this proposed SIP revision. Notice of the April 6, 2007, public hearing was published in newspapers across the state and transmitted to EPA and neighboring states on or before March 7, 2007, in accordance with the 30-day notice requirement of 40 CFR 51.102.

Only one comment was received into the record, that from EPA Region 4 requesting that the department address the effect of this proposed SIP revision on compliance with the PM2.5 ambient air quality standard. The DEP's response to this comment is provided in the Introduction section above and the Noninterference Demonstration at Exhibit A to this Executive Summary. A copy of the comment letter is provided in the "Public Comments" section of this submittal document.

Summary of Proposed Rule Amendments – Chapter 62-210

In Chapter 62-210, F.A.C., pertinent definitions are amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The bulk gasoline plant permitting exemption is restricted to existing bulk gasoline plants that are not required to employ control technology and do not exceed certain storage capacity and throughput limits. The requirements for operation under the bulk gasoline air general permit are amended to include the requirement for control technology where applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. Details of these proposed rule amendments are listed below.

62-210.200 Definitions

- **62-210.200(50)** The definition of "Bulk Gasoline Plant" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(51)** The definition of "Bulk Gasoline Terminal" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(150)(New)** A new definition of "Gasoline Cargo Tank" is added for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-210.200(151)** The definition of "Gasoline Dispensing Facility" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(296)** The definition of "Submerged Filling" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.

62-210.300 Permits Required

- **62-210.300(3)(a)30.** The exemption from permitting for bulk gasoline plants is restricted to existing bulk gasoline plants not subject to the control technology requirements of proposed Rule 62-292.418, F.A.C.

62-210.310 Air General Permits

- **62-210.310(4)(a)** Language is added requiring bulk gasoline plants operating under the Bulk Gasoline Plant Air General Permit to comply with all applicable provisions of Rule 62-292.418, F.A.C. In addition language implying that multiple bulk gasoline plants might exist at the same facility is removed, since the term "bulk gasoline plant" is defined as a type of facility.

62-210.920 Air General Permit Forms

- **62-210.920(1)(a)** The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate the above rule revisions.

Summary of Proposed Rule Amendments – Chapter 62-252

Stage I vapor recovery is currently required for gasoline dispensing facilities in seven counties designated under state rules as air quality maintenance areas for ozone (Duval, Orange, Hillsborough, Pinellas, Palm Beach, Broward, and Miami-Dade). Stage II vapor recovery is currently required for gasoline dispensing facilities in three of the seven counties (Palm Beach, Broward, and Miami-Dade). The proposed amendments to Chapter 62-252, F.A.C., consist of: requiring Stage I vapor recovery at new and upgraded gasoline dispensing facilities statewide; phasing in Stage I vapor recovery statewide for existing gasoline dispensing facilities not previously required to have Stage I vapor recovery; removing the requirement for Stage II vapor recovery in Palm Beach, Broward, and Miami-Dade counties at new and upgraded gasoline dispensing facilities; phasing out Stage II vapor recovery at existing facilities in those three counties; and requiring tanker trucks and trailers to ensure connection of the vapor return line at facilities equipped for Stage I vapor recovery statewide. Details of these proposed rule amendments are listed below.

62-252.200 Definitions

- **62-252.200(3)(New)** A new definition of “Gasoline Cargo Tank” is added for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-252.200(4)** The definition of “Gasoline Dispensing Facility” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(10)** The definition of “Stage I Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(11)** The definition of “Stage II Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(12)** The definition of “Submerged Filling” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The term “tanker truck” is replaced with “gasoline cargo tank.”

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery

- **62-252.300(1)(a) and (b)** Gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons or more located in any area designated as a nonattainment area or air quality maintenance area for ozone, and all dispensing facilities subject to the Stage II vapor recovery requirements, remain subject to this rule section. An erroneous rule citation is corrected.

- **62-252.300(1)(c)(New)** The applicability of Stage I vapor recovery to all dispensing facilities statewide with a monthly throughput of 10,000 gallons or more that begin operation after August 1, 2007, is added.
- **62-252.300(d)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities not otherwise subject to Stage I vapor recovery and whose storage tanks are upgraded or replaced after August 1, 2007, is added.
- **62-252.300(e)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities statewide with a monthly throughput of 10,000 gallons or more is added.
- **62-252.300(2)** Corrective and conforming changes are made.
- **62-252.300(3)(a)** The language pertaining to the optional use of a system that automatically prevents gasoline transfer when the vapor tight line is not properly connected is removed as such systems are not currently used. The 1975 EPA document, “Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations” remains adopted by reference with the exception of Attachment A (specific manufacturers’ specifications).
- **62-252.300(3)(b)** The existing language referencing requirements for the delivery vessel is deleted and moved to Rule 62-252.500, F.A.C., Gasoline Tanker Trucks. New language is added in this paragraph requiring the Stage I vapor recover system piping to include pressure-vacuum vents.
- **62-252.300(4)** The lead-in language to this subsection is eliminated, and new paragraphs are added for compliance schedules to meet the Stage I vapor recovery requirements on a statewide basis. The paragraphs under this subsection refer back, and correspond, to paragraphs (a) through (e) in subsection 62-252.300(1), F.A.C.
- **62-252.300(4)(a)(New)** Existing and new gasoline dispensing facilities in the seven ozone air quality maintenance areas that are currently required to employ Stage I vapor control systems must continue to operate and maintain those systems.
- **62-252.300(4)(b)(New)** Existing and new gasoline dispensing facilities that are currently required to employ Stage I vapor control systems by virtue of having installed Stage II systems must continue to operate and maintain those Stage I systems.
- **62-252.300(4)(c)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(c), F.A.C. (those that begin operation on or after August 1, 2007) shall install a Stage I vapor recovery system prior to beginning operation and, once installed, continue to operate and maintain the system.
- **62-252.300(4)(d)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(d), F.A.C. (those that upgrade or replace their stationary storage tanks based on Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007) shall install a Stage I vapor recovery system at the time of upgrade or replacement of the storage tanks.
- **62-252.300(4)(e)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(e), F.A.C.; that is, all facilities that began, or will begin, operation prior to

August 1, 2007, and are not otherwise required to employ Stage I vapor control, shall install a Stage I vapor recovery system by January 1, 2010, and thereafter operate and maintain the system.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery

- **62-252.400(1)(a) through (d)** The rule language is amended to eliminate the applicability of this rule section to any gasoline dispensing facility located in Palm Beach, Broward, or Miami-Dade counties if: the facility's storage tanks or piping is upgraded or replaced pursuant to Rule 62-761.510, F.A.C.; the facility had previously been issued a variance by the department from Stage II rule requirements; or the facility begins operation on or after May 15, 2007.
- **62-252.400(2)** The language is amended to require facilities at which Stage II vapor recovery systems were installed prior to May 15, 2007, to operate and maintain the systems through December 31, 2009, unless upgrading or replacing storage tanks or integral piping pursuant to Rule 62-761.510, F.A.C. Rule language is added to require that Stage II vapor recovery systems which no longer operate pursuant to this rule shall be decommissioned in such manner as to seal and eliminate all areas of possible liquid and vapor leakage.
- **62-252.400(4)** The language is amended to eliminate the requirement for installation of Stage II vapor recovery systems based on the applicability criteria included in subsection 62-252.400(1), F.A.C.

62-252.500 Gasoline Tanker Trucks

- **62-252.500** The title of the rule section is changed to "Gasoline Tanker Trucks or Trailers" for consistency with the applicability of the rule.
- **62-252.500(2)(b)** New language is added to require the operator of a tanker truck or trailer to ensure the vapor return line is properly connected, if the tanker truck or trailer is designed to receive the displaced vapors from the stationary storage tanks. If displaced vapors are captured in the tanker truck or trailer, the vapors shall be processed by a vapor recovery system, if available, at the bulk plant or bulk terminal.
- **62-252.500(c)(New)** The tanker truck or trailer must be vapor-tight, except for normal pressure vacuum venting as required by the federal Department of Transportation. This language was previously sub-paragraph 62-252.300(3)(a)1., F.A.C.

62-252.500 Form

- **62-252.900** The "Gasoline Tanker Truck Leak Test Report" is amended for clarity and conformance with the leak testing requirements of subsection 62-252.500(3), F.A.C.

Summary of Proposed Rule Amendments – Chapter 62-296

Control technology (submerged filling) is currently required for bulk gasoline plants in the seven counties designated under state rules as air quality maintenance areas for ozone. The proposed

amendments to Chapter 62-296, F.A.C., consist of the repeal of Rule 62-296.509, F.A.C., which specifies Reasonably Available Control Technology (RACT) requirements for certain bulk gasoline plants in the seven Florida counties, and the addition of new rule 62-296.418, F.A.C., which continues the control technology requirements for existing bulk gasoline plants in the seven counties while also requiring enhanced control technology requirements for new bulk gasoline plants statewide. Details of these proposed rule amendments are listed below.

62-296.418 Bulk Gasoline Plants

- **62-296.418(New)** A new rule section is created for bulk gasoline plants statewide.
- **62-296.418(1)** Any existing bulk gasoline plant located in an area designated as a nonattainment area or air quality maintenance area for ozone, and with a throughput of more than 2,000 gallons per day, shall be equipped with submerged filling capability. (Same as current Rule 62-296.509, F.A.C.)
- **62-296.418(2)** Any bulk gasoline plant that begins operation on or after August 1, 2007, in any area of the state and with any throughput rate shall be equipped with submerged filling capability, and the loading rack shall be equipped with a vapor collection and control system.

62-296.509 Bulk Gasoline Plants (Repealed)

- **62-296.509 Repealed.** This rule is within the VOC RACT part of the rule chapter and applies only to the seven ozone air quality maintenance counties. The provisions of this rule are moved to new Rule 62-296.418, F.A.C., which retains the existing RACT requirements for plants in the seven counties, but also includes enhanced VOC control technology requirements for new gasoline bulk plants statewide.

Statutory Authority

Section 403.061(35), Florida Statutes, authorizes DEP to “exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act.” These duties and responsibilities include the development and periodic updating of Florida’s SIP. The proposed rule amendments to update Florida’s gasoline vapor recovery rules are undertaken pursuant to this specific statutory authority.

Exhibit A – Noninterference Demonstration

Section 110(l) of the Clean Air Act prohibits EPA from approving any proposed SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Clean Air Act. This proposed SIP revision addresses emissions of VOC from gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks and trailers as part of Florida’s plan for continued maintenance of the 8-hour ozone air quality standard. The following “noninterference demonstration” is provided in support of this proposed SIP revision.

Ozone Air Quality: Prior to 1990, and extending back to about 1980, the Southeast Florida area was in violation of the 1-hour ozone standard. During that time the area was designated as a nonattainment area for ozone. From 1990 on, the area has been in compliance with the 1-hour standard and was officially redesignated to attainment status in 1995. With relation to the newer 8-hour ozone standard, the area has always been in compliance. The following table shows historical 1-hour and 8-hour ozone design values for the three-county Southeast Florida area.

Ozone Design Values – Southeast Florida

	<i>8-Hour (ppb)</i>	<i>1-Hour (ppb)</i>
1985-1987	82	149
1986-1988	84	143
1987-1989	83	138
1988-1990	78	122
1989-1991	73	110
1990-1992	72	104
1991-1993	76	106
1992-1994	79	108
1993-1995	80	111
1994-1996	74	106
1995-1997	75	103
1996-1998	76	106
1997-1999	78	104
1998-2000	78	104
1999-2001	75	103
2000-2002	71	102
2001-2003	68	102
2002-2004	66	86
2003-2005	68	88
2004-2006	70	92

8-Hour Design Value = 3-year average of the 4th highest annual maximum daily 8-hour value. Compliance is attained with a value of 84 ppb or less.

1-Hour Design Value = 4th highest maximum daily 1-hour value over 3 years. Compliance is attained with a value of 124 ppb or less.

The values in the table are for the monitor with the highest design value in the area for that period.

The above 20-year record of ozone design values for the Southeast Florida area demonstrates a general downward trend in ozone levels, with current levels comfortably lower than the 85 ppb 8-hour ozone air quality standard.

PM2.5 Air Quality: It is not possible to construct a long-term trend of PM2.5 design values for the three-county Southeast Florida area since monitoring did not begin until the late 1990s. However, there have been no violations of either the 1997 or 2006 PM2.5 ambient air quality standards in the area, and current design values are well below both the annual and 24-hour PM2.5 standards (i.e., 2004-2006 design values = 9.5 ug/m³, annual, and 22.3 ug/m³, 24-hour). The following table shows historical PM2.5 annual design values for the three-county Southeast Florida area.

PM2.5 Annual Design Values – Southeast Florida

	<i>Annual (ug/m³)</i>
1999-2001	11.1
2000-2002	10.2
2001-2003	9.5
2002-2004	9.4
2003-2005	9.5
2004-2006	9.5

Annual Design Value = 3-year average. Compliance is attained with a value of 15.0 ug/m³ or less. The values in the table are for the monitor with the highest design value in the area for that period.

VOC Emissions: Eliminating the Stage II vapor recovery requirement may result in a small, temporary increase in VOC emissions within the three Southeast Florida counties. The following table shows the expected emission changes in comparison with the emissions that would occur if the Stage II vapor recovery requirement were to remain in force. The table does not reflect the potential emissions benefit of removing Stage II systems that are incompatible with ORVR.

VOC Emissions from Vehicle Refueling (Stage II) – tons per day

	2005	2010		2015	
	w/Stage II	w/Stage II	w/o Stage II	w/Stage II	w/o Stage II
Miami-Dade	1.43	1.04	3.22	0.87	2.04
Broward	1.26	0.92	2.86	0.78	1.81
Palm Beach	0.95	0.71	2.19	0.61	1.42
Total	3.64	2.67	8.27	2.26	5.27

Comparing these emissions to the total VOC emissions projected for the Southeast Florida area in the most recent 1-hour ozone maintenance plan gives perspective¹. Since 1990, the year that the area came into attainment with the 1-hour standard, VOC emissions have continued to decline. From a 1990 value of 867.8 tons per day, VOC emissions decreased to 512.6 tons per day in 2005. As a result of turnover of the vehicle fleet and other programs designed to reduce emissions, VOC emissions in the area are expected to further decline to 488.4 tons per day and

¹ Air Quality Maintenance Plan (2005-2015) Dade, Broward, and Palm Beach Counties, December 2002

464.2 tons per day in 2010 and 2015, respectively, if the Stage II gasoline vapor recovery program is continued (and does not produce ORVR incompatibility-related excess emissions). Without Stage II, the VOC emissions would be 494.0 tons per day in 2010 and 467.2 tons per day in 2015, still below current levels and well below the 1990 attainment-year emissions “ceiling.” Thus, additional emissions that may result from phase-out of the Stage II program will clearly not threaten continued attainment of the former 1-hour ozone standard.

	1990	2005	2010		2015	
	<i>w/o Stage II</i>	<i>w/Stage II</i>	<i>w/Stage II</i>	<i>w/o Stage II</i>	<i>w/Stage II</i>	<i>w/o Stage II</i>
Miami-Dade	399.8	208.3	200.0	202.1	191.6	192.8
Broward	239.6	154.6	145.3	147.2	135.9	136.9
Palm Beach	228.4	149.7	143.2	144.7	136.7	137.5
Total	867.8	512.6	488.4	494.0	464.2	467.2

(For completeness, it should be noted that total VOC emissions in the area also include a biogenic component that is assumed constant over time. The biogenic VOC emissions for each of the counties is estimated as 211.3 tons per day for Miami-Dade, 174.5 tons per day for Broward, and 399.6 tons per day for Palm Beach. These amounts can be added to the man-made emissions to get the total VOC emissions.)

Likewise, any VOC emissions increase that may result from phase out of the Stage II program is not expected to cause a violation of the 8-hour ozone standard in the Southeast Florida area. An analogous emissions ceiling for maintenance of the 8-hour standard can be approximated based also on 1990 emissions. Although the three-county area has never violated the 8-hour standard, the years 1988 and 1989 had the closest design values to the level of the standard (84 ppb and 83 ppb, respectively). Since VOC emissions have steadily decreased over the last two decades, emissions in 1988 and 1989 were likely a bit greater than 1990 emissions. Thus, the 1990 attainment-year emissions ceiling, as determined for the 1-hour standard, represents a reasonable emissions ceiling for maintenance of the 8-hour standard, and the logic given above for noninterference with maintenance of the former 1-hour standard would apply also to the current 8-hour standard.

Similarly, DEP is satisfied that the phase-out of the Stage II gasoline vapor recovery program in Southeast Florida will not jeopardize continued compliance with the PM_{2.5} ambient air quality standard in the area. Any temporary increase in VOC emissions in the area that may occur due to the phase-out of Stage II program will be more than offset by projected reductions in VOC emissions from other source categories.

Finally, there is no reason to believe that any increase in VOC emissions in Southeast Florida that may result from phase out of the Stage II program would significantly interfere with attainment and reasonable further progress in any ozone or PM_{2.5} nonattainment area outside of Florida, the nearest such areas being Atlanta and Macon, Georgia, and Birmingham, Alabama. Furthermore, the phase-in of Stage I vapor control on a statewide basis will likely result in a net reduction in VOC-related air pollutant transport across Florida’s borders.

Exhibit B – Justification for Expansion of Stage I Vapor Control Program

To a degree that cannot readily be quantified, the VOC emissions reductions resulting from expansion of the Stage I vapor control program to all areas of the state will help Florida maintain its current attainment status with respect to the 8-hour ozone air quality standard. As shown below, ozone concentrations, while currently meeting the 85 ppb ozone air quality standard, approach the standard throughout much of the state.

<u>County</u>	<u>2004-2006 Design Value (ppb)</u>
Escambia	83
Santa Rosa	80 (2-year avg.)
Hillsborough	80
Orange	79
Bay	78
Manatee	78
Sarasota	78
Duval	77
Seminole	77
Lake	76
Pasco	75
Polk	75
Alachua	74
Highlands	73
Marion	73
Pinellas	73
Brevard	72
Columbia	72
Osceola	72
Lee	71
Holmes	70
Leon	70
Miami-Dade	70
Wakulla	70
Volusia	69
Baker	68
Collier	68
St. Lucie	68
Palm Beach	67
Broward	63

Adding to DEP's concern, and providing further justification for expansion of the Stage I program, is the possibility that EPA will significantly tighten the 8-hour ozone standard in 2008. On January 31, 2007, EPA released its final "Staff Paper," reflecting the agency's review of the latest health effects information on ozone exposure. The Staff Paper recommends that the standard be set somewhere within the range between 60 ppb and something less than 80 ppb.

RESPONSE TO 40 CFR PART 51, APPENDIX V, CRITERIA

Response to 40 CFR Part 51, Appendix V, Criteria

Administrative Materials

(a) A copy of the letter of submittal, signed by the Director of the Division of Air Resource Management, Florida Department of Environmental Protection, on behalf of the Governor of the State of Florida, is located at the front of this document.

(b) This proposed revision to Florida's SIP consists of:

Amendments to Chapter 62-210, F.A.C. (Effective May 9, 2007)

Amendments to Chapter 62-252, F.A.C. (Effective May 9, 2007)

Amendments to Chapter 62-296, F.A.C. (Effective May 9, 2007)

(c) The department has the necessary legal authority to adopt and implement this proposed revision to Florida's SIP. Pertinent excerpts of the current Florida Statutes may be found in the "Statutory Authority" section of this submittal.

(d) Certified copies of all rules and rule amendments, as filed with the Florida Secretary of State for adoption into the Florida Administrative Code (F.A.C.), and any other materials intended for incorporation into Florida's SIP may be found in the "Materials to be Incorporated into State Implementation Plan (SIP)" section of this submittal.

(e) The department has complied with all state procedural requirements in adoption of the rules to be incorporated into the SIP. Copies of all documents required under Florida's Administrative Procedures Act may be found in the "state Administrative Materials" section of this submittal.

(f) The department has complied with all public hearing requirements of 40 CFR 51.102. Copies of all relevant notices, affidavits of publication and notification letters may be found in the "Public Hearing" section of this submittal. Materials made available for public inspection during the public notice period may be found in the "Materials Included in Public Information Packages and pre-hearing Submittal" section of this submittal.

(g) Certification of compliance with all state and federal public notice and hearing requirements is provided in the letter of submittal.

(h) Written comments received during the public notice period on this proposed SIP revision may be found in the "Public Comments" section of this submittal. The department's response to the public comments may be found in the "Executive Summary" section of this submittal.

STATUTORY AUTHORITY

§§ 403.031, 403.061, 403.0872, F.S. FLORIDA STATUTES

CHAPTER 403
ENVIRONMENTAL CONTROL
PART I
POLLUTION CONTROL (ss. 403.011-403.4154)

403.031 Definitions.--In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

- (1) "Contaminant" is any substance which is harmful to plant, animal, or human life.
- (2) "Department" means the Department of Environmental Protection.
- (3) "Effluent limitations" means any restriction established by the department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents which are discharged from sources into waters of the state.
- (4) "Installation" is any structure, equipment, or facility, or appurtenances thereto, or operation which may emit air or water contaminants in quantities prohibited by rules of the department.
- (5) "Person" means the state or any agency or institution thereof, the United States or any agency or institution thereof, or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body of the state, the United States, any agency, any municipality, political subdivision, or public or private corporation.
- (6) "Plant" is any unit operation, complex, area, or multiple of unit operations that produce, process, or cause to be processed any materials, the processing of which can, or may, cause air or water pollution.
- (7) "Pollution" is the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or manmade or human-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.
- (8) "Pollution prevention" means the steps taken by a potential generator of contamination or pollution to eliminate or reduce the contamination or pollution before it is discharged into the environment. The term includes nonmandatory steps taken to use alternative forms of energy, conserve or reduce the use of energy, substitute nontoxic materials for toxic materials, conserve or reduce the use of toxic materials and raw materials, reformulate products, modify manufacturing or other processes, improve in-plant maintenance and operations, implement environmental planning before expanding a facility, and recycle toxic or other raw materials.
- (9) "Sewerage system" means pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.
- (10) "Source" is any and all points of origin of the item defined in subsection (1), whether privately or publicly owned or operated.
- (11) "Treatment works" and "disposal systems" mean any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

(12) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

(13) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, wetlands, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. Solely for purposes of s. [403.0885](#), waters of the state also include navigable waters or waters of the contiguous zone as used in s. 502 of the Clean Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in existence on January 1, 1993, except for those navigable waters seaward of the boundaries of the state set forth in s. 1, Art. II of the State Constitution. Solely for purposes of this chapter, waters of the state also include the area bounded by the following:

(a) – (b) Not applicable.

(14) "State water resource implementation rule" means the rule authorized by s. [373.036](#), which sets forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives. The waters of the state are among its most basic resources. Such waters should be managed to conserve and protect water resources and to realize the full beneficial use of these resources.

(15) "Stormwater management program" means the institutional strategy for stormwater management, including urban, agricultural, and other stormwater.

(16) "Stormwater management system" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system.

(17) "Stormwater utility" means the funding of a stormwater management program by assessing the cost of the program to the beneficiaries based on their relative contribution to its need. It is operated as a typical utility which bills services regularly, similar to water and wastewater services.

(18) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

(19) "Regulated air pollutant" means:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant regulated under 42 U.S.C. s. 7411 or s. 7412; or

(c) Any pollutant for which a national primary ambient air quality standard has been adopted.

(20) "Electrical power plant" means, for purposes of this part of this chapter, any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. [403.503](#)(13), and includes any associated facility that directly supports the operation of the electrical power plant.

(21) "Total maximum daily load" is defined as the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a water body or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

History.--s. 4, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 71-36; s. 2, ch. 71-137; s. 153, ch. 71-377; s. 1, ch. 73-46; s. 112, ch. 73-333; ss. 1, 2, ch. 74-133; s. 1, ch. 77-174; s. 72, ch. 79-65; s. 13, ch. 84-79; s. 1, ch. 89-143; s. 30, ch. 89-279; s. 22, ch. 91-305; s. 1, ch. 92-132; s. 1, ch. 93-94; ss. 35, 69, ch. 93-213; ss. 12, 13, ch. 94-122; s. 355, ch. 94-356; s. 7, ch. 96-370; s. 1005, ch. 97-103; s. 24, ch. 97-160; s. 2, ch. 99-223; s. 9, ch. 99-353; s. 42, ch. 2001-62.

403.061 Department; powers and duties.--The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(1) Approve and promulgate current and long-range plans developed to provide for air and water quality control and pollution abatement.

(2) Hire only such employees as may be necessary to effectuate the responsibilities of the department.

(3) Utilize the facilities and personnel of other state agencies, including the Department of Health, and delegate to any such agency any duties and functions as the department may deem necessary to carry out the purposes of this act.

(4) Secure necessary scientific, technical, research, administrative, and operational services by interagency agreement, by contract, or otherwise. All state agencies, upon direction of the department, shall make these services and facilities available.

(5) Accept state appropriations and loans and grants from the Federal Government and from other sources, public or private, which loans and grants shall not be expended for other than the purposes of this act.

(6) Exercise general supervision of the administration and enforcement of the laws, rules, and regulations pertaining to air and water pollution.

(7) Adopt rules pursuant to ss. [120.536](#)(1) and [120.54](#) to implement the provisions of this act.

Any rule adopted pursuant to this act shall be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. No county, municipality, or political subdivision shall adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area. Rules adopted pursuant to this act shall not require dischargers of waste into waters of the state to improve natural background conditions. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. [403.804](#).

(8) Issue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings.

(9) Adopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state, and from time to time review and modify such program as necessary.

(10) Develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state. In order to effect this purpose, a grouping of the waters into classes may be made in accordance with the present and future most beneficial uses. Such classifications may from time to time be altered or modified. However, before any such classification is made, or any modification made thereto, public hearings shall be held by the department.

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters.

(a) When a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam electric generating plant discharge of pollutants that is existing or licensed under this chapter on July 1, 1984, may nevertheless be granted a mixing zone, provided that:

1. The standard would not be met in the water body in the absence of the discharge;
2. The discharge is in compliance with all applicable technology-based effluent limitations;
3. The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and
4. The discharge otherwise complies with the mixing zone provisions specified in department rules.

(b) No mixing zone for point source discharges shall be permitted in Outstanding Florida Waters except for:

1. Sources that have received permits from the department prior to April 1, 1982, or the date of designation, whichever is later;
2. Blowdown from new power plants certified pursuant to the Florida Electrical Power Plant Siting Act;
3. Discharges of water necessary for water management purposes which have been approved by the governing board of a water management district and, if required by law, by the secretary; and
4. The discharge of demineralization concentrate which has been determined permissible under s. [403.0882](#) and which meets the specific provisions of s. [403.0882](#)(4)(a) and (b), if the proposed discharge is clearly in the public interest.

(c) The department, by rule, shall establish water quality criteria for wetlands which criteria give appropriate recognition to the water quality of such wetlands in their natural state.

Nothing in this act shall be construed to invalidate any existing department rule relating to mixing zones. The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. [316.272](#)(1).

(12)(a) Cause field studies to be made and samples to be taken out of the air and from the waters of the state periodically and in a logical geographic manner so as to determine the levels of air quality of the air and water quality of the waters of the state.

(b) Determine the source of the pollution whenever a study is made or a sample collected which proves to be below the air or water quality standard set for air or water.

(13) Require persons engaged in operations which may result in pollution to file reports which may contain information relating to locations, size of outlet, height of outlet, rate and period of emission, and composition and concentration of effluent and such other information as the department shall prescribe to be filed relative to pollution.

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provision of this chapter, the department may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the department covered by this chapter, upon certification by the Department of Transportation that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the department may accept such certification of compliance for programs of the Department of Transportation, may conduct investigations for compliance, and, if a violation is found to exist, may take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the department, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the Department of Transportation with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the department to assure future compliance with this chapter and applicable department rules. The failure of the Department of Transportation to comply with any provision of the written acceptance shall constitute grounds for its revocation by the department.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the department. If a proceeding is conducted pursuant to ss. [120.569](#) and [120.57](#), the department may intervene as a party. Should an administrative law judge of the Division of Administrative Hearings of the Department of Management Services submit a recommended order pursuant to ss. [120.569](#) and [120.57](#), the department shall issue a final department order adopting, rejecting, or modifying the recommended order pursuant to such action.

(15) Consult with any person proposing to construct, install, or otherwise acquire a pollution control device or system concerning the efficacy of such device or system, or the pollution problem which may be related to the source, device, or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this act, rules and regulations of the department, or any other provision of law.

(16) Encourage voluntary cooperation by persons and affected groups to achieve the purposes of this act.

(17) Encourage local units of government to handle pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance therefor.

(18) Encourage and conduct studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement, and control.

- (19) Make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of this state and the several parts thereof and make recommendations to appropriate public and private bodies with respect thereto.
- (20) Collect and disseminate information and conduct educational and training programs relating to pollution.
- (21) Advise, consult, cooperate, and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department. However, the secretary of the department shall not enter into any interstate agreement relating to the transport of ozone precursor pollutants, nor modify its rules based upon a recommendation from the Ozone Transport Assessment Group or any other such organization that is not an official subdivision of the United States Environmental Protection Agency but which studies issues related to the transport of ozone precursor pollutants, without prior review and specific legislative approval.
- (22) Adopt, modify, and repeal rules governing the specifications, construction, and maintenance of industrial reservoirs, dams, and containers which store or retain industrial wastes of a deleterious nature.
- (23) Adopt rules and regulations to ensure that no detergents are sold in Florida after December 31, 1972, which are reasonably found to have a harmful or deleterious effect on human health or on the environment. Any regulations adopted pursuant to this subsection shall apply statewide. Subsequent to the promulgation of such rules and regulations, no county, municipality, or other local political subdivision shall adopt or enforce any local ordinance, special law, or local regulation governing detergents which is less stringent than state law or regulation. Regulations, ordinances, or special acts adopted by a county or municipality governing detergents shall be subject to approval by the department, except that regulations, ordinances, or special acts adopted by any county or municipality with a local pollution control program approved pursuant to s. [403.182](#) shall be approved as an element of the local pollution control program.
- (24)(a) Establish a permit system to provide for spoil site approval, as may be requested and required by local governmental agencies as defined in 1s. [403.1822](#)(3), or mosquito control districts as defined in s. [388.011](#)(5), to facilitate these agencies in providing spoil sites for the deposit of spoil from maintenance dredging of navigation channels, port harbors, turning basins, and harbor berths, as part of a federal project, when the agency is acting as sponsor of a contemplated dredge and fill operation involving an established navigation channel, harbor, turning basin, or harbor berth. A spoil site approval granted to the agency shall be granted for a period of 10 to 25 years when such site is not inconsistent with an adopted local governmental comprehensive plan and the requirements of this chapter. The department shall periodically review each permit to determine compliance with the terms and conditions of the permit. Such review shall be conducted at least once every 10 years.
- (b) This subsection applies only to those maintenance dredging operations permitted after July 1, 1980, where the United States Army Corps of Engineers is the prime dredge and fill agent and the local governmental agency is acting as sponsor for the operation, and does not require the redesignation of currently approved spoil sites under such previous operations.
- (25) Establish and administer a program for the restoration and preservation of bodies of water within the state. The department shall have the power to acquire lands, to cooperate with other applicable state or local agencies to enhance existing public access to such bodies of water, and to adopt all rules necessary to accomplish this purpose.

(26)(a) Develop standards and criteria for waters used for deepwater shipping which standards and criteria consider existing water quality; appropriate mixing zones and other requirements for maintenance dredging in previously constructed deepwater navigation channels, port harbors, turning basins, or harbor berths; and appropriate mixing zones for disposal of spoil material from dredging and, where necessary, develop a separate classification for such waters. Such classification, standards, and criteria shall recognize that the present dedicated use of these waters is for deepwater commercial navigation.

(b) The provisions of paragraph (a) apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

(27) Establish rules which provide for a special category of water bodies within the state, to be referred to as "Outstanding Florida Waters," which water bodies shall be worthy of special protection because of their natural attributes. Nothing in this subsection shall affect any existing rule of the department.

(28) Perform any other act necessary to control and prohibit air and water pollution, and to delegate any of its responsibilities, authority, and powers, other than rulemaking powers, to any state agency now or hereinafter established.

(29) Adopt by rule special criteria to protect Class II shellfish harvesting waters. Rules previously adopted by the department in 2rule 17-4.28(8)(a), Florida Administrative Code, are hereby ratified and determined to be a valid exercise of delegated legislative authority and shall remain in effect unless amended by the Environmental Regulation Commission.

(30) Establish requirements by rule that reasonably protect the public health and welfare from electric and magnetic fields associated with existing 230 kV or greater electrical transmission lines, new 230 kV and greater electrical transmission lines for which an application for certification under the Florida Electric Transmission Line Siting Act, ss. [403.52](#)-403.5365, is not filed, new or existing electrical transmission or distribution lines with voltage less than 230 kV, and substation facilities. Notwithstanding any other provision in this chapter or any other law of this state or political subdivision thereof, the department shall have exclusive jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines and substation facilities. However, nothing herein shall be construed as superseding or repealing the provisions of s. [403.523](#)(1) and (10).

(31) Adopt rules necessary to obtain approval from the United States Environmental Protection Agency to administer the Federal National Pollution Discharge Elimination System (NPDES) permitting program in Florida under ss. 318, 402, and 405 of the Federal Clean Water Act, Pub. L. No. 92-500, as amended. This authority shall be implemented consistent with the provisions of part II, which shall be applicable to facilities certified thereunder. The department shall establish all rules, standards, and requirements that regulate the discharge of pollutants into waters of the United States as defined by and in a manner consistent with federal regulations; provided, however, that the department may adopt a standard that is stricter or more stringent than one set by the United States Environmental Protection Agency if approved by the Governor and Cabinet in accordance with the procedures of s. [403.804](#)(2).

(32) Coordinate the state's stormwater program.

- (33) Establish and administer programs providing appropriate incentives that have the following goals, in order of importance:
- (a) Preventing and reducing pollution at its source.
 - (b) Recycling contaminants that have the potential to pollute.
 - (c) Treating and neutralizing contaminants that are difficult to recycle.
 - (d) Disposing of contaminants only after other options have been used to the greatest extent practicable.
- (34) Adopt rules which may include stricter permitting and enforcement provisions within Outstanding Florida Waters, aquatic preserves, areas of critical state concern, and areas subject to chapter 380 resource management plans adopted by rule by the Administration Commission, when the plans for an area include waters that are particularly identified as needing additional protection, which provisions are not inconsistent with the applicable rules adopted for the management of such areas by the department and the Governor and Cabinet.
- (35) Exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act, 42 U.S.C. ss. 7401 et seq. The department shall implement the programs required under that act in conjunction with its other powers and duties. Nothing in this subsection shall be construed to repeal or supersede any of the department's existing rules.
- (36) Establish statewide standards for persons engaged in determining visible air emissions and to require these persons to obtain training to meet such standards.
- (37) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a joint coastal permit pursuant to s. [161.055](#) or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. [311.09](#)(1), for maintenance dredging and the management of dredged materials from maintenance dredging of all navigation channels, port harbors, turning basins, and harbor berths. Such permit shall be issued for a period of 5 years and shall be annually extended for an additional year if the port is in compliance with all permit conditions at the time of extension. The department is authorized to adopt rules to implement this subsection.
- (38) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a conceptual joint coastal permit pursuant to s. [161.055](#) or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. [311.09](#)(1), for dredging and the management of materials from dredging and for other related activities necessary for development, including the expansion of navigation channels, port harbors, turning basins, harbor berths, and associated facilities. Such permit shall be issued for a period of up to 15 years. The department is authorized to adopt rules to implement this subsection.
- (39) Enter into a memorandum of agreement with the Florida Inland Navigation District and the West Coast Inland Navigation District, or their successor agencies, to provide a supplemental process for issuance of joint coastal permits pursuant to s. [161.055](#) or environmental resource permits pursuant to part IV of chapter 373 for regional waterway management activities, including, but not limited to, maintenance dredging, spoil disposal, public recreation, inlet management, beach nourishment, and environmental protection directly related to public navigation and the construction, maintenance, and operation of Florida's inland waterways. The department is authorized to adopt rules to implement this subsection.
- (40) Serve as the state's single point of contact for performing the responsibilities described in Presidential Executive Order 12372, including administration and operation of the Florida State

Clearinghouse. The Florida State Clearinghouse shall be responsible for coordinating interagency reviews of the following: federal activities and actions subject to the federal consistency requirements of s. 307 of the Coastal Zone Management Act; documents prepared pursuant to the National Environmental Policy Act, 42 U.S.C. ss. 4321 et seq., and the Outer Continental Shelf Lands Act, 43 U.S.C. ss. 1331 et seq.; applications for federal funding pursuant to s. [216.212](#); and other notices and information regarding federal activities in the state, as appropriate. The Florida State Clearinghouse shall ensure that state agency comments and recommendations on the environmental, social, and economic impact of proposed federal actions are communicated to federal agencies, applicants, local governments, and interested parties.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

History.--s. 7, ch. 67-436; ss. 19, 26, 35, ch. 69-106; s. 1, ch. 71-35; s. 2, ch. 71-36; s. 3, ch. 72-39; s. 1, ch. 72-53; s. 113, ch. 73-333; s. 3, ch. 74-133; s. 1, ch. 77-21; s. 137, ch. 77-104; s. 268, ch. 77-147; s. 2, ch. 77-369; s. 14, ch. 78-95; s. 2, ch. 78-437; s. 73, ch. 79-65; s. 1, ch. 79-130; s. 96, ch. 79-164; s. 160, ch. 79-400; s. 1, ch. 80-66; ss. 2, 5, ch. 81-228; s. 5, ch. 82-27; s. 1, ch. 82-79; s. 2, ch. 82-80; s. 66, ch. 83-310; s. 5, ch. 84-79; s. 1, ch. 84-338; s. 1, ch. 85-296; s. 5, ch. 85-345; s. 5, ch. 86-173; s. 52, ch. 86-186; s. 22, ch. 88-393; s. 31, ch. 89-279; s. 54, ch. 90-331; s. 24, ch. 91-305; s. 23, ch. 92-203; s. 127, ch. 92-279; s. 55, ch. 92-326; s. 36, ch. 93-213; s. 5, ch. 94-311; s. 1, ch. 94-321; s. 356, ch. 94-356; s. 55, ch. 95-144; s. 144, ch. 96-320; s. 8, ch. 96-370; s. 129, ch. 96-410; s. 26, ch. 97-160; s. 100, ch. 98-200; s. 3, ch. 98-326; s. 155, ch. 99-8; s. 2, ch. 2001-188; s. 1, ch. 2001-224; s. 8, ch. 2002-275; s. 68, ch. 2006-230.

1Note.--Repealed by s. 18, ch. 2001-270.

2Note.--Transferred to another location.

Operation permits for major sources of air pollution; annual operation license fee.--Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. [403.511](#), must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate acid rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. [403.814](#), must be issued in accordance with the procedures contained in this section and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail.

(1) For purposes of this section, a major source of air pollution means a stationary source of air pollution, or any group of stationary sources within a contiguous area and under common control, which emits any regulated air pollutant and which is any of the following:

- (a) A major source within the meaning of 42 U.S.C. s. 7412(a)(1);
- (b) A major stationary source or major emitting facility within the meaning of 42 U.S.C. s. 7602(j) or 42 U.S.C. subchapter I, part C or part D;
- (c) An affected source within the meaning of 42 U.S.C. s. 7651a(1);

(d) An air pollution source subject to standards or regulations under 42 U.S.C. s. 7411 or s. 7412; provided that a source is not a major source solely because of its regulation under 42 U.S.C. s. 7412(r); or

(e) A stationary air pollution source belonging to a category designated as a 40 C.F.R. part 70 source by regulations adopted by the administrator of the United States Environmental Protection Agency under 42 U.S.C. ss. 7661 et seq. The department shall exempt those facilities that are subject to this section solely because they are subject to requirements under 42 U.S.C. s. 7411 or solely because they are subject to reporting requirements under 42 U.S.C. s. 7412 for as long as the exemption is available under federal law.

(2) An application for an operation permit for a major source of air pollution must be submitted in accordance with rules of the department governing permit applications. The department shall adopt rules defining the timing, content, and distribution of an application for a permit under this section. A permit application processing fee is not required. The department may issue an operation permit for a major source of air pollution only when it has reasonable assurance that the source applies pollution control technology, including fuel or raw material selection, necessary to enable it to comply with the standards or rules adopted by the department or an approved compliance plan for that source. If two or more major air pollution sources that belong to the same Major Group as described in the Standard Industrial Classification Manual, 1987, are operated at a single site, the owner may elect to receive a single operation permit covering all such sources at the site.

(a) An application for a permit under this section is timely and complete if it is submitted in accordance with department rules governing the timing of applications and substantially addresses the information specified in completeness criteria determined by department rule in accordance with applicable regulations of the United States Environmental Protection Agency governing the contents of applications for permits under 42 U.S.C. s. 7661b(d). Unless the department requests additional information or otherwise notifies the applicant of incompleteness within 60 days after receipt of an application, the application is complete.

(b) Any permitted air pollution source that submits a timely and complete application for a permit under this section is entitled to operate in compliance with its existing air permit pending the conclusion of proceedings associated with its application. Notwithstanding the timing requirements of paragraph (c) and subsection (3), the department may process applications received during the first year of permit processing under this section, in a manner consistent with 42 U.S.C. s. 7661b(c).

(c) The department may request additional information necessary to process a permit application subsequent to a determination of completeness in accordance with s. [403.0876\(1\)](#).

(3) Within 90 days after the date on which the department receives all information necessary to process an application for a permit under this section, the department shall issue a draft permit or a determination that the requested permit should be denied. A draft permit must contain all conditions that the department finds necessary to ensure that operation of the source will be in compliance with applicable law, rules, or compliance plans. If the department proposes to deny the permit application, the department's determination must provide an explanation for the denial. The department shall furnish a copy of each draft permit to the United States Environmental Protection Agency and to any contiguous state whose air quality could be affected or which is within 50 miles of the source pursuant to procedures established by department rule.

(4) The department shall require the applicant to publish notice of any draft permit in accordance with department rule. The department must accept public comment with respect to a draft permit for 30 days following the date of notice publication. The notice must be published in a newspaper of general circulation as defined in s. [403.5115\(2\)](#). If comments received during this period result in a change in the draft permit, the department must issue a revised draft permit, which shall be supplied to the United States Environmental Protection Agency and to any contiguous state whose air quality could be affected or which is within 50 miles of the source.

(5) Any person whose substantial interests are affected by a draft permit or the denial determination may request an administrative hearing under ss. [120.569](#) and [120.57](#), in accordance with the rules of the department. A draft permit must notify the permit applicant of any review process applicable to the permit decision of the department. The department shall prescribe, by rule, a suitable standard format for such notification.

(6) If a hearing is not requested under ss. [120.569](#) and [120.57](#), the draft permit will become the department's proposed permit but does not become final until the time for federal review of the proposed permit has elapsed. The department shall furnish the United States Environmental Protection Agency a copy of each proposed permit and its written response to any comments regarding the permit submitted by contiguous states. If no objection to the proposed permit is made by the United States Environmental Protection Agency within the time established by 42 U.S.C. s. 7661d, the proposed permit must become final no later than 55 days after the date on which the proposed permit was mailed to the United States Environmental Protection Agency. The department shall issue a conformed copy of the final permit as soon as is practicable thereafter.

(7) If a draft permit is the subject of an administrative hearing under ss. [120.569](#) and [120.57](#), a proposed permit containing changes, if any, resulting from the hearing process, after the conclusion of the hearing, must be issued and a copy must be provided to the applicant, to the United States Environmental Protection Agency, and to any contiguous state whose air quality could be affected or which is within 50 miles of the source, as soon as practicable. The proposed permit shall not become final until the time for review, by the United States Environmental Protection Agency, of the proposed permit has elapsed. If comments from a contiguous state regarding the permit are received, the department must provide a written response to the applicant, to the state, and to the United States Environmental Protection Agency. If no objection to the proposed permit is made by the United States Environmental Protection Agency within the time established by 42 U.S.C. s. 7661d, the proposed permit must become final no later than 55 days after the date on which the proposed permit was mailed to the United States Environmental Protection Agency. The department shall issue a conformed copy of the final permit as soon as is practicable thereafter.

(8) If the administrator of the United States Environmental Protection Agency timely objects to a proposed permit under this section, the department must not issue a final permit until the objection is resolved or withdrawn. A copy of the written objection of the administrator must be provided to the permit applicant as soon as practicable after the department receives it. Within 45 days after the date on which the department serves the applicant with a copy of an objection by the United States Environmental Protection Agency to a proposed permit, the applicant may file a written reply to the objection. The written reply must include any supporting materials that the applicant desires to include in the record relevant to the issues raised by the objection. The written reply must be considered by the department in issuing a final permit to resolve the

objection of the administrator. A final permit issued by the department to resolve an objection of the administrator is not subject to ss. [120.569](#) and [120.57](#).

(9) A final permit issued under this section is subject to judicial review under s. [120.68](#). If judicial review of a final permit results in material changes to the conditions of the permit, the department shall notify the United States Environmental Protection Agency and any state that is contiguous to this state whose air quality could be affected or that is within 50 miles of the source, pursuant to rules of the department.

(10) If the department is notified by the administrator of the United States Environmental Protection Agency that cause exists to terminate, modify, or revoke and reissue a permit under this section, the department shall, within 90 days after receipt of such notification, furnish to the administrator and the permittee a proposed determination of termination, modification, or revocation and reissuance as appropriate. Within 45 days after the date on which the department notifies the permittee that the United States Environmental Protection Agency proposes action regarding its permit, the permittee may file a written response concerning the proposed action. The written response must include any supporting materials that the permittee desires to include in the record relevant to the issues raised by the proposed action. The permittee's written response must be considered by the department in formulating its proposed determination under this subsection.

(11) Each major source of air pollution permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent construction or operation permit, times the annual hours of operation allowed by permit condition; provided, however, that:

1. The license fee factor is \$25 or another amount determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed \$35.

2. For any source that operates for fewer hours during the calendar year than allowed under its permit, the annual fee calculation must be based upon actual hours of operation rather than allowable hours if the owner or operator of the source documents the source's actual hours of operation for the calendar year. For any source that has an emissions limit that is dependent upon the type of fuel burned, the annual fee calculation must be based on the emissions limit applicable during actual hours of operation.

3. For any source whose allowable emission limitation is specified by permit per units of material input or heat input or product output, the applicable input or production amount may be used to calculate the allowable emissions if the owner or operator of the source documents the

actual input or production amount. If the input or production amount is not documented, the maximum allowable input or production amount specified in the permit must be used to calculate the allowable emissions.

4. For any new source that does not receive its first operation permit until after the beginning of a calendar year, the annual fee for the year must be reduced pro rata to reflect the period during which the source was not allowed to operate.

5. For any source that emits less of any regulated air pollutant than allowed by permit condition, the annual fee calculation for such pollutant must be based upon actual emissions rather than allowable emissions if the owner or operator documents the source's actual emissions by means of data from a department-approved certified continuous emissions monitor or from an emissions monitoring method which has been approved by the United States Environmental Protection Agency under the regulations implementing 42 U.S.C. ss. 7651 et seq., or from a method approved by the department for purposes of this section.

6. The amount of each regulated air pollutant in excess of 4,000 tons per year allowed to be emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

7. If the department has not received the fee by February 15 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by March 1. If the fee is not postmarked by March 1 of the calendar year, the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. [220.807](#). The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and shall not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to \$50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

8. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section shall not be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. [403.814](#) shall not exceed \$50 per year.

9. Notwithstanding the provisions of s. [403.087](#)(6)(a)4.a., authorizing air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. [403.0873](#). The department shall, however, require fees pursuant to the provisions of s. [403.087](#)(6)(a)4.a. for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting

requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

(b) Annual operation license fees collected by the department must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the major stationary source air-operation permit program, which shall consist of the following elements to the extent that they are reasonably related to the regulation of major stationary air pollution sources, in accordance with United States Environmental Protection Agency regulations and guidelines:

1. Reviewing and acting upon any application for such a permit.
2. Implementing and enforcing the terms and conditions of any such permit, excluding court costs or other costs associated with any enforcement action.
3. Emissions and ambient monitoring.
4. Preparing generally applicable regulations or guidance.
5. Modeling, analyses, and demonstrations.
6. Preparing inventories and tracking emissions.
7. Implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.
8. Any audits conducted under paragraph (c).

(c) An audit of the major stationary source air-operation permit program must be conducted 2 years after the United States Environmental Protection Agency has given full approval of the program to ascertain whether the annual operation license fees collected by the department are used solely to support any reasonable direct and indirect costs as listed in paragraph (b). A program audit must be performed biennially after the first audit.

(12) Permits issued under this section must allow changes within a permitted facility without requiring a permit revision, if the changes are not physical changes in, or changes in the method of operation of, the facility which increase the amount of any air pollutant emitted by the facility or which result in the emission of any air pollutant not previously emitted by the facility, and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions), provided that the facility provides the administrator and the department with 30 days' written, advance notice of the proposed changes. The department shall adopt rules implementing this flexibility requirement.

(13)(a) In order to ensure statewide consistency in the implementation of the national Acid Deposition Control Allowance Transfer System, a department district office or local pollution control program may not issue or administer permits under this section for any electrical power plant or any source that participates in the allowance transfer system.

(b) For emission units that are subject to continuous monitoring requirements under 42 U.S.C. ss. 7661-7661f or 40 C.F.R. part 75, compliance with nitrogen oxides emission limits shall be demonstrated based on a 30-day rolling average, except as specifically provided by 40 C.F.R. part 60 or part 76.

(14) In order to ensure statewide consistency in the permitting of major sources, a local pollution control program may not issue permits under this section for sources that belong to Major Group 26, Paper and Allied Products; for sources that belong to Major Group 28, Chemicals and Allied Products; or for sources that belong to Industry Number 2061, Cane Sugar, Except Refining, as defined in the Standard Industrial Classification Manual, 1987.

(15) Any permittee that operates in compliance with an air-operation permit issued under this section is deemed to be in compliance with applicable permit requirements of the Clean Air

Act and all implementing state, local, and federal air pollution control rules and regulations and all provisions of this chapter, relating to air pollution, and rules adopted thereunder.

(16) The department shall adopt a rule to provide for a procedure for notice to the appropriate approved local pollution control programs, pursuant to s. [403.182](#), of any draft permits, amended draft permits, or final permits issued by the department.

(17) The administrator of the United States Environmental Protection Agency may intervene as a matter of right in any administrative or judicial proceeding relating to an operation permit for a major source of air pollution required under this section.

(18) The department shall require certification of all applications, submittals, and reports by a responsible official of a major source of air pollution and shall require the inclusion of those specific federal requirements listed at 42 U.S.C. s. 7661a(f)(1), (2), and (3) in all permits to which such terms apply.

History.--s. 3, ch. 92-132; s. 3, ch. 93-94; s. 2, ch. 94-321; s. 1, ch. 95-223; s. 3, ch. 95-292; s. 10, ch. 96-370; s. 130, ch. 96-410; s. 8, ch. 97-222; s. 22, ch. 97-236; s. 18, ch. 97-277; s. 26, ch. 2000-153; s. 59, ch. 2000-158; s. 13, ch. 2000-211; s. 13, ch. 2000-304.

MATERIALS TO BE INCORPORATED INTO STATE IMPLEMENTATION PLAN (SIP)

CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification; and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900 F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

6
Number of Pages
Certified

62-252.200 Definitions. The following words and phrases when used in this chapter shall, unless the context
~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(4)(3)~~ "Gasoline Dispensing Facility" - Any stationary facility that dispenses gasoline directly into the fuel tank
of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(4) through (8) renumbered (5) through (9) No change.

~~(10)(9)~~ "Stage I Vapor Recovery System" - A system that captures and transfers gasoline vapors, which are
generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility's
stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by
the gasoline being loaded.

~~(11)(10)~~ "Stage II Vapor Recovery System" - A system that captures and transfers gasoline vapors, which are
generated during motor vehicle refueling, into a gasoline dispensing facility's stationary storage tanks.

~~(12)(11)~~ "Submerged Filling" - The filling of a gasoline cargo tank or a stationary storage tank through an
internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of
gasoline cargo tanks or stationary storage tanks is included in this definition.

The filling of a tanker truck or gasoline dispensing facility storage tank as follows:

(a) Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or
through a nozzle installed at or within six inches of the bottom.

(b) Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe ~~that~~ which extends to
within six inches of the tank bottom.

(c) Gasoline Dispensing Facility with Side Loaded Tank: Filling through a fill pipe which has its discharge
opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.

(12) renumbered (13) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.100,
Amended 2-2-93, Formerly 17-252.200, Amended

62-252.300 Gasoline Dispensing Facilities - Stage I Vapor Recovery.

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TALLAHASSEE, FLORIDA

(1) Applicability. The ~~emission limiting standards and control technology requirements as set forth in~~ of this rule section shall apply to:

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340 275, F.A.C.; and

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;

(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and

(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.

(2) Prohibition. No owner or operator of ~~a any delivery vessel or~~ gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of gasoline from any gasoline cargo tank such delivery vessel into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) The Stage I vapor recovery system required by this rule section ~~subsection~~ shall ~~include one or more of the following control methods:~~

~~1. A vapor tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,~~

~~2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems - Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions~~

of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor-laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor-tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor-laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended.

62-252.400 Gasoline Dispensing Facilities - Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties ~~that~~ which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system ~~that~~ which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that ~~which~~ commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with ~~subject to the~~ Stage I vapor recovery systems ~~control requirements of Rule 62-252.300, F.A.C.,~~ unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the

stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank. and Tthe vapors displaced from the storage tanks during filling shall be are processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.650(1)(c)3. and 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96,_____.

62-252.900 Form. The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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) Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective _____ September 10, 1996)

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96,_____.

CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification; and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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TALLAHASSEE, FLORIDA
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☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

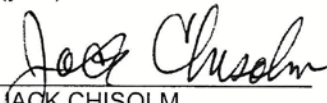
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-210.200, 62-210.300, 62-210.310, & 62-210.920, F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

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Number of Pages
Certified

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 ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) "Bulk Gasoline Plant" – Any gasoline storage and distribution facility ~~that~~ which receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers dispenses it to resellers, farms, businesses, service stations, or other end users, and ~~that~~ which has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(51) "Bulk Gasoline Terminal" – Any gasoline storage and distribution facility ~~that~~ which receives gasoline from its supply sources primarily by pipeline, ship, or barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and ~~that~~ has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(151) ~~(150)~~ "Gasoline Dispensing Facility" – Any stationary facility ~~that site where gasoline is dispensed~~ gasoline directly into the fuel tank of a motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

~~(296)~~ (295) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.~~

~~(b) Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.~~

~~(c) Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard~~

~~650 welded steel tanks for oil storage; section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.~~

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 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, _____.

62-210.300 No change.

(1) through (2) No change.

(3) No change.

(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 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

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

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

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

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit-specific applicable requirement; and

~~e. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

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, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

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

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 section. 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 _____ 1-10-07).

(b) through (f) No change.

(2) No change.

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, _____.

CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification: and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-296.418, and 62-296.509, (repealing), F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

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Number of Pages
Certified

62-296.418 Bulk Gasoline Plants.

(1) The owner or operator of a bulk gasoline plant that has begun operation prior to August 1, 2007, is located in an area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340, F.A.C., and has an average annual daily throughput of more than 2,000 gallons (7,570 liters) shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless the gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed.

(2) The owner or operator of a bulk gasoline plant that begins operation on or after August 1, 2007, at any location in the state and with any throughput rate shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless:

1. The gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed;

2. The loading rack is equipped with a vapor collection and control system designed to minimize emissions of vapors displaced from the gasoline cargo tank during product loading; and

3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History-- New _____.

62-296.509 Bulk Gasoline Plants. (Repealed)

(1) Applicability. The emission limiting standards set forth in Rule 62-296.509, F.A.C., shall apply to the unloading, loading, and storage facilities of all bulk gasoline plants and all tank trucks or trailers delivering or receiving gasoline at bulk gasoline plants.

(2) Control Technology.

(a) No owner or operator of a bulk gasoline plant may permit stationary storage tanks to be filled with gasoline unless each tank is equipped for submerged filling and such equipment is used and properly maintained.

~~(b) No owner or operator of a bulk gasoline plant, tank, truck, or trailer shall permit the filling of tank trucks or trailers at a bulk gasoline plant unless each tank, truck or trailer is equipped for submerged filling and such equipment is used and properly maintained.~~

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)9., 17-296.509, Repealed.

Public Hearing

RESPONSE TO 40 CFR 51.102 REQUIREMENTS

(a) The rule amendments comprising this proposed revision to Florida's State Implementation Plan (SIP) were subject to a public hearing held in Tallahassee, Florida, on April 6, 2007.

(b) through (c) Not applicable.

(d)(1) The public hearing was advertised in newspapers statewide at least 30 days prior to the hearing and held according to the requirements of 40 CFR 51.102. A copy of the public notice is included in this section along with the publication affidavits from the newspapers in the affected air quality control regions. Also included is a copy of the notice of public hearing which appeared in the Florida Administrative Weekly.

(d)(2) The rule language as published in the Florida Administrative Weekly was made available for public inspection in each of the department's district offices and in the offices of each DEP-approved local air pollution control program. The memoranda of transmittal are included in this section along with the materials included in the public information package.

(d)(3) The Region 4 office of the EPA was notified at least 30 days in advance of the hearing and provided with copies of the material to be considered. The pre-hearing submittal letter is included in this section.

(d)(4) Notification to affected local programs occurred with the transmittal of the materials for public inspection (see response (d)(2)).

(d)(5) The states of Alabama, Georgia, and Mississippi were notified at least 30 days in advance of the hearing. The notification letters are included in this section.

(e) An audio tape recording of the hearing, including all witness testimony, is available.

(f) Certification that the hearing was held in accordance with the requirements of 40 CFR 51.102 is included in the letter of submittal.

(g) Not applicable.

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 10:00 a.m.

PLACE: Adams House Bed and Breakfast, White Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suwannee River Wilderness Trail – Rule 62-1.003 Forms and Instructions Used by the Department of Environmental Protection.

A copy of the agenda may be obtained by contacting Amy Thompson, 1(800)868-9914 or amy.thompson@dep.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Amy Thompson at 1(800)868-9914 or amy.thompson@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).

For more information, you may contact Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us

The **Division of Air Resource Management** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, 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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to the public hearing requirements of 40 CFR 51.102, the Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants and tanker trucks and trailers.

A copy of the agenda may be obtained by contacting: Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551.

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

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 Searce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 13, 2007, 8:30 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html

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

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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html. 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 Florida **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 12:00 Noon

THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

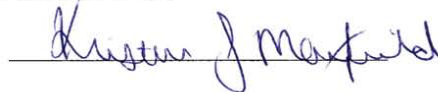
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Marc Kramer**, who on oath says that he is **Inside Sales Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **4/6 Public Hearing** was published in said newspaper in the issues of **March 7, 2007**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before 7th day of March, A.D. 2007



Personally known XX or Produced Identification _____
Type of Identification Produced _____

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DIVISION OF AIR
RESOURCES MANAGEMENT



NOTARY PUBLIC-STATE OF FLORIDA
Kristen J. Maxfield
Commission # DD528685
Expires: MAR. 14, 2010
Bonded thru Atlantic Bonding Co., Inc.

NO. 7778535
NOTICE OF
PUBLIC HEARING
The Florida Department of
Environmental Protection,
Division of Air Resource
Management, announces a
public hearing pursuant to
the requirements of 40 CFR
51.102 to which all persons
are invited.
DATE AND TIME: Friday,
April 6, 2007, at 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.
PURPOSE: The Department
will hear comments on its
proposal to submit to the
U.S. Environmental Protection
Agency, as a proposed
revision to Florida's State
Implementation Plan (SIP)
under the Clean Air Act, a
set of amendments to Rule
Chapters 62-252, 62-210
and 62-286, F.A.C. The
proposed rule amendments,
if adopted by the depart-
ment, relate to air pollution
regulatory requirements
statewide for gasoline dis-
pensing facilities, bulk
plants, and tanker trucks
and trailers. A copy of the
hearing agenda and pro-
posed amendments may be
obtained by writing to Lynn
Searce, Department of
Environmental Protection,
Division of Air Resource
Management, 2600 Blair
Stone Road, Mail Station
5500, Tallahassee, Florida
32399-2400 or by calling
(850) 921-9551. These
materials will also be avail-
able for public inspection
during normal business
hours at the following
office(s):
Department of
Environmental Protection
Southeast District
Air Resources
400 North Congress Avenue
West Palm Beach, Florida
33416-5425
Broward County Department
of Planning and
Environmental Protection
Air Quality Division
115 S. Andrews Avenue,
Suite A-240
Ft. Lauderdale, Florida 33301
Miami-Dade County
Department of
Environmental Resource
Management
Air Quality Management
Division
33 Southwest Second
Avenue, Suite 900
Miami, Florida 33130
Palm Beach County Health
Department
Division of Environmental
Science & Engineering
901 Evernia Street
West Palm Beach, Florida
33401
All persons desiring to be
heard on the proposed
agency actions will be given
the opportunity to do so.
Pursuant to the Americans
with Disabilities Act, any
person requiring special
accommodations to partici-
pate in this hearing is asked
to advise the agency at
least 48 hours before the
hearing by calling Lynn
Searce, Department of
Environmental Protection,
Division of Air Resource
Management, at (850) 921-
9551. If you are hearing or
speech impaired, please
contact the Florida Relay
Service by calling (800)
955-8771 (TDD) or (800)
955-8770 (Voice).
PUB: The Palm Beach Post
March 7, 2007

Tampa, Hillsborough County, Florida

THE FLORIDA TIMES-UNION
Jacksonville, FL
Affidavit of Publication

Florida Times-Union

ATTN:LYNN SCEARCE
DEPT. OF ENVIRONMENTAL PR.
2600 BLAIR STONE RD, MS 5500
TALLAHASSEE, FL 32399

REFERENCE: F53721839
11197151

State of Florida
County of Duval

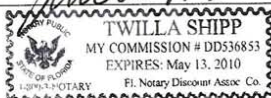
Before the undersigned authority personally appeared Sharon Walker who on oath says she is a Legal Advertising Representative of The Florida Times-Union, a daily newspaper published in Jacksonville in Duval County, Florida; that the attached copy of advertisement is a legal ad published in The Florida Times-Union. Affiant further says that The Florida Times-Union is a newspaper published in Jacksonville, in Duval County, Florida, and that the newspaper has heretofore been continuously published in Duval County, Florida each day, has been entered as second class mail matter at the post office in Jacksonville, in Duval County, Florida for a period of one year proceeding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

PUBLISHED ON: 3/07

FILED ON: 3/07

Name: Sharon Walker Title: Legal Advertising Representative
In testimony whereof, I have hereunto set my hand and affixed my official
Seal, the day and year aforesaid.

NOTARY: _____



NOTICE OF PUBLIC HEARING

The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102 to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, at 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.

PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):

Department of Environmental Protection
Northeast District
Air Resources
7825 Baymeadows Way, Suite B 200
Jacksonville, Florida 32256-7590

City of Jacksonville
Regulatory and Environmental Services Department
Air and Water Quality Division
117 W. Duval Street, Suite 225
Jacksonville, Florida 32202

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

RECEIVED
MAR 09 2007
DIVISION OF AIR
RESOURCES MANAGEMENT

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **LESLEY L. WHALEY** who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

NOTICE OF PUBLIC HEARING

Was published in said newspaper in the issue(s) of:

MARCH 7, 2007

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 7TH Day of MARCH, 2007, by **LESLEY L. WHALEY** who is personally known to me.

Lesley L. Whaley Affiant
Nikki E. Nichols Notary Public

NIKKI E. NICHOLS
Notary Public-State of FL
Comm. Exp. Aug. 01, 2009
Comm. No. DD 427341

NOTICE OF PUBLIC HEARING

The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102 to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, at 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.

PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):

Department of Environmental Protection
Northwest District
Air Resource
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

Legal No. 70477

1T

March 7, 2007

RECEIVED
MAR 12 2007
DIVISION OF AIR
RESOURCES MANAGEMENT

NEWS-PRESS

Published every morning - Daily and
Sunday

Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared

Kathy Allebach

who on oath says that he/she is the

Legal Assistant of the News-Press, a
daily newspaper, published at Fort Myers, in Lee County,
Florida; that the attached copy of advertisement, being a

Notice of Public Hearing

In the matter of

Hearing on April 6, 2007

In the court was published in said newspaper in the
issues of

March 7, 2007

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee, Charlotte, Collier, Glades
and Hendry Counties and published at Fort Myers, in said Lee
County, Florida and that said newspaper has heretofore been
continuously published in said Lee County, Florida, each day,
and has been entered as a second class mail matter at the post
office in Fort Myers in said Lee County, Florida, for a period of
one year next preceding the first publication of the attached copy
of the advertisement; and affiant further says that he/she has
neither paid nor promised any person, firm or corporation any
discount, rebate, commission or refund for the purpose of
securing this advertisement for publication in the said
newspaper.

Kathy Allebach

Sworn to and subscribed before me this

7th day of March 2007 by

Kathy Allebach

personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public

Print Name

My commission Expires:

Gladys D. Vanderbeck
Gladys D. Vanderbeck
Commission # DD378967
Expires December 13, 2008
STATE OF FLORIDA Bonded Tray Felt - Insurance, Inc. 800-968-7019

**NOTICE OF
PUBLIC HEARING**
The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102, to which all persons are invited.
DATE AND TIME:
Friday, April 6, 2007
at 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.
PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):
Department of Environmental Protection
South Florida
Air Resources
2295 Victoria Avenue,
Suite 364
P.O. Box 2549
Fort Myers, Florida
33902-2549
All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).
Mar 7 No. 1163163

RECEIVED

MAR 12 2007

DIVISION OF AIR
RESOURCES MANAGEMENT

Published Daily

State of Florida } S.S.
COUNTY OF ORANGE }

RECEIVED

MAR 9 2007

DIVISION OF AIR RESOURCES MANAGEMENT

Before the undersigned authority personally appeared RACHAEL WASHINGTON, who on oath says that he/she is the Legal Advertising Representative of Orlando Sentinel, a daily newspaper published at ORLANDO in ORANGE County, Florida; that the attached copy of advertisement, being a NOTICE OF PUBLIC H in the matter of IIIIII APR. 6 in the ORANGE Court, was published in said newspaper in the issue of 03/07/07

Affiant further says that the said Orlando Sentinel is a newspaper published at _____, in said _____, _____ County, Florida, and that the said newspaper has heretofore been continuously published in said _____, _____ County, Florida, each Week Day and has been entered as second-class mail matter at the post office in _____, _____, in said _____, _____ County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

The foregoing instrument was acknowledged before me this 8 day of MAR., 20 07, by RACHAEL WASHINGTON, who is personally known to me and who did take an oath.

(SEAL)

NOTICE OF PUBLIC
HEARING

The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102 to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, at 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.

FOR PUBLICATION: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency the proposed revision to Florida's State Implementation Plan (SIP) for the 1990 Clean Air Act, a set of amendments to Rule Chapter 62. The proposed rule amendments, if adopted by the department, will set minimum regulatory requirements statewide for gasoline dispensing facilities, trucks and trailers. A copy of the hearing agenda and the proposed rule amendments will be obtained by writing to Lynn Seacore, Department of Transportation, Division of Air Resource Management, 2600 University Blvd., Suite 5500, Tallahassee, Florida 32399-2400 or by calling (904) 497-2222. Comments will also be available for public inspection during the hearing. For more information, call the following office(s):

Department of Environmental Protection Central Florida District Air Resource
3319 Maguire Boulevard,
Suite 232
Orlando, Florida 32803-3767

Orange County Environmental Protection Department
Air Program Section
800 Mercy Drive
Orlando, Florida 32808

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling the Southeastern Region, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

CR8500-MAR. 7



Memorandum

Florida Department of Environmental Protection

TO: Dick Fancher Northwest District
Chris Kirts Northeast District
Len Kozlov Central District
Mara Nasca Southwest District
Darrel Graziani Southeast District
Ron Blackburn South District

FROM: Larry George, Division of Air Resource Management 

DATE: March 5, 2007

SUBJECT: Public Information Package - Proposed State Implementation Plan
Revision, Gasoline Vapor Recovery

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m., at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). The proposed SIP revision consists of proposed amendments to rule Chapters 62-252, 62-210, and 62-296, F.A.C., related to gasoline vapor recovery. It addresses air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks.

Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007, the draft notices of proposed rulemaking, coded copies of the proposed rule amendments, and a summary of the proposed SIP revision. In accordance with 40 CFR 51.102, these materials must be made available for public inspection during normal business hours.

Interested parties are invited to present comments on the proposed SIP revision at the hearing, but may also submit written comments prior to the hearing to Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400; fax to (850) 922-6979 or e-mail to lynn.searce@dep.state.fl.us.

MEMORANDUM
District Air Program Administrators
Page Two
March 5, 2007

List of Enclosures

1. Newspaper Notice of SIP Public Hearing
2. Chapter 62-252
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
3. Chapter 62-210
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
4. Chapter 62-296
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
5. Summary of Proposed SIP Revision

Printed on recycled paper.



Memorandum

Florida Department of Environmental Protection

TO: Daniela Banu Broward County Department of Planning
 & Environmental Protection, Ft. Lauderdale
Patrick Wong Miami-Dade County Department of Environmental
 Resource Management, Miami
Steve Pace Regulatory & Environmental Services
 Department, Jacksonville
Jerry Campbell Hillsborough County Environmental
 Protection Commission, Tampa
Hamp Pridgen Orange County Environmental Protection
 Department, Orlando
James Stormer Palm Beach County Health Department,
 West Palm Beach
Peter Hessling Pinellas County Department of
 Environmental Management, Clearwater
John Hickey Sarasota County Natural Resources Department,
 Sarasota

FROM: Larry George, Division of Air Resource Management *[Signature]*

DATE: March 5, 2007

SUBJECT: Public Information Package - Proposed State Implementation Plan
Revision, Gasoline Vapor Recovery

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m., at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). The proposed SIP revision consists of proposed amendments to rule Chapters 62-252, 62-210, and 62-296, F.A.C., related to gasoline vapor recovery. It addresses air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks.

Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007, the draft notices of proposed rulemaking, coded copies of the proposed rule amendments, and a summary of the proposed SIP revision. In

MEMORANDUM
Local Air Program Administrators
Page Two
March 5, 2007

accordance with 40 CFR 51.102, these materials must be made available for public inspection during normal business hours.

Interested parties are invited to present comments on the proposed SIP revision at the hearing, but may also submit written comments prior to the hearing to Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400; fax to (850) 922-6979 or e-mail to lynn.searce@dep.state.fl.us.

List of Enclosures

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2. Chapter 62-252
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
3. Chapter 62-210
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
4. Chapter 62-296
 - Notice of Proposed Rulemaking, to be published March 16, 2007, in Florida Administrative Weekly
 - Coded Copy of Proposed Rule Amendments
5. Summary of Proposed SIP Revision



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 5, 2007

Mr. Ronald Gore, Chief
Air Division
Alabama Department of Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, Alabama 36130

Re: Notice of Public Hearing on Proposed Revision to Florida State Implementation Plan -
Gasoline Vapor Control

Dear Mr. Gore:

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m. at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007. The public and affected states are invited to present comments on the proposed revision to the SIP at the hearing, but may also submit written comments prior to the hearing to Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400; fax to (850) 922-6979 or e-mail to lynn.searce@dep.state.fl.us.

If you have any questions or comments, please contact Ms. Terri Long of my staff at (850) 921-9556 or terri.long@dep.state.fl.us.

Sincerely,

Joseph Kahn, Director
Division of Air Resource Management

JK/lis
Enclosure

"More Protection, Less Process"
www.dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 5, 2007

Ms. Maya Rao, Chief
Air Division
Mississippi Department of Environmental Quality
Post Office Box 10385
Jackson, Mississippi 39289-0385

Re: Notice of Public Hearing on Proposed Revision to Florida State Implementation Plan -
Gasoline Vapor Control

Dear Ms. Rao:

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m. at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007. The public and affected states are invited to present comments on the proposed revision to the SIP at the hearing, but may also submit written comments prior to the hearing to Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400; fax to (850) 922-6979 or e-mail to lynn.searce@dep.state.fl.us.

If you have any questions or comments, please contact Ms. Terri Long of my staff at (850) 921-9556 or terri.long@dep.state.fl.us.

Sincerely,

Joseph Kahn, Director
Division of Air Resource Management

JK/l
Enclosure

"More Protection, Less Process"
www.dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 5, 2007

Ms. Heather Abrams, Chief
Air Protection Branch
Georgia Department of Natural Resources
4244 International Parkway, Suite 120
Atlanta, Georgia 30354

Re: Notice of Public Hearing on Proposed Revision to Florida State Implementation Plan -
Gasoline Vapor Control

Dear Ms. Abrams:

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m. at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007. The public and affected states are invited to present comments on the proposed revision to the SIP at the hearing, but may also submit written comments prior to the hearing to Ms. Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400; fax to (850) 922-6979 or e-mail to lynn.searce@dep.state.fl.us.

If you have any questions or comments, please contact Ms. Terri Long of my staff at (850) 921-9556 or terri.long@dep.state.fl.us.

Sincerely,

Joseph Kahn, Director
Division of Air Resource Management

JK/lis
Enclosure

"More Protection, Less Process"
www.dep.state.fl.us



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 5, 2007

Ms. Kay Prince, Chief
Air Planning Branch
United States Environmental
Protection Agency - Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Re: State Implementation Plan Pre-Hearing Submittal – Gasoline Vapor Recovery

Dear Ms. Prince:

Notice is hereby given that the Department of Environmental Protection will hold a public hearing pursuant to 40 CFR 51.102 on April 6, 2007, at 10:00 a.m., at the Division of Air Resource Management, Director's Conference Room, 111 South Magnolia Drive, Suite 23, Tallahassee, Florida, to consider a proposed revision to Florida's State Implementation Plan (SIP). The proposed SIP revision consists of proposed amendments to rule Chapters 62-252, 62-210, and 62-296, F.A.C., related to gasoline vapor recovery. It addresses air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks.

Enclosed please find the notice of public hearing that is scheduled to appear in newspapers on March 7, 2007, the draft notices of proposed rulemaking, coded copies of the proposed rule amendments, and a summary of the proposed SIP revision. These documents are submitted to you as notification to the Administrator pursuant to the requirements of 40 CFR 51.102.

Your review and comments prior to the hearing will be appreciated. For expediency, comments may be submitted to Ms. Lynn Searce by fax, (850) 922-6979, or e-mail, lynn.searce@dep.state.fl.us. If you have any technical questions about this proposed SIP revision, please contact Ms. Terri Long at (850) 921-9556 or terri.long@dep.state.fl.us.

Sincerely,

Joseph Kahn, Director
Division of Air Resource Management

JK/lis
Enclosures

"More Protection, Less Process"
www.dep.state.fl.us

Materials Included in Public Information Packages and Pre-hearing Submittal

NOTICE OF PUBLIC HEARING

The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102 to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, at 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.

PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):

Department of Environmental Protection
Southeast District
Air Resources
400 North Congress Avenue
West Palm Beach, Florida 33416-5425
Broward County Department of Planning and
Environmental Protection
Air Quality Division
115 S. Andrews Avenue, Suite A-240
Ft. Lauderdale, Florida 33301

Miami-Dade County Department of
Environmental Resource Management
Air Quality Management Division
33 Southwest Second Avenue, Suite 900
Miami, Florida 33130

Palm Beach County Health Department
Division of Environmental Science & Engineering
901 Evernia Street
West Palm Beach, Florida 33401

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

NOTICE OF PUBLIC HEARING

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DATE AND TIME: Friday, April 6, 2007, at 10:00 a.m.

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PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):

Department of Environmental Protection
South Florida
Air Resources
2295 Victoria Avenue, Suite 364
P.O. Box 2549
Fort Myers, Florida 33902-2549

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

NOTICE OF PUBLIC HEARING

The Florida Department of Environmental Protection, Division of Air Resource Management, announces a public hearing pursuant to the requirements of 40 CFR 51.102 to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, at 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.

PURPOSE: The Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Rule Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, and tanker trucks and trailers. A copy of the hearing agenda and proposed amendments may be obtained by writing to Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551. These materials will also be available for public inspection during normal business hours at the following office(s):

Department of Environmental Protection
Northeast District
Air Resources
7825 Baymeadows Way, Suite B 200
Jacksonville, Florida 32256-7590

City of Jacksonville
Regulatory and Environmental Services
Department
Air and Water Quality Division
117 W. Duval Street, Suite 225
Jacksonville, Florida 32202

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of

Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

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Department of Environmental Protection
Central Florida District
Air Resource
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Orange County Environmental Protection
Department
Air Program Section
800 Mercy Drive
Orlando, Florida 32808

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource

Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

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Department of Environmental Protection
Northwest District
Air Resource
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

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Department of Environmental Protection
Southwest District
Air Resource
13051 N. Telecom Parkway
Temple Terrace, Florida 33637-0926

Hillsborough County Environmental
Protection Commission
Air Management Division
3629 Queen Palm Drive
Tampa, Florida 33619

Pinellas County Department of Environmental
Management
Air Quality Division
300 South Garden Avenue
Clearwater, Florida 33756

Sarasota County Natural Resources Department

Pollution Control Division
13012817 Cattlemen Road, Building B
Sarasota, Florida 34232-6244

All persons desiring to be heard on the proposed agency actions will be given the opportunity to do so. Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by calling Lynn Searce, Department of Environmental Protection, Division of Air Resource Management, at (850)921-9551. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800) 955-8771 (TDD) or (800) 955-8770 (Voice).

(4) through (7) No change.

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, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

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

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 section. 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 1-10-07).

(b) through (f) No change.

(2) No change.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-252.200

Definitions

62-252.300

Gasoline Dispensing Facilities –
Stage I Vapor Recovery

62-252.400

Gasoline Dispensing Facilities –
Stage II Vapor Recovery

62-252.500

Gasoline Tanker Trucks or Trailers

62-252.900

Form

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors 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 Searce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-252.200 Definitions.

The following words and phrases when used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(4)(3) "Gasoline Dispensing Facility" – Any stationary facility that dispenses gasoline directly into the fuel tank of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(4) through (8) renumbered (5) through (9) No change.

(10)(9) "Stage I Vapor Recovery System" – A system that captures and transfers gasoline vapors, which are generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility's stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by the gasoline being loaded.

(11)(10) "Stage II Vapor Recovery System" – A system that captures and transfers gasoline vapors, which are generated during motor vehicle refueling, into a gasoline dispensing facility's stationary storage tanks.

(12)(11) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~The filling of a tanker truck or gasoline dispensing facility storage tank as follows:~~

(a) ~~Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or through a nozzle installed at or within six inches of the bottom.~~

(b) ~~Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe which extends to within six inches of the tank bottom.~~

(c) ~~Gasoline Dispensing Facility with Side-Loaded Tank: Filling through a fill pipe which has its discharge opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.~~

(13)(12) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.200, Amended _____.

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery.

(1) Applicability. ~~The emission limiting standards and control technology requirements as set forth in of this rule section shall apply to:~~

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340 275, F.A.C.; ~~and:~~

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;

(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and

(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.

(2) Prohibition. ~~No owner or operator of a any delivery vessel or gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of~~

gasoline from any gasoline cargo tank such delivery vessel into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) The Stage I vapor recovery system required by this rule section subsection shall include one or more of the following control methods:

1. A vapor-tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,

2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor-laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor-tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor-laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended _____.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties that which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system that which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that which commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C., unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(c)3., 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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)+ Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective September 10, 1996)

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:	RULE TITLES:
62-296.418	Bulk Gasoline Plants
62-296.509	Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History- New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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 involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants. The bulk gasoline plant permitting exemption is removed for new bulk gasoline plants. The requirements for operation under the bulk gasoline air general permit are amended to include submerged filling for existing plants, where currently required, and Stage I vapor recovery for new plants statewide. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-252 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments revise and update requirements for bulk gasoline plant permitting exemptions and for the use of the Bulk Gasoline Plant Air General Permit.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors 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 Searce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

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 ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) "Bulk Gasoline Plant" – Any gasoline storage and distribution facility that ~~which~~ receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers dispenses it to resellers, farms, businesses, service stations, or other end users, and that ~~which~~ has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(51) "Bulk Gasoline Terminal" – Any gasoline storage and distribution facility that ~~which~~ receives gasoline from its supply sources primarily by pipeline, ship, or barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and that has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(151)(150) "Gasoline Dispensing Facility" – Any stationary facility that ~~site where gasoline is dispensed~~ dispenses gasoline directly into the fuel tank of a motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

(296)(295) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.

(b) Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.

(c) Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard 650 welded steel tanks for oil storage; section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 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.

62-210.300 Permits Required.

(1) through (2) No change.

(3) No change.

(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 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

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

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

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

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit-specific applicable requirement; and

e. ~~The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

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, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

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

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 section. 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 ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-252.200

Definitions

62-252.300

Gasoline Dispensing Facilities –
Stage I Vapor Recovery

62-252.400

Gasoline Dispensing Facilities –
Stage II Vapor Recovery

62-252.500

Gasoline Tanker Trucks or Trailers

62-252.900

Form

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that which commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C., unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be are processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.650(1)(c)3, 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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)~~4~~- Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective _____ September 10, 1996)

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:	RULE TITLES:
62-296.418	Bulk Gasoline Plants
62-296.509	Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, April 11, 2007, 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 Secarce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.418 Bulk Gasoline Plants.

(1) The owner or operator of a bulk gasoline plant that has begun operation prior to August 1, 2007, is located in an area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340, F.A.C., and has an average annual daily throughput of more than 2,000 gallons (7,570 liters) shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless the gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed.

(2) The owner or operator of a bulk gasoline plant that begins operation on or after August 1, 2007, at any location in the state and with any throughput rate shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless:

1. The gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed;

2. The loading rack is equipped with a vapor collection and control system designed to minimize emissions of vapors displaced from the gasoline cargo tank during product loading; and

3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--New

62-296.509 Bulk Gasoline Plants.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.650(1)(f)9., 17-296.509, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF HEALTH

RULE NOS.:

RULE TITLES:

64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement Section 381.0303(3) and Section 381.0303(6), F.S. The statute establishes requirements for definitions, guidelines and standards related to persons with special needs, the registration process for persons with special needs, and special needs shelters.

SUMMARY: The proposed new rule defines a person with special needs including eligibility criteria for access to the special needs shelter. The rule identifies the service environment and the type of service the person with special needs should expect. The rule provides scalable guidelines for special need shelter staffing. The rule defines special needs

Public Comments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 04 2007

4 APT-APB

Joseph Kahn, Director
Division of Air Resource Management
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Kahn:

The Region 4 Office of the Environmental Protection Agency (EPA) received the prehearing State Implementation Plan (SIP) submittal, dated March 5, 2007, to address proposed amendments related to gasoline vapor recovery. We have completed our review and have provided the following comment:

This document should include some level of discussion on how this SIP revision is not expected to interfere with compliance for the PM_{2.5} standard as well. Although this program was included for ozone, section 110(l) requires a broader view of a SIP revision's impact on standards or applicable requirements. Specifically, section 110(1) reads: "(l) Plan Revisions --- Each revision to an implementation plan submitted by a State under this Act shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 171), or any other applicable requirement of this Act."

EPA Region 4 remains committed to working with you. If you have any questions regarding our response or additional questions regarding this requirement or program implementation considerations, please contact me at (404) 562-9026. You may also contact Heidi LeSane of the EPA Region 4 Regulatory Development Section at 404-562-9074.

Sincerely,

for
Kay T. Prince
Chief
Air Planning Branch

STATE ADMINISTRATIVE MATERIALS

Chapter 62-252

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing**

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 59A-34 Carrier Report of Overutilization and
 Initiation of Investigation

PURPOSE AND EFFECT: The purpose of the proposed rule is to 1) set forth the requirements for carriers to report an instance or instances of overutilization to the Agency pursuant to Section 440.13(8)(a), Florida Statutes and initiate an Agency investigation pursuant to Section 440.13(8)(b), (11), Florida Statutes; 2) establish the criteria for identifying the responsible party for overutilization of services and determine if a pattern or practice of overutilization or other violations of Chapter 440, F.S. have occurred; and 3) to establish the criteria for imposing administrative sanctions and fines in accordance with Section 440.13(8)(a), (11), (13), F.S.

SUBJECT AREA TO BE ADDRESSED: The Agency's Overutilization Review and Initiation of Investigation Process.
 SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.13(8), 440.13(11), 440.13(13) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 7, 2006, 9:00 a.m. – 12:00 Noon

PLACE: 2012 Capital Circle, S.E., 104-J Hartman Building, Tallahassee, FL.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT: Beverly Williams, Medical Health Care Program Analyst, (850)413-1939, williamsb3@dfs.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-252 Gasoline Vapor Control

RULE NOS.: RULE TITLES:

62-252.100 Purpose and Scope

62-252.200 Definitions

62-252.300 Gasoline Dispensing Facilities –
 Stage I Vapor Recovery

62-252.400 Gasoline Dispensing Facilities –
 Stage II Vapor Recovery

62-252.500 Gasoline Tanker Trucks

62-252.900 Form

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-252, F.A.C., to revise rules that address requirements for gasoline vapor control from gasoline dispensing facilities, bulk plants, terminals, and tanker trucks. The proposed rule development would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule development would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities and new bulk plants, and phase in Stage I vapor control requirements statewide for existing facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk plants, terminals, and tanker trucks.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or terri.long@dep.state.fl.us, phone (850)921-9556

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

RECEIVED
2007 MAR -9 AM 10:58
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-296 and 62-210, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and tanker trucks and trailers. If requested, a Secretarial rule adoption hearing will be held April 11, 2007. We would appreciate receiving your comments or meeting with you no later than April 4, 2007, so that we can prepare any necessary amendments in time for the potential hearing.

For each of the three rule chapters, enclosed please find the following:

1. A copy of the Notice of Proposed Rulemaking to be published March 16, 2007, in the Florida Administrative Weekly;
2. A statement comparing the proposed rule to federal requirements;
3. A statement of the facts and circumstances justifying the proposed rule;
4. A coded copy of the proposed rule amendments;

"More Protection. Less Process"
www.dep.state.fl.us

Ms. Suzanne G. Printy
Page Two
March 9, 2007

5. Bulk Gasoline Plant Air General Permit Registration Form (for Chapter 62-210, F.A.C., only); and
6. Gasoline Tanker Truck or Trailer Leak Test Report Form (for Chapter 62-252, F.A.C., only).

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,


Rebecca Robinette
Senior Assistant General Counsel

RR:tl



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Via Electronic Mail

Ms. Mary Blakeslee
Governor's Office
Office of Tourism, Trade,
and Economic Development
The Capitol
Tallahassee, Florida 32399-2000
Maryhelen.blakeslee@myflorida.com

Re: Rules 62-252.100, 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-210.200, 62-210.300 62-210.310 62-210.920, F.A.C.
OGC No.: 06-2254

Rules 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Recovery

Dear Ms. Blakeslee:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-210, and 62-296, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks. For each of the three rule chapters, enclosed please find the following:

1. A copy of the notice of proposed rulemaking to be published March 16, 2007, in the Florida Administrative Weekly.
2. A statement comparing the proposed rule to federal requirements.
3. A statement of the facts and circumstances justifying the proposed rule.
4. A coded copy of the proposed rule amendments.

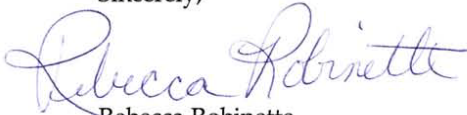
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Ms. Mary Blakeslee
Page Two
March 9, 2007

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Ms. Terri Long at (850) 921-9556.

Sincerely,



Rebecca Robinette
Senior Assistant General Counsel

RR:ls

FEDERAL COMPARISON STATEMENT

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500, and 62-252.900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Control

The Department of Environmental Protection is proposing amendments to Chapter 62-252, F.A.C., related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting requirements (OGC No 06-2254), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No 06-2253).

Stage I vapor control is currently required for gasoline dispensing facilities in seven counties designated as air quality maintenance areas for ozone. Stage II vapor control is currently required for gasoline dispensing facilities in three of the seven counties. The proposed amendments to Chapter 62-252, F.A.C., consist of: requiring Stage I vapor control at new and upgraded gasoline dispensing facilities statewide; phasing in Stage I vapor control statewide for existing gasoline dispensing facilities not previously required to have Stage I vapor control; removing the requirement for Stage II vapor control in Miami-Dade, Broward, and Palm Beach counties at new and upgraded gasoline dispensing facilities; phasing out Stage II vapor control at existing facilities in those three counties; and requiring tanker trucks and trailers to ensure connection of the vapor return line at facilities equipped for Stage I vapor control statewide.

The proposed amendments to Rule 62-252.900, F.A.C. update the gasoline tanker truck leak test reporting form, consistent with the requirements of 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminal and Pipeline Breakout Stations). The form facilitates implementation of said subpart, responsibility for which has been delegated to the department by the U.S. Environmental Protection Agency (EPA).

No federal regulations applicable to Florida specifically govern the use of Stage I or Stage II vapor control systems at gasoline dispensing facilities. However, EPA has provided guidance (EPA Design Criteria for Stage I Vapor Control Systems, November 1975) to states on the use of Stage I and Stage II systems in their Clean Air Act-required plans for reducing air pollutant emissions that contribute to the formation of ground-level ozone. The proposed amendments are consistent with this guidance.

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PROCEDURES COMMITTEE

DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Recovery

Introduction

The Department of Environmental Protection is proposing amendments to Chapter 62-252, F.A.C., related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting requirements (OGC No 06-2254), and Chapter 62-296, F.A.C, related to control technology requirements for bulk gasoline plants (OGC No 06-2253).

Stage I vapor control is currently required for gasoline dispensing facilities in seven counties designated as air quality maintenance areas for ozone. Stage II vapor control is currently required for gasoline dispensing facilities in three of the seven counties. The proposed amendments to Chapter 62-252, F.A.C., consist of: requiring Stage I vapor control at new and upgraded gasoline dispensing facilities statewide; phasing in Stage I vapor control statewide for existing gasoline dispensing facilities not previously required to have Stage I vapor control; removing the requirement for Stage II vapor control in Miami-Dade, Broward, and Palm Beach counties at new and upgraded gasoline dispensing facilities; phasing out Stage II vapor control at existing facilities in those three counties; and requiring tanker trucks and trailers to ensure connection of the vapor return line at facilities equipped for Stage I vapor control statewide.

Need for Rule Change

The Department of Environmental Protection is proposing amendments to rule Chapter 62-252, F.A.C., as part of a rulemaking project designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

The number of motor vehicles equipped with onboard refueling vapor recovery control systems (ORVR) in Florida is steadily increasing. Vacuum-assist Stage II vapor control systems as currently required in Miami-Dade, Broward and Palm Beach counties are not compatible with ORVR. This incompatibility causes the vapors meant to be captured by the Stage II system to be emitted to the air through the storage tank vents. The removal of the requirement for installation of Stage II systems at new gasoline dispensing facilities, and the phasing out and decommissioning of Stage II systems at existing gasoline dispensing facilities, will mitigate the release of air pollutant emissions that contribute to the formation of ground-level ozone.

Ambient air quality monitoring data indicate that ozone concentrations, while currently meeting the National Ambient Air Quality Standard for ground-level ozone, approach the standard throughout much of the state. The proposed amendments will help Florida maintain its current

attainment status with respect to the ozone standard by requiring the application of Stage I vapor control technology at gasoline dispensing facilities statewide.

Summary of Rule Amendments

62-252.200 Definitions

- **62-252.200(3)(New)** A new definition of “Gasoline Cargo Tank” is added for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-252.200(4)** The definition of “Gasoline Dispensing Facility” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(10)** The definition of “Stage I Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(11)** The definition of “Stage II Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(12)** The definition of “Submerged Filling” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The term “tanker truck” is replaced with “gasoline cargo tank.”

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery

- **62-252.300(1)(a) and (b)** Gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons or more located in any area designated as a nonattainment area or air quality maintenance area for ozone and all dispensing facilities subject to the Stage II vapor recovery requirements remain subject to this rule section. An erroneous rule citation is corrected.
- **62-252.300(1)(c)(New)** The applicability of Stage I vapor recovery to all dispensing facilities statewide with a monthly throughput of 10,000 gallons or more that begin operation after August 1, 2007, is added.
- **62-252.300(d)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities not otherwise subject to Stage I vapor recovery and whose storage tanks are upgraded or replaced after August 1, 2007, is added.
- **62-252.300(e)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities statewide with a monthly throughput of 10,000 gallons or more is added.
- **62-252.300(2)** Corrective and conforming changes are made.
- **62-252.300(3)(a)** The language pertaining to the optional use of a system that automatically prevents gasoline transfer when the vapor tight line is not properly connected is removed as such systems are not currently used. The 1975 EPA document, “Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations” remains

adopted by reference with the exception of Attachment A (specific manufacturers' specifications).

- **62-252.300(3)(b)** The existing language referencing requirements for the delivery vessel is deleted and moved to Rule 62-252.500, F.A.C., Gasoline Tanker Trucks. New language is added in this paragraph requiring the Stage I vapor recover system piping to include pressure-vacuum vents.
- **62-252.300(4)** The lead-in language to this subsection is eliminated, and new paragraphs are added for compliance schedules to meet the Stage I vapor recovery requirements on a statewide basis. The paragraphs under this subsection refer back, and correspond, to paragraphs (a) through (e) in subsection 62-252.300(1), F.A.C.
- **62-252.300(4)(a)(New)** Existing and new gasoline dispensing facilities in the seven ozone air quality maintenance areas that are currently required to employ Stage I vapor control systems must continue to operate and maintain those systems.
- **62-252.300(4)(b)(New)** Existing and new gasoline dispensing facilities that are currently required to employ Stage I vapor control systems by virtue of having installed Stage II systems must continue to operate and maintain those Stage I systems.
- **62-252.300(4)(c)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(c), F.A.C. (those that begin operation on or after August 1, 2007) shall install a Stage I vapor recovery system prior to beginning operation and, once installed, continue to operate and maintain the system.
- **62-252.300(4)(d)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(d), F.A.C. (those that upgrade or replace their stationary storage tanks based on Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007) shall install a Stage I vapor recovery system at the time of upgrade or replacement of the storage tanks.
- **62-252.300(4)(e)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(e), F.A.C.; that is, all facilities that began, or will begin, operation prior to August 1, 2007, and are not otherwise required to employ Stage I vapor control, shall install a Stage I vapor recovery system by January 1, 2010, and thereafter operate and maintain the system.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery

- **62-252.400(1)(a) through (d)** The rule language is amended to eliminate the applicability of this rule section to any gasoline dispensing facility located in Broward, Miami-Dade or Palm Beach counties if: the facility's storage tanks or piping is upgraded or replaced pursuant to Rule 62-761.510, F.A.C.; the facility had previously been issued a variance by the department from Stage II rule requirements; or the facility begins operation on or after May 15, 2007.
- **62-252.400(2)** The language is amended to require facilities at which Stage II vapor recovery systems were installed prior to May 15, 2007, to operate and maintain the

systems through December 31, 2009, unless upgrading or replacing storage tanks or integral piping pursuant to Rule 62-761.510, F.A.C. Rule language is added to require that Stage II vapor recovery systems which no longer operate pursuant to this rule shall be decommissioned in such manner as to seal and eliminate all areas of possible liquid and vapor leakage.

- **62-252.400(4)** The language is amended to eliminate the requirement for installation of Stage II vapor recovery systems based on the applicability criteria included in subsection 62-252.400(1), F.A.C.

62-252.500 Gasoline Tanker Trucks

- **62-252.500** The title of the rule section is changed to Gasoline Tanker Trucks or Trailers for consistency with the applicability of the rule.
- **62-252.500(2)(b)** New language is added to require the operator of a tanker truck or trailer to ensure the vapor return line is properly connected, if the tanker truck or trailer is designed to receive the displaced vapors from the stationary storage tanks. If displaced vapors are captured in the tanker truck or trailer, the vapors shall be processed by a vapor recovery system, if available, at the bulk plant or bulk terminal.
- **62-252.500(c)(New)** The tanker truck or trailer must be vapor-tight, except for normal pressure vacuum venting as required by the federal Department of Transportation. This language was previously sub-paragraph 62-252.300(3)(a)1., F.A.C.

62-252.500 Form

- **62-252.900** The Gasoline Tanker Truck Leak Test Report is amended for clarity and conformance with the leak testing requirements of subsection 62-252.500(3), F.A.C.

(4) through (7) No change.

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.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended.

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 section. 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 ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

62-252.200

62-252.300

62-252.400

62-252.500

62-252.900

RULE TITLES:

Definitions

Gasoline Dispensing Facilities – Stage I Vapor Recovery

Gasoline Dispensing Facilities – Stage II Vapor Recovery

Gasoline Tanker Trucks or Trailers Form

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors 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 Searce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-252.200 Definitions.

The following words and phrases when used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(4)(3) "Gasoline Dispensing Facility" – Any stationary facility that dispenses gasoline directly into the fuel tank of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(4) through (8) renumbered (5) through (9) No change.

(10)(9) "Stage I Vapor Recovery System" – A system that captures and transfers gasoline vapors, which are generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility's stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by the gasoline being loaded.

(11)(10) "Stage II Vapor Recovery System" – A system that captures and transfers gasoline vapors, which are generated during motor vehicle refueling, into a gasoline dispensing facility's stationary storage tanks.

(12)(11) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

The filling of a tanker truck or gasoline dispensing facility storage tank as follows:

(a) Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or through a nozzle installed at or within six inches of the bottom.

(b) Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe which extends to within six inches of the tank bottom.

(c) Gasoline Dispensing Facility with Side-Loaded Tank: Filling through a fill pipe which has its discharge opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.

(13)(12) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.200, Amended _____.

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery.

(1) Applicability. The emission limiting standards and control technology requirements as set forth in of this rule section shall apply to:

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340 275, F.A.C.; and:

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;

(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and

(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.

(2) Prohibition. No owner or operator of a any delivery vessel or gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of

gasoline from any gasoline cargo tank such delivery vessel into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) The Stage I vapor recovery system required by this rule section subsection shall include one or more of the following control methods:

1. A vapor-tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,

2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor-laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor-tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor-laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended _____.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties that which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system that which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility ~~that~~ which commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C., unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.650(1)(c)3., 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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)+ Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective _____ September 10, 1996)

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:

RULE TITLES:

62-296.418

Bulk Gasoline Plants

62-296.509

Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 11, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is making no changes to the above referenced rulemaking. The Department intends to file the certification package on April 17, 2007. Please send the Secretary State's office a certification that we have responded to your office.

If you need more information please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,

Rebecca Robinette
Senior Assistant General Counsel

RR:tl

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PROCEDURES COMMITTEE



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 19, 2007

Ms. Liz Cloud,
Program Administrator
Administrative Code Unit
500 South Bronough Street, Room 101
Tallahassee, Florida 32399-0250

Re: Certification package for Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 and
62-252.900, F.A.C.
Amendments related to Gasoline Vapor Control

Dear Ms. Cloud:

Attached is the certification package for amendments to Rule 62-252.200, 62-252.300, 62-252.400, 62-252.500 and 62-252.900, F.A.C. related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW).

My telephone number is 245-2278. If I am unavailable, please contact the staff person in charge of this rulemaking, Terri Long, at 921-9556.

Sincerely,

Rebecca Robinette
Sr. Assistant General Counsel

RR:ls

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2007 APR 19 10 52 AM
TALLAHASSEE, FLORIDA

CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification; and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900 F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

6
Number of Pages
Certified

62-252.200 Definitions. The following words and phrases when used in this chapter shall, unless the context
~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(4)(3)~~ "Gasoline Dispensing Facility" - Any stationary facility that dispenses gasoline directly into the fuel tank
of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(4) through (8) renumbered (5) through (9) No change.

~~(10)(9)~~ "Stage I Vapor Recovery System" - A system that captures and transfers gasoline vapors, which are
generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility's
stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by
the gasoline being loaded.

~~(11)(10)~~ "Stage II Vapor Recovery System" - A system that captures and transfers gasoline vapors, which are
generated during motor vehicle refueling, into a gasoline dispensing facility's stationary storage tanks.

~~(12)(11)~~ "Submerged Filling" - The filling of a gasoline cargo tank or a stationary storage tank through an
internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of
gasoline cargo tanks or stationary storage tanks is included in this definition.

The filling of a tanker truck or gasoline dispensing facility storage tank as follows:

(a) Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or
through a nozzle installed at or within six inches of the bottom.

(b) Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe ~~that~~ which extends to
within six inches of the tank bottom.

(c) Gasoline Dispensing Facility with Side Loaded Tank: Filling through a fill pipe which has its discharge
opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.

(12) renumbered (13) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.100,
Amended 2-2-93, Formerly 17-252.200, Amended

62-252.300 Gasoline Dispensing Facilities - Stage I Vapor Recovery.

FILED
JAN 19 11 09 27
TALLAHASSEE, FLORIDA

(1) Applicability. The ~~emission limiting standards and control technology~~ requirements as set forth in of this rule section shall apply to:

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340 275, F.A.C.; and

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;

(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and

(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.

(2) Prohibition. No owner or operator of ~~a any delivery vessel or~~ gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of gasoline from any gasoline cargo tank such delivery vessel into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) The Stage I vapor recovery system required by this rule section ~~subsection~~ shall ~~include one or more of the following control methods:~~

~~1. A vapor tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,~~

~~2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems - Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions~~

of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor-laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor-tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor-laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended.

62-252.400 Gasoline Dispensing Facilities - Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties ~~that~~ which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system ~~that~~ which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that ~~which~~ commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with ~~subject to the~~ Stage I vapor recovery systems ~~control requirements of Rule 62-252.300, F.A.C.,~~ unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the

stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be ~~are~~ processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- Formerly 17-2.650(1)(c)3. and 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form. The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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) Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective September 10, 1996)~~

Specific Authority 403.061, FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, FS. History -- New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

SUMMARY OF RULE

Rule 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Recovery

The Department of Environmental Protection is adopting amendments to Chapter 62-252, F.A.C., related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. These amendments were designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

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2007 APR 13 AM 9:27
CLERK OF COURT
JAIL HOUSE, FLORIDA

FEDERAL COMPARISON STATEMENT

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500, and 62-252.900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Control

The Department of Environmental Protection is proposing amendments to Chapter 62-252, F.A.C., related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting requirements (OGC No 06-2254), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No 06-2253).

Stage I vapor control is currently required for gasoline dispensing facilities in seven counties designated as air quality maintenance areas for ozone. Stage II vapor control is currently required for gasoline dispensing facilities in three of the seven counties. The proposed amendments to Chapter 62-252, F.A.C., consist of: requiring Stage I vapor control at new and upgraded gasoline dispensing facilities statewide; phasing in Stage I vapor control statewide for existing gasoline dispensing facilities not previously required to have Stage I vapor control; removing the requirement for Stage II vapor control in Miami-Dade, Broward, and Palm Beach counties at new and upgraded gasoline dispensing facilities; phasing out Stage II vapor control at existing facilities in those three counties; and requiring tanker trucks and trailers to ensure connection of the vapor return line at facilities equipped for Stage I vapor control statewide.

The proposed amendments to Rule 62-252.900, F.A.C. update the gasoline tanker truck leak test reporting form, consistent with the requirements of 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminal and Pipeline Breakout Stations). The form facilitates implementation of said subpart, responsibility for which has been delegated to the department by the U.S. Environmental Protection Agency (EPA).

No federal regulations applicable to Florida specifically govern the use of Stage I or Stage II vapor control systems at gasoline dispensing facilities. However, EPA has provided guidance (EPA Design Criteria for Stage I Vapor Control Systems, November 1975) to states on the use of Stage I and Stage II systems in their Clean Air Act-required plans for reducing air pollutant emissions that contribute to the formation of ground-level ozone. The proposed amendments are consistent with this guidance.

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DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Recovery

Introduction

The Department of Environmental Protection is proposing amendments to Chapter 62-252, F.A.C., related to gasoline vapor control at gasoline dispensing facilities and for tanker trucks and trailers. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting requirements (OGC No. 06-2254), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No. 06-2253).

Stage I vapor control is currently required for gasoline dispensing facilities in seven counties (Miami-Dade, Palm Beach, Broward, Orange, Hillsborough, Pinellas and Duval) designated as air quality maintenance areas for ozone. Stage II vapor control is currently required for gasoline dispensing facilities in three of the seven counties (Miami-Dade, Palm Beach, and Broward). The proposed amendments to Chapter 62-252, F.A.C., consist of: requiring Stage I vapor control at new and upgraded gasoline dispensing facilities statewide; phasing in Stage I vapor control statewide for existing gasoline dispensing facilities not previously required to have Stage I vapor control; removing the requirement for Stage II vapor control in Miami-Dade, Broward, and Palm Beach counties at new and upgraded gasoline dispensing facilities; phasing out Stage II vapor control at existing facilities in those three counties; and requiring tanker trucks and trailers to ensure connection of the vapor return line at facilities equipped for Stage I vapor control statewide.

Need for Rule Change

The Department of Environmental Protection is proposing amendments to rule Chapter 62-252, F.A.C., as part of a rulemaking project designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

The number of motor vehicles equipped with onboard refueling vapor recovery control systems (ORVR) in Florida is steadily increasing. Vacuum-assist Stage II vapor control systems as currently required in Miami-Dade, Broward and Palm Beach counties are not compatible with ORVR. This incompatibility causes the vapors meant to be captured by the Stage II system to be emitted to the air through the storage tank vents. The removal of the requirement for installation of Stage II systems at new gasoline dispensing facilities, and the phasing out and decommissioning of Stage II systems at existing gasoline dispensing facilities, will mitigate the release of air pollutant emissions that contribute to the formation of ground-level ozone.

Ambient air quality monitoring data indicate that ozone concentrations, while currently meeting the National Ambient Air Quality Standard for ground-level ozone, approach the standard

throughout much of the state. The proposed amendments will help Florida maintain its current attainment status with respect to the ozone standard by requiring the application of Stage I vapor control technology at gasoline dispensing facilities statewide.

Summary of Rule Amendments

62-252.200 Definitions

- **62-252.200(3)(New)** A new definition of “Gasoline Cargo Tank” is added for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-252.200(4)** The definition of “Gasoline Dispensing Facility” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(10)** The definition of “Stage I Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(11)** The definition of “Stage II Vapor Recovery System” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C.
- **62-252.200(12)** The definition of “Submerged Filling” is amended for clarity and consistency with Chapters 62-210 and 62-296, F.A.C. The term “tanker truck” is replaced with “gasoline cargo tank.”

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery

- **62-252.300(1)(a) and (b)** Gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons or more located in any area designated as a nonattainment area or air quality maintenance area for ozone and all dispensing facilities subject to the Stage II vapor recovery requirements remain subject to this rule section. An erroneous rule citation is corrected.
- **62-252.300(1)(c)(New)** The applicability of Stage I vapor recovery to all dispensing facilities statewide with a monthly throughput of 10,000 gallons or more that begin operation after August 1, 2007, is added.
- **62-252.300(d)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities not otherwise subject to Stage I vapor recovery and whose storage tanks are upgraded or replaced after August 1, 2007, is added.
- **62-252.300(e)(New)** The applicability of Stage I vapor recovery to all existing dispensing facilities statewide with a monthly throughput of 10,000 gallons or more is added.
- **62-252.300(2)** Corrective and conforming changes are made.
- **62-252.300(3)(a)** The language pertaining to the optional use of a system that automatically prevents gasoline transfer when the vapor tight line is not properly connected is removed as such systems are not currently used. The 1975 EPA document,

“Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations” remains adopted by reference with the exception of Attachment A (specific manufacturers’ specifications).

- **62-252.300(3)(b)** The existing language referencing requirements for the delivery vessel is deleted and moved to Rule 62-252.500, F.A.C., Gasoline Tanker Trucks. New language is added in this paragraph requiring the Stage I vapor recover system piping to include pressure-vacuum vents.
- **62-252.300(4)** The lead-in language to this subsection is eliminated, and new paragraphs are added for compliance schedules to meet the Stage I vapor recovery requirements on a statewide basis. The paragraphs under this subsection refer back, and correspond, to paragraphs (a) through (e) in subsection 62-252.300(1), F.A.C.
- **62-252.300(4)(a)(New)** Existing and new gasoline dispensing facilities in the seven ozone air quality maintenance areas that are currently required to employ Stage I vapor control systems must continue to operate and maintain those systems.
- **62-252.300(4)(b)(New)** Existing and new gasoline dispensing facilities that are currently required to employ Stage I vapor control systems by virtue of having installed Stage II systems must continue to operate and maintain those Stage I systems.
- **62-252.300(4)(c)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(c), F.A.C. (those that begin operation on or after August 1, 2007) shall install a Stage I vapor recovery system prior to beginning operation and, once installed, continue to operate and maintain the system.
- **62-252.300(4)(d)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(d), F.A.C. (those that upgrade or replace their stationary storage tanks based on Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007) shall install a Stage I vapor recovery system at the time of upgrade or replacement of the storage tanks.
- **62-252.300(4)(e)(New)** All gasoline dispensing facilities subject to paragraph 62-252.300(1)(e), F.A.C.; that is, all facilities that began, or will begin, operation prior to August 1, 2007, and are not otherwise required to employ Stage I vapor control, shall install a Stage I vapor recovery system by January 1, 2010, and thereafter operate and maintain the system.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery

- **62-252.400(1)(a) through (d)** The rule language is amended to eliminate the applicability of this rule section to any gasoline dispensing facility located in Broward, Miami-Dade or Palm Beach counties if: the facility’s storage tanks or piping is upgraded or replaced pursuant to Rule 62-761.510, F.A.C.; the facility had previously been issued a variance by the department from Stage II rule requirements; or the facility begins operation on or after May 15, 2007.

- **62-252.400(2)** The language is amended to require facilities at which Stage II vapor recovery systems were installed prior to May 15, 2007, to operate and maintain the systems through December 31, 2009, unless upgrading or replacing storage tanks or integral piping pursuant to Rule 62-761.510, F.A.C. Rule language is added to require that Stage II vapor recovery systems which no longer operate pursuant to this rule shall be decommissioned in such manner as to seal and eliminate all areas of possible liquid and vapor leakage.
- **62-252.400(4)** The language is amended to eliminate the requirement for installation of Stage II vapor recovery systems based on the applicability criteria included in subsection 62-252.400(1), F.A.C.

62-252.500 Gasoline Tanker Trucks

- **62-252.500** The title of the rule section is changed to Gasoline Tanker Trucks or Trailers for consistency with the applicability of the rule.
- **62-252.500(2)(b)** New language is added to require the operator of a tanker truck or trailer to ensure the vapor return line is properly connected, if the tanker truck or trailer is designed to receive the displaced vapors from the stationary storage tanks. If displaced vapors are captured in the tanker truck or trailer, the vapors shall be processed by a vapor recovery system, if available, at the bulk plant or bulk terminal.
- **62-252.500(c)(New)** The tanker truck or trailer must be vapor-tight, except for normal pressure vacuum venting as required by the federal Department of Transportation. This language was previously sub-paragraph 62-252.300(3)(a)1., F.A.C.

62-252.500 Form

- **62-252.900** The Gasoline Tanker Truck Leak Test Report is amended for clarity and conformance with the leak testing requirements of subsection 62-252.500(3), F.A.C.

SUMMARY OF THE HEARING

Rule 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Project: Gasoline Vapor Recovery

The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW). If requested within 21 days of the date of this notice, a rule adoption hearing would have been held by the Department of Environmental Protection.

No timely request for hearing was received by the agency and no hearing was held.

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Chapter 62-210

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62-210 Stationary Sources – General Requirements

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

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants and gasoline dispensing facilities. New definitions are added to coincide with proposed federal regulations. The bulk gasoline plant permitting exemption is removed. The requirements for operation under the bulk gasoline air general permit are amended to include Stage I vapor recovery, as applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with amendments to Chapters 62-252 and 62-296, F.A.C., on the same subject. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by January 26, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address requirements for bulk gasoline plants and gasoline dispensing facilities.

SPECIFIC AUTHORITY: 403.061 FS.

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

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, February 2, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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 Searce at (850)921-9551 or lynn.searce@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62-296 Stationary Sources – Emission Standards

RULE NO.: RULE TITLE:
62-296.509 Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-296, F.A.C., to remove the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants and to create a new specific emission limiting and performance standard for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with amendments to Chapters 62-210 and 62-252, F.A.C., on the same subject. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by January 26, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address requirements for bulk gasoline plants and gasoline dispensing facilities.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, February 2, 2007, at 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

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2007 MAR -9 AM 10:58
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-296 and 62-210, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and tanker trucks and trailers. If requested, a Secretarial rule adoption hearing will be held April 11, 2007. We would appreciate receiving your comments or meeting with you no later than April 4, 2007, so that we can prepare any necessary amendments in time for the potential hearing.

For each of the three rule chapters, enclosed please find the following:

1. A copy of the Notice of Proposed Rulemaking to be published March 16, 2007, in the Florida Administrative Weekly;
2. A statement comparing the proposed rule to federal requirements;
3. A statement of the facts and circumstances justifying the proposed rule;
4. A coded copy of the proposed rule amendments;

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Ms. Suzanne G. Printy
Page Two
March 9, 2007

5. Bulk Gasoline Plant Air General Permit Registration Form (for Chapter 62-210, F.A.C., only); and
6. Gasoline Tanker Truck or Trailer Leak Test Report Form (for Chapter 62-252, F.A.C., only).

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Robinette".

Rebecca Robinette
Senior Assistant General Counsel

RR:tl



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Via Electronic Mail

Ms. Mary Blakeslee
Governor's Office
Office of Tourism, Trade,
and Economic Development
The Capitol
Tallahassee, Florida 32399-2000
Maryhelen.blakeslee@myflorida.com

Re: Rules 62-252.100, 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-210.200, 62-210.300 62-210.310 62-210.920, F.A.C.
OGC No.: 06-2254

Rules 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Recovery

Dear Ms. Blakeslee:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-210, and 62-296, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks. For each of the three rule chapters, enclosed please find the following:

1. A copy of the notice of proposed rulemaking to be published March 16, 2007, in the Florida Administrative Weekly.
2. A statement comparing the proposed rule to federal requirements.
3. A statement of the facts and circumstances justifying the proposed rule.
4. A coded copy of the proposed rule amendments.

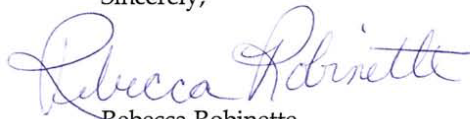
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Ms. Mary Blakeslee
Page Two
March 9, 2007

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Ms. Terri Long at (850) 921-9556.

Sincerely,



Rebecca Robinette
Senior Assistant General Counsel

RR:ls

FEDERAL COMPARISON STATEMENT

Re: Rules 62-210.200, 62-210.300, 62-210.310, and 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

The Department of Environmental Protection is proposing amendments to Chapter 62-210, F.A.C., to clarify and update air permitting requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-252, F.A.C., related to gasoline vapor controls for gasoline dispensing facilities and tanker trucks and trailers (OGC No 06-2108), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No 06-2253).

No federal regulations govern air permitting requirements for bulk gasoline plants.

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PROCEDURES COMMITTEE

DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-210.200, 62-210.300, 62-210.310, 62-210.920, F.A.C.

OGC No.: 06-2254

Project: Gasoline Vapor Recovery

Introduction

The Department of Environmental Protection is proposing amendments to rule Chapter 62-210, F.A.C., to clarify and update air permitting requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-252, F.A.C., related to gasoline vapor controls for gasoline dispensing facilities and tanker trucks and trailers (OGC No. 06-2108), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No. 06-2253).

Definitions are amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The bulk gasoline plant permitting exemption is restricted to existing bulk gasoline plants that are not required to employ control technology. The requirements for operation under the bulk gasoline air general permit are amended to include the requirement for control technology where applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes.

Need for Rule Change

The Department of Environmental Protection is proposing amendments to rule Chapter 62-210, F.A.C., as part of a rulemaking project designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

Summary of Rule Amendments

- **62-210.200(50)** The definition of "Bulk Gasoline Plant" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(51)** The definition of "Bulk Gasoline Terminal" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(150)(New)** A new definition of "Gasoline Cargo Tank" is added for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-210.200(151)** The definition of "Gasoline Dispensing Facility" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(296)** The definition of "Submerged Filling" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
TALLAHASSEE, FLORIDA

- **62-210.300(3)(a)30.** The exemption from permitting for bulk gasoline plants is restricted to existing bulk gasoline plants not subject to the control technology requirements of proposed Rule 62-292.418, F.A.C.
- **62-210.310(4)(a)** Language is added requiring bulk gasoline plants operating under the Bulk Gasoline Plant Air General Permit to comply with all applicable provisions of Rule 62-292.418, F.A.C. In addition language implying that multiple bulk gasoline plants might exist at the same facility is removed, since the term “bulk gasoline plant” is defined as a type of facility.
- **62-210.920(1)(a)** The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate the above rule revisions.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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 involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants. The bulk gasoline plant permitting exemption is removed for new bulk gasoline plants. The requirements for operation under the bulk gasoline air general permit are amended to include submerged filling for existing plants, where currently required, and Stage I vapor recovery for new plants statewide. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-252 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments revise and update requirements for bulk gasoline plant permitting exemptions and for the use of the Bulk Gasoline Plant Air General Permit. **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 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, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors 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 Searce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

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 ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) "Bulk Gasoline Plant" – Any gasoline storage and distribution facility ~~that which~~ receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers dispenses it to resellers, farms, businesses, service stations, or other end users, and ~~that which~~ has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(51) "Bulk Gasoline Terminal" – Any gasoline storage and distribution facility ~~that which~~ receives gasoline from its supply sources primarily by pipeline, ship, ~~or~~ barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and ~~that~~ has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(151)(150) "Gasoline Dispensing Facility" – Any stationary facility that site where gasoline is dispensed gasoline directly into the fuel tank of a motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

(296)(295) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.

(b) ~~Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.~~

(c) ~~Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard 650 welded steel tanks for oil storage; section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.~~

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 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, _____.

62-210.300 Permits Required.

(1) through (2) No change.

(3) No change.

(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 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

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

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

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

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit-specific applicable requirement; and

e. ~~The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

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, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

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

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 section. 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 _____ ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

62-252.200

62-252.300

62-252.400

62-252.500

62-252.900

RULE TITLES:

Definitions

Gasoline Dispensing Facilities –

Stage I Vapor Recovery

Gasoline Dispensing Facilities –

Stage II Vapor Recovery

Gasoline Tanker Trucks or Trailers

Form

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 11, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is making no changes to the above referenced rulemaking. The Department intends to file the certification package on April 17, 2007. Please send the Secretary State's office a certification that we have responded to your office.

If you need more information please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,

Rebecca Robinette
Senior Assistant General Counsel

RR:tl

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Florida Department of
Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 19, 2007

Ms. Liz Cloud,
Program Administrator
Administrative Code Unit
500 South Bronough Street, Room 101
Tallahassee, Florida 32399-0250

Re: Certification package for Rules 62-210.200, 62-210.300, 62-210.310, and 62-210.920,
F.A.C.
Amendments related to Gasoline Vapor Control

Dear Ms. Cloud:

Attached is the certification package for amendments to Rule 62-210.200, 62-210.300, 62-210.310, and 62-210.920, F.A.C., related to bulk gasoline plant permitting requirements. The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW).

My telephone number is 245-2278. If I am unavailable, please contact the staff person in charge of this rulemaking, Terri Long, at 921-9556.

Sincerely,


Rebecca Robinette
Sr. Assistant General Counsel

RR:ls

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2007 APR 19 11 09:27
TALLAHASSEE, FLORIDA

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CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification; and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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TALLAHASSEE, FLORIDA

☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

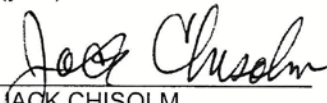
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-210.200, 62-210.300, 62-210.310, & 62-210.920, F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

4
Number of Pages
Certified

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 ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) "Bulk Gasoline Plant" – Any gasoline storage and distribution facility ~~that~~ which receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers dispenses it to resellers, farms, businesses, service stations, or other end users, and ~~that~~ which has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(51) "Bulk Gasoline Terminal" – Any gasoline storage and distribution facility ~~that~~ which receives gasoline from its supply sources primarily by pipeline, ship, or barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and ~~that~~ has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) "Gasoline Cargo Tank" – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

(151) ~~(150)~~ "Gasoline Dispensing Facility" – Any stationary facility ~~that site where gasoline is dispensed~~ gasoline directly into the fuel tank of a motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

~~(296)~~ (295) "Submerged Filling" – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.~~

~~(b) Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.~~

~~(c) Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard~~

~~650 welded steel tanks for oil storage; section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.~~

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 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, _____.

62-210.300 No change.

(1) through (2) No change.

(3) No change.

(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 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

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

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

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

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit-specific applicable requirement; and

~~e. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

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, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

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

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

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

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific 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. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

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

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

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

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 section. 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 _____ ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

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, _____.

SUMMARY OF RULE

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Recovery

The Department of Environmental Protection is adopting amendments to Chapter 62-210, F.A.C., related to exemptions and air permitting requirements for bulk gasoline plants. Definitions are amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The bulk gasoline plant permitting exemption is restricted to existing bulk gasoline plants that are not required to employ control technology. The requirements for operation under the bulk gasoline air general permit are amended to include the requirement for control technology where applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes.

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FEDERAL COMPARISON STATEMENT

Re: Rules 62-210.200, 62-210.300, 62-210.310, and 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

The Department of Environmental Protection is proposing amendments to Chapter 62-210, F.A.C., to clarify and update air permitting requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-252, F.A.C., related to gasoline vapor controls for gasoline dispensing facilities and tanker trucks and trailers (OGC No 06-2108), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No 06-2253).

No federal regulations govern air permitting requirements for bulk gasoline plants.

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DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-210.200, 62-210.300, 62-210.310, 62-210.920, F.A.C.

OGC No.: 06-2254

Project: Gasoline Vapor Recovery

Introduction

The Department of Environmental Protection is proposing amendments to rule Chapter 62-210, F.A.C., to clarify and update air permitting requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-252, F.A.C., related to gasoline vapor controls for gasoline dispensing facilities and tanker trucks and trailers (OGC No. 06-2108), and Chapter 62-296, F.A.C., related to control technology requirements for bulk gasoline plants (OGC No. 06-2253).

Definitions are amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The bulk gasoline plant permitting exemption is restricted to existing bulk gasoline plants that are not required to employ control technology. The requirements for operation under the bulk gasoline air general permit are amended to include the requirement for control technology where applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes.

Need for Rule Change

The Department of Environmental Protection is proposing amendments to rule Chapter 62-210, F.A.C., as part of a rulemaking project designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

Summary of Rule Amendments

- **62-210.200(50)** The definition of "Bulk Gasoline Plant" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(51)** The definition of "Bulk Gasoline Terminal" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(150)(New)** A new definition of "Gasoline Cargo Tank" is added for clarity and consistency with Chapters 62-252 and 62-296, F.A.C. The definition includes railcars as a type of delivery vessel.
- **62-210.200(151)** The definition of "Gasoline Dispensing Facility" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.
- **62-210.200(296)** The definition of "Submerged Filling" is amended for clarity and consistency with Chapters 62-252 and 62-296, F.A.C.

- **62-210.300(3)(a)30.** The exemption from permitting for bulk gasoline plants is restricted to existing bulk gasoline plants not subject to the control technology requirements of proposed Rule 62-292.418, F.A.C.
- **62-210.310(4)(a)** Language is added requiring bulk gasoline plants operating under the Bulk Gasoline Plant Air General Permit to comply with all applicable provisions of Rule 62-292.418, F.A.C. In addition language implying that multiple bulk gasoline plants might exist at the same facility is removed, since the term “bulk gasoline plant” is defined as a type of facility.
- **62-210.920(1)(a)** The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate the above rule revisions.

SUMMARY OF THE HEARING

Rule 62-210.200, 62-210.300, 62-210.310, 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Recovery

The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW). If requested within 21 days of the date of this notice, a rule adoption hearing would have been held by the Department of Environmental Protection.

No timely request for hearing was received by the agency and no hearing was held.

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Chapter 62-296

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62-210 Stationary Sources – General
Requirements

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

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants and gasoline dispensing facilities. New definitions are added to coincide with proposed federal regulations. The bulk gasoline plant permitting exemption is removed. The requirements for operation under the bulk gasoline air general permit are amended to include Stage I vapor recovery, as applicable. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with amendments to Chapters 62-252 and 62-296, F.A.C., on the same subject. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by January 26, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address requirements for bulk gasoline plants and gasoline dispensing facilities.

SPECIFIC AUTHORITY: 403.061 FS.

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

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, February 2, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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 Searce at (850)921-9551 or lynn.searce@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62-296 Stationary Sources – Emission
Standards

RULE NO.: RULE TITLE:
62-296.509 Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-296, F.A.C., to remove the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants and to create a new specific emission limiting and performance standard for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with amendments to Chapters 62-210 and 62-252, F.A.C., on the same subject. There is no draft rule language available at this time; however, it is expected the department will post draft rule language at the following web site by January 26, 2007: <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address requirements for bulk gasoline plants and gasoline dispensing facilities.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, February 2, 2007, at 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, Florida

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

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Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-296 and 62-210, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and tanker trucks and trailers. If requested, a Secretarial rule adoption hearing will be held April 11, 2007. We would appreciate receiving your comments or meeting with you no later than April 4, 2007, so that we can prepare any necessary amendments in time for the potential hearing.

For each of the three rule chapters, enclosed please find the following:

1. A copy of the Notice of Proposed Rulemaking to be published March 16, 2007, in the Florida Administrative Weekly;
2. A statement comparing the proposed rule to federal requirements;
3. A statement of the facts and circumstances justifying the proposed rule;
4. A coded copy of the proposed rule amendments;

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Ms. Suzanne G. Printy
Page Two
March 9, 2007

5. Bulk Gasoline Plant Air General Permit Registration Form (for Chapter 62-210, F.A.C., only); and
6. Gasoline Tanker Truck or Trailer Leak Test Report Form (for Chapter 62-252, F.A.C., only).

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Robinette". The signature is written in dark ink and is positioned above the printed name and title.

Rebecca Robinette
Senior Assistant General Counsel

RR:tl



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

March 9, 2007

Via Electronic Mail

Ms. Mary Blakeslee
Governor's Office
Office of Tourism, Trade,
and Economic Development
The Capitol
Tallahassee, Florida 32399-2000
Maryhelen.blakeslee@myflorida.com

Re: Rules 62-252.100, 62-252.200, 62-252.300, 62-252.400, 62-252.500, 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-210.200, 62-210.300 62-210.310 62-210.920, F.A.C.
OGC No.: 06-2254

Rules 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Recovery

Dear Ms. Blakeslee:

The Department of Environmental Protection is proposing to amend rule Chapters 62-252, 62-210, and 62-296, F.A.C. The proposed amendments relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants, and gasoline tanker trucks. For each of the three rule chapters, enclosed please find the following:

1. A copy of the notice of proposed rulemaking to be published March 16, 2007, in the Florida Administrative Weekly.
2. A statement comparing the proposed rule to federal requirements.
3. A statement of the facts and circumstances justifying the proposed rule.
4. A coded copy of the proposed rule amendments.

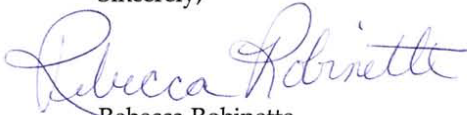
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Ms. Mary Blakeslee
Page Two
March 9, 2007

A Statement of Estimated Regulatory Costs (SERC) has neither been requested nor prepared.

If you have any questions, please call me at (850) 245-2278 or Ms. Terri Long at (850) 921-9556.

Sincerely,



Rebecca Robinette
Senior Assistant General Counsel

RR:ls

FEDERAL COMPARISON STATEMENT

Re: Rule 62-296.418, 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Control

The Department of Environmental Protection is proposing amendments to Chapter 62-296, F.A.C., related to air pollutant emissions control technology requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting (OGC No 06-2254), and Chapter 62-252, F.A.C, related to gasoline vapor control for gasoline dispensing facilities and tanker trucks and trailers (OGC No 06-2108).

Control technology is currently required for most bulk gasoline plants in seven counties designated as air quality maintenance areas for ozone. The proposed amendments to Chapter 62-296, F.A.C., consist of the repeal of Rule 62-296.509, F.A.C., which specifies the control technology requirements for the bulk gasoline plants in the seven Florida counties, and the addition of new rule 62-296.418, F.A.C., which continues the control technology requirements for existing bulk gasoline plants in the seven counties while also requiring enhanced control technology requirements for new bulk gasoline plants statewide.

No federal regulations applicable to Florida specifically govern control technology requirements for bulk gasoline plants. However, the U.S. Environmental Protection Agency (EPA) has provided guidance (EPA Control of Volatile Organic Emissions from Bulk Gasoline Plants, EPA-450/2-77-035, December 1977) to states on the use of such requirements in their Clean Air Act-required plans for reducing air pollutant emissions that contribute to the formation of ground-level ozone. The proposed amendments are consistent with this guidance.

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DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-296.418, 62-296.509, F.A.C.

OGC No.: 06-2253

Project: Gasoline Vapor Recovery

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PROCEDURES COMMITTEE

Introduction

The Department of Environmental Protection is proposing amendments to Chapter 62-296, F.A.C., related to air pollutant emissions control technology requirements for bulk gasoline plants. The amendments are part of a rulemaking project that also includes amendments to Chapter 62-210, F.A.C., related to bulk gasoline plant permitting (OGC No 06-2254), and Chapter 62-252, F.A.C, related to gasoline vapor control for gasoline dispensing facilities and tanker trucks and trailers (OGC No 06-2108).

Control technology is currently required for most bulk gasoline plants in seven counties designated as air quality maintenance areas for ozone. The proposed amendments to Chapter 62-296, F.A.C., consist of the repeal of Rule 62-296.509, F.A.C., which specifies the control technology requirements for the bulk gasoline plants in the seven Florida counties, and the addition of new rule 62-296.418, F.A.C., which continues the control technology requirements for existing bulk gasoline plants in the seven counties while also requiring enhanced control technology requirements for new bulk gasoline plants statewide.

Need for Rule Change

The Department of Environmental Protection is proposing amendments to rule Chapter 62-296, F.A.C., as part of a rulemaking project designed to update Florida's Clean Air Act-required plan for reducing air pollutant emissions that contribute to the formation of ground-level ozone.

Ambient air quality monitoring data indicate that ozone concentrations, while currently meeting the National Ambient Air Quality Standard for ground-level ozone, approach the standard throughout much of the state. The proposed amendments will help Florida maintain its current attainment status with respect to the ozone standard by requiring the application of air pollutant emissions control technology on new bulk gasoline plants statewide.

Summary of Rule Amendments

- **62-296.418(New)** A new rule section is created for bulk gasoline plants statewide.
- **62-296.418(1)** Any existing bulk gasoline plant located in an area designated as a nonattainment area or air quality maintenance area for ozone, and with a throughput of more than 2,000 gallons per day, shall be equipped with submerged filling capability. (Same as current Rule 62-296.509, F.A.C.)

- **62-296.418(2)** Any bulk gasoline plant that begins operation on or after August 1, 2007, in any area of the state shall be equipped with submerged filling capability, and the loading rack shall be equipped with a vapor collection and control system.
- **62-296.509 Repealed.** This rule is within a part of the rule chapter that applies only to the seven ozone air quality maintenance counties. The provisions of this rule are moved to new Rule 62-296.418, F.A.C., which has statewide applicability to new gasoline bulk plants.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that which commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.400, Amended 11-23-94, _____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C., unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(c)3., 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96, _____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form 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)~~ Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective ~~September 10, 1996~~)

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:	RULE TITLES:
62-296.418	Bulk Gasoline Plants
62-296.509	Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, April 11, 2007, 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 Searce at (850)921-9551. 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 RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.418 Bulk Gasoline Plants.

(1) The owner or operator of a bulk gasoline plant that has begun operation prior to August 1, 2007, is located in an area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340, F.A.C., and has an average annual daily throughput of more than 2,000 gallons (7,570 liters) shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless the gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed.

(2) The owner or operator of a bulk gasoline plant that begins operation on or after August 1, 2007, at any location in the state and with any throughput rate shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless:

1. The gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed;

2. The loading rack is equipped with a vapor collection and control system designed to minimize emissions of vapors displaced from the gasoline cargo tank during product loading; and

3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New

62-296.509 Bulk Gasoline Plants.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)9., 17-296.509, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF HEALTH

RULE NOS.:	RULE TITLES:
64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement Section 381.0303(3) and Section 381.0303(6), F.S. The statute establishes requirements for definitions, guidelines and standards related to persons with special needs, the registration process for persons with special needs, and special needs shelters.

SUMMARY: The proposed new rule defines a person with special needs including eligibility criteria for access to the special needs shelter. The rule identifies the service environment and the type of service the person with special needs should expect. The rule provides scalable guidelines for special need shelter staffing. The rule defines special needs



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 11, 2007

Ms. Susanne G. Printy,
Chief Attorney
Joint Administrative
Procedures Committee
Holland Building, Room 120
Tallahassee, Florida 32399-1300

Re: Rules 62-252.200, 62-252.300, 62-252.400, 62-252.500 & 62-252.900, F.A.C.
OGC No.: 06-2108

Rules 62-296.418 & 62-296.509, F.A.C.
OGC No.: 06-2253

Rules 62-210.200, 62-210.300, 62-210.310 & 62-210.920, F.A.C.
OGC No.: 06-2254

Project: Gasoline Vapor Control

Dear Ms. Printy:

The Department of Environmental Protection is making no changes to the above referenced rulemaking. The Department intends to file the certification package on April 17, 2007. Please send the Secretary State's office a certification that we have responded to your office.

If you need more information please call me at (850) 245-2278 or Mr. Larry George at (850) 921-9555.

Sincerely,

Rebecca Robinette
Senior Assistant General Counsel

RR:tl

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Florida Department of
Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

April 19, 2007

Ms. Liz Cloud,
Program Administrator
Administrative Code Unit
500 South Bronough Street, Room 101
Tallahassee, Florida 32399-0250

Re: Certification package for Rules 62-296.418, and 62-296.509, F.A.C.
Amendments related to Gasoline Vapor Control

Dear Ms. Cloud:

Attached is the certification package for amendments to Rule 62-296.418, F.A.C., and repeal of Rule 62-296.509, F.A.C., related to air pollutant emissions control technology requirements for bulk gasoline plants. The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW).

My telephone number is 245-2278. If I am unavailable, please contact the staff person in charge of this rulemaking, Terri Long, at 921-9556.

Sincerely,

Rebecca Robinette
Sr. Assistant General Counsel

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CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

☒ (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

☒ (2) There is no administrative determination under subsection 120.56(2), F.S. pending on any rule covered by this certification; and

☒ (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

☒ (a) Are filed not more than 90 days after the notice; or

☐ (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

☐ (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

☐ (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

☐ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

☐ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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☐ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

☐ (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

☐ (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

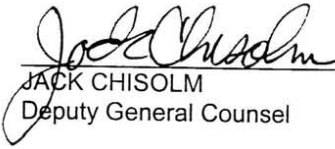
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-296.418, and 62-296.509, (repealing), F.A.C.

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

2
Number of Pages
Certified

62-296.418 Bulk Gasoline Plants.

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3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History-- New

62-296.509 Bulk Gasoline Plants. (Repealed)

(1) Applicability. The emission limiting standards set forth in Rule 62-296.509, F.A.C., shall apply to the unloading, loading, and storage facilities of all bulk gasoline plants and all tank trucks or trailers delivering or receiving gasoline at bulk gasoline plants.

(2) Control Technology.

(a) No owner or operator of a bulk gasoline plant may permit stationary storage tanks to be filled with gasoline unless each tank is equipped for submerged filling and such equipment is used and properly maintained.

~~(b) No owner or operator of a bulk gasoline plant, tank, truck, or trailer shall permit the filling of tank trucks or trailers at a bulk gasoline plant unless each tank, truck or trailer is equipped for submerged filling and such equipment is used and properly maintained.~~

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)9., 17-296.509, Repealed.

SUMMARY OF RULE

Rule 62-296.418, 62-296.509, F.A.C.

OGC No.: 06-2253

Project: Gasoline Vapor Recovery

The Department of Environmental Protection is adopting amendments to Chapter 62-296, F.A.C., related to air pollutant emissions control technology requirements for bulk gasoline plants. Control technology is currently required for most bulk gasoline plants in seven counties (Miami-Dade, Palm Beach, Broward, Orange, Hillsborough, Pinellas and Duval) designated as air quality maintenance areas for ozone. The amendments to Chapter 62-296, F.A.C., consist of the repeal of Rule 62-296.509, F.A.C., which specifies the control technology requirements for the bulk gasoline plants in the seven Florida counties, and the addition of new rule 62-296.418, F.A.C., which continues the control technology requirements for existing bulk gasoline plants in the seven counties while also requiring enhanced control technology requirements for new bulk gasoline plants statewide.

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FEDERAL COMPARISON STATEMENT

Re: Rule 62-296.418, 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Control

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No federal regulations applicable to Florida specifically govern control technology requirements for bulk gasoline plants. However, the U.S. Environmental Protection Agency (EPA) has provided guidance (EPA Control of Volatile Organic Emissions from Bulk Gasoline Plants, EPA-450/2-77-035, December 1977) to states on the use of such requirements in their Clean Air Act-required plans for reducing air pollutant emissions that contribute to the formation of ground-level ozone. The proposed amendments are consistent with this guidance.

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DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING PROPOSED RULE

Rule 62-296.418, 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Recovery

Introduction

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SUMMARY OF THE HEARING

Rule 62-296.418, 62-296.509, F.A.C.
OGC No.: 06-2253

Project: Gasoline Vapor Recovery

The Notice of Proposed Rulemaking was published March 16, 2007, in the Florida Administrative Weekly (FAW). If requested within 21 days of the date of this notice, a rule adoption hearing would have been held by the Department of Environmental Protection.

No timely request for hearing was received by the agency and no hearing was held.

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