

Chapter 62-212
Stationary Sources - Preconstruction Review

62-212.100 Purpose and Scope.

The Department of Environmental Protection adopts this chapter to establish the preconstruction review requirements for proposed new emissions units or facilities and proposed modifications. The requirements of this chapter apply to those proposed activities for which an air construction permit is required pursuant to Chapter 62-210, F.A.C. This chapter includes general preconstruction review requirements and specific requirements for emissions units subject to prevention of significant deterioration (PSD) and nonattainment-area preconstruction review. It also includes preconstruction review requirements applicable to specific emissions unit types. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at Rule 62-210.200, F.A.C.

History: New 2-2-93; Formerly 17-212.100; Amended 11-23-94, 3-13-96.

62-212.100

	State Effective Date	Date Submitted to EPA	Federal Register Date	Federal Register Cite	Federal Effective Date
Original Reg	02/02/93	01/08/93	01/11/95	60 FR 2688	03/13/95
1 st Revision	11/23/94	12/21/94	06/16/99	64 FR 32346	08/16/99
2 nd Revision	03/13/96	04/15/96	06/16/99	64 FR 32346	08/16/99

62-212.300 General Preconstruction Review Requirements.

This rule shall apply to the proposed construction or modification of all emissions units and facilities for which an air construction permit is required pursuant to Rule 62-210.300(1), F.A.C.

- (1) General Prohibitions.
 - (a) No emissions unit or facility subject to this rule shall be constructed or modified without obtaining an air construction permit from the Department in accordance with the requirements of Rule 62-212.300(3), F.A.C.
 - (b) Except as provided in Rule 62-212.500, F.A.C., the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to a violation of any ambient air quality standard. The Department shall not permit the construction or modification of any emissions unit which would be located in a nonattainment area or area of influence if the proposed construction or modification would interfere with reasonable further progress toward attaining the ambient air quality standards.
 - (c) Except as provided in Rule 62-212.400(3)(f) and (g), F.A.C., the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to an ambient concentration at any point within a baseline area that exceeds either the appropriate baseline concentration for the point plus the appropriate maximum allowable increase or the appropriate ambient air quality standard, whichever is less.
 - (d) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.
- (2) Applicability.
 - (a) Relationship of General Preconstruction Review Requirements to Other Applicable Requirements. The requirements of Rule 62-212.300, F.A.C., shall apply in addition to any applicable requirements under Rules 62-212.400, 62-212.500, and 62-212.600, F.A.C.
 - (b) Pollutants Subject to General Preconstruction Review. Pollutants subject to the general preconstruction review requirements of this rule are those pollutants not subject to preconstruction review under Rule 62-212.400 or 62-212.500, F.A.C.
- (3) Permitting Requirements.
 - (a) Each applicant for an air construction permit for an emissions unit subject to this rule shall provide the Department, at a minimum, the following information:
 - 1. The nature and amounts of emissions from the emissions unit.
 - 2. The location, design, construction, and operation of the emissions unit to the extent necessary to allow the Department to determine whether construction or modification of the emissions unit would result in violations of any applicable provisions of Chapter 403, Florida Statutes, or Department air pollution rules, or whether the construction or modification would interfere with the attainment and maintenance of any state or national ambient air quality standard.

History: Formerly 17-2.520; Formerly 17-212.300; Amended 11-23-94, 1-1-96.

62-212.300

	State Effective Date	Date Submitted to EPA	Federal Register Date	Federal Register Cite	Federal Effective Date
Original Reg	10/15/92	11/23/92	10/20/94	59 FR 52916	12/19/94
1 st Revision	11/23/94	12/21/94	06/16/99	64 FR 32346	08/16/99

62-212.400 Prevention of Significant Deterioration (PSD).

The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.

- (1) General Prohibitions.
 - (a) Except as provided in Rule 62-212.500, F.A.C., the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to a violation of any ambient air quality standard.
 - (b) Except as provided in Rule 62-212.400(3)(f) and (g), F.A.C., the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to an ambient concentration at any point within a baseline area that exceeds either the appropriate baseline concentration for the point plus the appropriate maximum allowable increase or the appropriate ambient air quality standard, whichever is less.
 - (c) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.

(2) Applicability.

This subsection establishes the criteria for determining whether or not a proposed new facility or modification to a facility is subject to the preconstruction review requirements of this rule, either in whole or in part. The preconstruction review requirements of this rule include the applicable provisions of: Rules 62-212.400(4), F.A.C., General Provisions; 62-212.400(5), F.A.C., Preconstruction Review Requirements; and 62-212.400(6), F.A.C., Construction/Operation Permit Requirements; all as modified by the applicable provisions of Rule 62-212.400(3), F.A.C., Exemptions and Exclusions. A proposed new facility or modification that is not subject to the preconstruction review requirements of this rule, either in whole or in part, may be subject to review requirements under other rules of this chapter.

- (a) Facility and Project Exemptions.
 1. Nonprofit Health and Educational Facilities Exemption. A proposed new facility or modification shall not be subject to the preconstruction review requirements of this section if the new or modified facility would be a nonprofit health or nonprofit educational institution.
 2. Pollution Control Project Exemption. A pollution control project that is being added, replaced, or used at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h) shall not be subject to the preconstruction review requirements of this rule.
 3. Permanent Clean Coal Technology Demonstration Project Exemption. The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering shall not be subject to the preconstruction review requirements of this rule, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a unit-by-unit basis. A clean coal technology demonstration project shall have the meaning provided in 40 CFR 52.21(b)(35).
 4. Very Clean-Coal Fired Electric Utility Steam Generating Unit Exemption. The reactivation of a very clean-coal fired electric utility steam generating unit, as defined under 40 CFR 52.21(b)(38), shall not be subject to the preconstruction review requirements of this rule.
- (b) Fugitive Emissions Exemption. A proposed new facility or modification shall not be subject to the preconstruction review requirements of this rule if:
 1. The affected facility would not belong to any of the facility categories listed in Table 212.400-1, Major Facility Categories, or any other facility category which, as of August 7, 1980, is being regulated under 40 CFR 60 or 40 CFR 61; and
 2. The facility or modification would be subject to the preconstruction review requirements of this rule only if fugitive emissions, to the extent quantifiable, are considered in

determining whether the affected facility would be subject to preconstruction review requirements pursuant to Rule 62-212.400(2)(d)2., F.A.C., if it is or were itself a proposed new facility.

- (c) Alternative Fuel or Raw Material Exemption. A modification that is to occur for any of the following reasons shall not be subject to the preconstruction review requirements of this rule:
1. Use of an alternative fuel or raw material by reason of any order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 or the Power Plant and Industrial Fuel Use Act of 1978, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 2. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act;
 3. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 4. Use of an alternative fuel or raw material which the facility was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975; or
 5. Use of an alternative fuel or raw material which the facility is approved to use under any permit issued under 40 CFR 52.21 or Rule 17-2.500 (transferred) or 62-212.400, F.A.C.
- (d) New and Modified Facilities.
1. New Minor Facilities. A proposed new minor facility shall not be subject to the preconstruction review requirements of this rule.
 2. New Major Facilities. Unless exempted under Rule 62-212.400(2)(a) or (b), F.A.C., a proposed new major facility shall be subject to the preconstruction review requirements of this rule if:
 - a. For any pollutant regulated under the Act, except for lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same "Major Group" Standard Industrial Classification (SIC) Code (as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement; U. S. Government Printing Office, stock numbers 4101-006 and 003-005-00176-01, respectively) would be equal to or greater than 250 tons per year; or
 - b. For any pollutant regulated under the Act, except for lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same "Major Group" Standard Industrial Classification (SIC) Code would be equal to or greater than 100 tons per year; and the facility would belong to any of the facility categories listed in Table 212.400-1, Major Facility Categories; or
 - c. For lead or lead compounds, measured as elemental lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same "Major Group" Standard Industrial Classification (SIC) Code would be equal to or greater than 5 tons per year.
 3. Modifications to Minor Facilities. Unless exempted under Rule 62-212.400(2)(a), (b) or (c), F.A.C., a proposed modification to a minor facility shall be subject to the preconstruction review requirements of this rule only if the modification would be a physical change which, in and of itself, would constitute a new major facility subject to preconstruction review requirements pursuant to Rule 62-212.400(2)(d)2., F.A.C.
 4. Modifications to Major Facilities.
 - a. Unless exempted under Rule 62-212.400(2)(a), (b), or (c), F.A.C., a proposed modification to a major facility shall be subject to the preconstruction review requirements of this rule if:
 - (i) The facility to be modified would be subject to preconstruction review requirements pursuant to Rule 62-212.400(2)(d)2., F.A.C., if it were

- (ii) The Department has not relied on it in demonstrating attainment, defining reasonable further progress, or issuing a permit under the provisions of Rule 17-2.17 (repealed), 17-2.510 (transferred), 17-2.650 (transferred), 62-212.500, or 62-296.500 through 62-296.516, F.A.C., which permit is in effect when the increase in emissions of the modification occurs.
 - c. A decrease in the actual emissions or in the quantifiable fugitive emissions of a facility is creditable only if:
 - (i) The old level of actual emissions, the old level of federally enforceable allowable emissions, or the old level of allowable emissions under Rule 62-296.500 through 62-296.516, 62-296.570, 62-296.600 through 605, or 62-296.700 through 62-296.712, F.A.C., whichever is lowest, exceeds the new level of actual emissions;
 - (ii) It is federally enforceable on and after the date that the owner or operator obtains from the Department a permit to construct the new or modified facility; and
 - (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase in the emissions of the modification.
- (f) Pollutants Subject to PSD Preconstruction Review.
 1. Except as provided under Rule 62-212.400(2)(f)3., F.A.C., below, for a proposed new facility or modification subject to the preconstruction review requirements of this rule pursuant to Rule 62-212.400(2)(d)2. or 3., F.A.C., the preconstruction review requirements of this rule shall apply to all pollutants regulated under the Act for which the sum of the potential emissions and the quantifiable fugitive emissions of the facility or modification would be equal to or greater than the significant emission rates listed in Table 212.400-2 , Regulated Air Pollutants - Significant Emission Rates; or for which the sum of the potential emissions and the quantifiable fugitive emissions of the facility or modification would be greater than zero when the facility is located within 10 kilometers of a Class I area and the potential and quantifiable fugitive emissions would have an impact on the Class I area equal to or greater than 1.0 microgram per cubic meter (24-hour average).
 2. Except as provided under Rule 62-212.400(2)(f)3., F.A.C., below, for a proposed modification subject to the preconstruction review requirements of this rule pursuant to Rule 62-212.400(2)(d)4., F.A.C., the preconstruction review requirements of this rule shall apply to all pollutants regulated under the Act for which the modification would result in: a significant net emissions increase (as set forth in Rule 62-212.400(2)(e)2., F.A.C., or a net emissions increase (as set forth in Rule 62-212.400(2)(e)1., F.A.C.,) when the facility to be modified is located within 10 kilometers of a Class I area and the net emissions increase would have an impact on the Class I area equal to or greater than 1.0 microgram per cubic meter (24-hour average).
 3. For a proposed new facility or modification subject to the preconstruction review requirements of this rule which would construct in an area designated as nonattainment for any pollutant other than ozone under Rule 62-204.340, F.A.C., the preconstruction review requirements of this rule shall not apply to emissions of the affected pollutant. For a proposed new facility or modification subject to the preconstruction review requirements of this rule which would construct in an ozone nonattainment area, the preconstruction review requirements of this rule shall not apply to emissions of volatile organic compounds; however, in such case the preconstruction review requirements of this rule shall apply to emissions of nitrogen oxides, even if the proposed new facility or modification would also be subject to the preconstruction review requirements of Rule 62-212.500, F.A.C., for nitrogen oxides.

- (g) Relaxations of Restrictions on Pollutant Emitting Capacity. If a previously permitted facility or modification becomes a facility or modification which would be subject to the preconstruction review requirements of this rule if it were a proposed new facility or modification solely by virtue of a relaxation in any federally enforceable limitation on the capacity of the facility or modification to emit a pollutant (such as a restriction on hours of operation), which limitation was established after August 7, 1980, then at the time of such relaxation the preconstruction review requirements of this rule shall apply to the facility or modification as though construction had not yet commenced on it.
- (3) Limited Exemptions and Special Provisions. The provisions of this subsection establish exemptions and exclusions from certain of the General Provisions of Rule 62-212.400(4), F.A.C., and PSD Review Requirements of Rule 62-212.400(5), F.A.C.
- (a) Relocatable Facilities. A relocatable facility which has a valid Department operation permit and which has previously been reviewed and issued a construction permit pursuant to 40 CFR 52.21 or to the preconstruction review requirements of this rule shall obtain permission to relocate and operate such facility at a new location through an amendment to the facility's operation permit, provided the following conditions are met:
 1. The duration of emissions of the facility at the new location would not exceed two years;
 2. The federally enforceable allowable emissions would not be increased at the new location and the emissions of the facility would not have a significant impact on any Class I area or area where an applicable maximum allowable increase is known to be violated;
 3. The owner or operator has provided the Department with reasonable assurance that the emissions of the facility at the new location would not cause or contribute to a violation of ambient air quality standards; and
 4. The owner or operator of the facility would obtain an amendment to the operating permit prior to beginning operation at the new location identifying the new location and the duration of operation.
 - (b) Voluntary Fuel Conversions (Reserved).
 - (c) Temporary Emissions. A proposed facility or modification subject to the preconstruction review requirements of this rule shall be exempt from the requirements of Rules 62-212.400(5)(d), (e), (f), and (g), F.A.C., for a particular pollutant, provided:
 1. The duration of emissions of the facility or net emissions increase of the modification would not exceed two years;
 2. The owner or operator of the facility or modification has provided the Department with reasonable assurance that the emissions of the facility or net emissions increase of the modification would not cause or contribute to a violation of any ambient air quality standard or have a significant impact on any Class I area or area where an applicable maximum allowable increase is known to be violated.
 - (d) Modifications Under Fifty Tons Per Year. If a proposed modification subject to the preconstruction review requirements of this rule would be made to a facility that was in existence on March 1, 1978, and would result in a net emissions increase of each pollutant listed in Table 212.400-2, Regulated Air Pollutants -- Significant Emission Rates, of less than 50 tons per year after the application of BACT, such modification shall be exempt from the requirements of Rules 62-212.400(5)(d), (e), (f), and (g), F.A.C., as they relate to any maximum allowable increase for a Class II area.
 - (e) General Ambient Monitoring Exemption. A proposed facility or modification subject to the preconstruction review requirements of this rule shall be exempt from the monitoring requirements of Rule 62-212.400(5)(f) and (g), F.A.C., with respect to a specific pollutant if:
 1. The emissions of the pollutant from the new facility or the net emissions increase of the pollutant from the modification would not have an impact on any area equal to or greater than that listed in Table 212.400-3, De Minimus Ambient Impacts; or
 2. The ambient concentration of the pollutant in the area that the proposed facility or modification would affect is less than the appropriate de minimus concentration listed in

- Table 212.400-3; or
3. The pollutant is not listed in Table 212.400-3.
- (f) Temporary Exclusions From Increment Consumption.
1. Construction Related Emissions. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities shall be excluded in determining compliance with any maximum allowable increase.
 2. Mandatory Fuel Conversions. By an Order issued by the Secretary, the following ambient concentrations shall be excluded in determining compliance with any maximum allowable increase, provided the addition of such concentrations shall not cause or contribute to a violation of any ambient air quality standard. No exclusion of such concentrations shall apply more than five years after the effective date of the latest applicable plan or order as set forth in Rule 62-212.400(3)(f)2.a. or b., F.A.C., below.
 - a. Concentrations attributable to the increase in emissions from facilities which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 or the Power Plant and Industrial Fuel Use Act of 1978 over the emissions from such facilities before the effective date of such an order.
 - b. Concentrations attributable to the increase in emissions from facilities which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such facilities before the effective date of such plan.
 3. SIP Revision Related Temporary Emissions. By an Order issued by the Secretary, concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from facilities which are affected by SIP revisions approved by the Administrator shall be excluded in determining compliance with any maximum allowable increase, provided such Order shall:
 - a. Specify the time period over which the temporary emissions increase of sulfur dioxide, nitrogen dioxide or particulate matter would occur (such time is not to exceed two years in duration unless a longer time is approved by the Administrator);
 - b. Specify that the time period for excluding certain concentrations in accordance with Rule 62-212.400(3)(f)3.a., F.A.C., above, is not renewable;
 - c. Allow no emissions increase from a facility which would:
 - (i) Have a significant impact on a Class I area or area where an applicable maximum allowable increase is known to be violated; or
 - (ii) Cause or contribute to a violation of any ambient air quality standard.
 - d. Require limitations to be in effect by the end of the time period specified in accordance with Rule 62-212.400(3)(f)3.a., F.A.C., above, which would ensure that the emissions levels from facilities affected by the SIP revision would not exceed those levels occurring from such facilities before the SIP revision was approved.
 4. Innovative Control Technology. By an Order issued by the Secretary, concentrations attributable to any federally enforceable interim allowable emissions resulting from the use of innovative control technology that are in excess of the final allowable emissions based on the application of BACT, shall be excluded in determining compliance with any maximum allowable increase, provided such Order shall:
 - a. Specify the time period over which the interim allowable emissions would occur (such time period shall not exceed four years, however such Order may be renewed for a period not to exceed an additional three years if the innovative control technology fails and the additional time period is needed to apply BACT

- through a demonstrated system of control).
 - b. Allow no emissions that would:
 - (i) Have a significant impact on any Class I area or area where an applicable maximum allowable increase is known to be violated; or
 - (ii) Cause or contribute to a violation of any ambient air quality standard.
 - c. Require limitations to be in effect by the end of the time period specified in Rule 62-212.400(3)(f)4.a., F.A.C., above, which would ensure that the emission levels from the emissions units using the innovative control technology would not exceed those that are equivalent to the application of BACT.
 - (g) Permanent Exclusions From Increment Consumption. The increase in ambient concentrations attributable to new emissions units outside the United States over the concentrations attributable to emissions units which are included in the baseline emissions shall be excluded in determining compliance with any maximum allowable increase.
- (4) General Provisions.
- (a) Facilities or Modifications Affecting Class I Areas.
 - 1. Additional Notification Requirements.
The Department shall comply with the additional notification requirements of Rule 62-210.350(2)(h), F.A.C., for a proposed new facility or modification that would be located within 100 kilometers of, or whose emissions may affect, any Federal Class I area.
 - 2. Federal Land Manager Participation.
 - a. The Federal Land Manager of any lands contained in a Class I area which may be affected by emissions from a proposed facility or modification may demonstrate to the Department that the emissions from the proposed facility or modification would have an adverse impact on the air quality-related values (including visibility) of the Federal Class I area, notwithstanding that the change in air quality resulting from emissions from such facility or modification would not cause or contribute to concentrations which would exceed any maximum allowable increase for a Class I area.
 - b. If this demonstration is received by the Department within thirty (30) days after the Department has mailed or transmitted to the Federal Land Manager a complete application pursuant to Rule 62-210.350(2)(b), F.A.C., it shall be considered in the Department's preliminary determination and proposed agency action on the permit application. If this demonstration is received within the public comment period on the Department's proposed agency action, it shall be considered in the Department's final determination and final agency action on the permit application.
 - c. If the Department finds that the Federal Land Manager's analysis does not demonstrate to the Department's satisfaction that an adverse impact on the air quality related values (including visibility) of a Class I area would occur, a written explanation of the reasons for such finding shall be included in the Department's preliminary or final determination as provided in Rule 62-212.400(4)(a)2.b., F.A.C. If the Department is satisfied that the Federal Land Manager has demonstrated an adverse impact on the air quality related values (including visibility) of a Class I area, the Department shall not issue the permit.
 - 3. Variances from Class I Increments. The owner or operator of the proposed facility or modification may demonstrate to the Federal Land Manager that the emissions from such facility or modification would have no adverse impact on the air quality related values of such lands (including visibility), notwithstanding that the change in air quality resulting from emissions from such facility or modification would cause or contribute to concentrations which would exceed a maximum allowable increase for a Class I area. If the Federal Land Manager concurs with such demonstration and so certifies to the Department, the Department may (provided that all applicable requirements are otherwise

met) issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, nitrogen dioxide, and particulate matter would not exceed the following maximum allowable increases, pursuant to 40 CFR 51.166(p)(4), over baseline concentration for such pollutants:

Maximum Allowable Increase

Pollutant and Period of Exposure	(micrograms per cubic meter)
Particulate matter (PM ₁₀):	
Annual arithmetic mean	17.0
24-hr maximum	30.0
Sulfur dioxide:	
Annual arithmetic mean	20.0
24-hr maximum	91.0
3-hr maximum	325.0
Nitrogen dioxide:	
Annual arithmetic mean	25.0

4. Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence.
 - a. The owner or operator of a proposed facility or modification which cannot be approved under Rule 62-212.400(4)(a)3., F.A.C., above, may demonstrate to the Governor that the emissions unit or modification cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for periods of twenty-four hours or less applicable to any Class I area and, in the case of Federal mandatory Class I areas, that a variance under this clause would not adversely affect the air quality related values of the area (including visibility);
 - b. The Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant, after notice and an opportunity for a public hearing, a variance from such maximum allowable increase; and
 - c. If such a variance is granted, the Department may issue a permit in accordance with the provision of Rule 62-212.400(4)(a)6., F.A.C., below, provided that all applicable requirements are otherwise met.
5. Sulfur Dioxide Variance by Governor with President's Concurrence.
 - a. The recommendations of the Governor and the Federal Land Manager shall be transferred to the President in any case where the Governor recommends a variance pursuant to Rule 62-212.400(4)(a)4., F.A.C., above, in which the Federal Land Manager does not concur;
 - b. The President may approve the Governor's recommendation if he finds that such variance is in the national interest; and
 - c. If such a variance is approved, the Department may issue a permit in accordance with provisions of Rule 62-212.400(4)(a)6., F.A.C., below, provided that all applicable requirements are otherwise met.
6. Emission Limitations for Gubernatorial Variances. In the case of a permit issued under the procedures of Rule 62-212.400(4)(a)4. or 5., F.A.C., the facility or modification shall comply with emission limitations as may be necessary to assure that emissions of sulfur dioxide from the emissions unit or modification would not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to

concentrations which would exceed the following maximum allowable increases over the baseline concentrations and to assure that such emissions would not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period:

Period of Exposure	Maximum Allowable Increase (micrograms per cubic meter)
24-hr maximum	36.0
3-hr maximum	130.0

(b) Baseline Related Provisions.

1. General. The establishment of a minor source baseline date for a pollutant establishes the baseline area for that pollutant based on the designations of individual prevention of significant deterioration (PSD) areas under Rule 62-204.360, F.A.C. The boundary of the baseline area may be changed only by redesignating the boundaries of the affected PSD areas in accordance with the redesignation provisions of Rule 62-204.320, F.A.C. The minor source baseline date for an area may be disestablished or changed as the result of such redesignation of PSD areas. The establishment of a baseline area requires the determination of the baseline emissions that affect the baseline area. The baseline emissions are determined for each pollutant for which maximum allowable increases are established under Rule 62-204.260, F.A.C., and are used to compute the baseline concentration levels for each point within the baseline area. The baseline concentration is the ambient concentration value to which the applicable maximum allowable increase is added to determine the maximum allowable ambient concentration for each point within the area.
2. Baseline Dates. Within one year of the establishment of a minor source baseline date for a PSD area designated under Rule 62-204.360, F.A.C., the Department shall publish such date in the Florida Administrative Weekly.
3. Determination of Baseline Emissions.
 - a. Except as provided under Rules 62-212.400(4)(b)3.b. through d., F.A.C., the baseline emissions shall be the actual emissions representative of all facilities in existence on the applicable minor source baseline date which are located within the baseline area or have a significant impact on the baseline area.
 - (i) On an annual basis, the actual emissions representative of a facility shall be the sum of the actual emissions of each emissions unit within the facility.
 - (ii) On a short-term basis, the actual emissions representative of a facility shall be the sum of the normal maximum emissions of each emissions unit within the facility, where normal maximum emissions are the emissions that would occur for each applicable averaging time if a emissions unit were operated at the lesser of its maximum or federally enforceable permitted capacity, using the normal types and amounts of fuels or materials processed, and operated for the lesser of the normal or federally enforceable permitted number of hours per day.
 - b. The baseline emissions of a facility on which construction commenced on or before the major source baseline date, but which was not in operation by the applicable minor source baseline date, shall be the federally enforceable allowable emissions of the facility, provided such facility would be subject to the

- preconstruction review requirements of this rule if it were a proposed new facility.
- c. The following emissions shall not be included in the baseline emissions but shall be considered in calculating the amount of any maximum allowable increase remaining available:
- (i) The actual emissions representative of a facility on which construction commenced after the major source baseline date, provided such facility would be subject to the preconstruction review requirements of this rule if it were a proposed new facility;
 - (ii) Any increase in the actual emissions representative of a facility resulting from a physical change in or change in the method of operation of the facility which occurred after the major source baseline date, but prior to the applicable minor source baseline date, provided such facility would be subject to the preconstruction review requirements of this rule if it were a proposed new facility and such increase would not qualify for an exemption from the preconstruction review requirements of this rule pursuant to Rule 62-212.400(2)(c), F.A.C.;
 - (iii) Any decrease in the actual emissions representative of a facility resulting from a physical change in or change in the method of operation of the facility (including demolition or any otherwise permanent reduction in the productive capacity of the facility) which occurred after the major source baseline date, but prior to the applicable minor source baseline date, provided such facility would be subject to the preconstruction review requirements of this section if it were a proposed new facility; and
 - (iv) Any increase or decrease in the actual emissions representative of all facilities occurring after the applicable minor source baseline date.
- d. Notwithstanding the provisions of Rules 62-212.400(4)(b)3.a. through c., F.A.C., any decrease in the actual emissions representative of a facility on which the Department has relied in demonstrating attainment, defining reasonable further progress, or issuing a permit under the provisions of Rule 17-2.17 (repealed), 17-2.510 (transferred), 17-2.650 (transferred), 62-212.500, 62-296.500 through 62-296.516, or 62-296.700 through 62-296.712, F.A.C., shall be included in the baseline emissions and shall not be considered in calculating the amount of any maximum allowable increase remaining available.
- e. For purposes of Rules 62-212.400(4)(b)3.c.(ii) and (iii), F.A.C., a physical change in or change in the method of operation of a facility shall not include:
- (i) Routine maintenance, repair, or replacement of component parts of an emissions unit;
 - (ii) An increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition which was established after the major source baseline date, pursuant to 40 CFR 52.1, or this section, or under regulations approved pursuant to 40 CFR 51.18; or
 - (iii) A change in ownership of an emissions unit or facility.
- f. The date on which any increase in the actual emissions representative of a facility occurs is the date on which the owner or operator of the facility begins, or projects to begin, operation of the emissions unit(s) resulting in the increase.
- g. The date on which any decrease in the actual emissions representative of a facility occurs is the date on which the owner or operator of the facility completes, or commits to complete through a federally enforceable permit

condition, the physical change or change in the method of operation of the facility resulting in the decrease.

- (c) Ambient Monitoring Quality Assurance Requirements. The owner or operator of the proposed facility or modification shall meet the requirements of 40 CFR Part 58, Appendix B, during the operation of ambient air quality monitoring stations required pursuant to the provisions of Rule 62-212.400(5)(f) or (g), F.A.C. A copy of the above referenced document is available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., and may be inspected at the Department's Tallahassee office.
- (5) Preconstruction Review Requirements.
 - (a) General.
 - 1. A proposed facility or modification subject to the preconstruction review requirements of this subsection shall be reviewed and permitted in accordance with the provisions of Rules 62-212.400(5)(b) through (h), F.A.C., below, unless specifically exempted from one or more of those requirements pursuant to Rule 62-212.400(3), F.A.C., Exemptions and Exclusions.
 - 2. No owner or operator of a facility or modification subject to the preconstruction review requirements of this subsection shall begin construction prior to obtaining a permit to construct in accordance with all applicable provisions of this rule and Rule 62-210.300, F.A.C.
 - 3. Within 60 days after receipt of a complete application for a permit to construct, as required in Rule 62-212.400(5)(a)2., F.A.C., above, the Department shall make a preliminary determination as to whether the application should be approved or denied.
 - (b) Technology Review. The proposed facility or modification shall comply with all applicable emission limitations contained in Part VI of this chapter and 40 CFR Parts 60 and 61.
 - (c) Best Available Control Technology. The proposed facility or modification shall apply Best Available Control Technology (BACT) for each pollutant subject to preconstruction review requirements as set forth in Rule 62-212.400(2)(f), F.A.C.
 - (d) Ambient Impact Analysis. The owner or operator of the proposed facility or modification shall demonstrate to the Department that the increase in federally enforceable allowable emissions from the proposed facility or modification, together with all other applicable increases and decreases in emissions resulting from the construction or modification (including secondary emissions), will not cause or contribute to a violation of any ambient air quality standard or maximum allowable increase.
 - (e) Additional Impact Analyses.
 - 1. The owner or operator of the proposed facility or modification shall provide the Department with analyses of:
 - a. The impairment to visibility and soils, and to vegetation having a significant commercial or recreational value, that would occur as a result of the facility or modification and associated commercial, residential, industrial and other growth;
 - b. The air quality impact projected for the area as a result of general commercial, residential, industrial and other growth associated with the facility or modification; and
 - c. The impairment to visibility, if any, which would occur in any Federal Class I area within 100 kilometers of the facility or modification, with the exception of the Bradwell Bay National Wilderness Area, as a result of emissions from the facility or modification. (Federal Class I areas are designated in Rule 62-204.360(3)(b), F.A.C.)
 - 2. The analyses required under Rule 62-212.400(5)(e)1., F.A.C., shall be carried out using EPA-approved methods, if available.
 - 3. The Department may require the owner or operator of a proposed facility or modification subject to the provisions of Rule 62-212.400(5)(e)1.c., F.A.C., to include as part of the required analysis such visibility monitoring data as are available from Federal or State

visibility monitoring programs in the affected Class I area. If such data are not available or are demonstrated to be inadequate for a visibility analysis, the Department may require the applicant to collect up to one year of preconstruction visibility monitoring data and such postconstruction visibility monitoring data as are necessary to analyze the effect that emissions from the facility or modification may have, or are having, on visibility in the affected Class I area.

- (f) Preconstruction Air Quality Monitoring and Analysis. The owner or operator of the proposed facility or modification shall provide the Department with an analysis of ambient air quality in the area that the facility or modification would affect for each pollutant subject to NSR requirements as set forth in Rule 62-212.400(2)(f), F.A.C.
1. The analysis shall include:
 - a. For any pollutant for which no national or state ambient air quality standards have been established, such air quality monitoring data as the Department determines are necessary to assess ambient air quality for that pollutant in any area that the emissions of the pollutant would affect; and
 - b. For any pollutant (other than nonmethane hydrocarbons) for which national or state ambient air quality standards have been established, continuous air quality monitoring data sufficient to determine whether emissions of that pollutant would cause or contribute to a violation of any ambient air quality standard or any applicable maximum allowable increase.
 2. The continuous air quality monitoring data required under Rule 62-212.400(5)(f)1., F.A.C. shall have been gathered over the twelve month period immediately preceding the filing of the application for a permit under this rule unless the Department determines that monitoring data gathered over a period shorter than twelve months, but in no case shorter than four months, are acceptable for purposes of Rule 62-212.400(5)(f)1., F.A.C.
 3. Any air quality monitoring data required under Rule 62-212.400(5)(f)1., F.A.C. shall be gathered in general accordance with the applicable procedures specified in the Ambient Monitoring Guidelines for Prevention of Significant Deterioration (EPA 450/4-87-007, U. S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N. C. 27711, May 1987). A copy of the above referenced document is available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., and may be inspected at the Department's Tallahassee office.
- (g) Postconstruction Monitoring. The Department may require the owner or operator of the facility or modification to conduct postconstruction air quality monitoring and provide the data to the Department if the Department finds that such monitoring is necessary to determine the effect that emissions from the facility or modification may have, or are having, on air quality in any area.
- (h) Permit Application Information Required. At a minimum, the owner or operator of the facility or modification shall provide the following information to the Department:
1. A description of the nature, location, design capacity and typical operating schedule of the facility or modification, including specifications and drawings showing its design and plant layout;
 2. A detailed schedule for construction of the facility or modification;
 3. A detailed description of the system of continuous emissions reduction proposed by the facility or modification as BACT, emissions estimates and any other information as necessary to determine that BACT would be applied to the facility or modification;
 4. Information relating to the air quality impact of the facility or modification, including meteorological and topographical data necessary to estimate such impact; and
 5. Information relating to the air quality impacts of, and the nature and extent of, all general commercial, residential, industrial and other growth which has occurred since August 7, 1977, in the area the facility or modification would affect.
 6. A good-engineering-practice stack height, or other dispersion techniques, analysis to demonstrate compliance with Rule 62-210.550, F.A.C.

- (6) Best Available Control Technology (BACT).
- (a) BACT Determination. Following receipt of a complete application for a permit to construct an emissions unit or facility which requires a determination of Best Available Control Technology (BACT), the Department shall make a determination of Best Available Control Technology during the permitting process. In making the BACT determination, the Department shall give consideration to:
 - 1. Any Environmental Protection Agency determination of Best Available Control Technology pursuant to Section 169 of the Clean Air Act, and any emission limitation contained in 40 CFR Part 60 (Standards of Performance for New Stationary Sources) or 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants).
 - 2. All scientific, engineering, and technical material and other information available to the Department.
 - 3. The emission limiting standards or BACT determinations of any other state.
 - 4. The social and economic impact of the application of such technology.
 - (b) Phased Construction Projects -- For phased construction projects, the determination of BACT shall be reviewed and modified in accordance with 40 CFR 51.166(j)(4), adopted and incorporated by reference in Rule 62-204.800, F.A.C.
 - (c) Use of Innovative Control Technology. With the consent of the Governor(s) of other affected state(s), the Department shall approve, through the permitting process, the use of a system of innovative control technology if the proposed system would comply with the requirements of 40 CFR 51.166(s)(2)(i) through (v).
 - 1. The permit shall provide that the system of innovative control technology be discontinued under the conditions set forth in 40 CFR 51.166(s)(3)(i) through (iii).
 - 2. If a system of innovative control technology must be discontinued, the facility's permit shall be amended to require the application of BACT through the use of a demonstrated system of control as expeditiously as practicable but no later than three years after amendment of the permit.
 - (d) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.
 - 1. Pollutants for Which a Standard has Been Established Pursuant to 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63.
The test methods shall be as specified in 40 CFR Part 60, Appendix A, 40 CFR Part 61, Appendix B, or 40 CFR Part 63, Appendix B, adopted and incorporated by reference in Rules 62-204.800(7), (8), and (9), F.A.C.
 - 2. Pollutants for Which No Standard has Been Established Pursuant to 40 CFR 60, 40 CFR 61, or 40 CFR 63.
The test methods shall be as specified in the BACT determination.
- (7) Construction/Operation Permit Requirements.
- (a) Construction Permits. Any construction permit issued pursuant to this rule shall contain all of the conditions and provisions necessary to insure that the construction and operation of the facility or modification shall be in accordance with the requirements of this rule.
 - (b) Operation Permits. Any operation permit issued for a facility or modification shall include all operating conditions and provisions required under Rule 62-212.400(7)(a), F.A.C., above, and set forth in the original or amended construction permit.
- (8) Future Statutory and Regulatory Changes.
Within 60 days following any substantive changes in the PSD provisions of the Clean Air Act (including Title I, Part C) or EPA regulations contained in 40 CFR 51.24, the Department shall publish a notice in the Florida Administrative Weekly identifying the changes and any new substantive differences created thereby in the state regulations. At the next regularly scheduled meeting of the Environmental Regulation Commission, not sooner than 14 days after the notice required above, the Department shall notify the Commission of the changes.
- (9) Effective Date.

The provisions of Rule 62-212.400, F.A.C., shall become effective on November 1, 1981.

TABLE 212.400-1
MAJOR FACILITY CATEGORIES
(LIST OF 28)

Fossil fuel fired steam electric plants of more than 250 million Btu/hr heat input
Coal cleaning plants (with thermal dryers)
Kraft pulp mills
Portland cement plants
Primary zinc smelters
Iron and steel mill plants
Primary aluminum ore reduction plants
Primary copper smelters
Municipal incinerators capable of charging more than 250 tons of refuse per day
Hydrofluoric acid plants
Sulfuric acid plants
Nitric acid plants
Petroleum refineries
Lime plants
Phosphate rock processing plants
Coke oven batteries
Sulfur recovery plants
Carbon black plants (furnace process)
Primary lead smelters
Fuel conversion plants
Sintering plants
Secondary metal production plants
Chemical process plants
Fossil fuel boilers (or combinations thereof) totaling more than 250 million Btu/hr heat
input
Petroleum storage and transfer units with total storage capacity exceeding 300,000
barrels
Taconite ore processing plants
Glass fiber processing plants
Charcoal production plants

TABLE 212.400-2
REGULATED AIR POLLUTANTS --
SIGNIFICANT EMISSION RATES

Pollutant	Significant Emission Rate (Tons Per Year)
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Ozone	40 VOC
Particulate matter	25
PM ₁₀	15
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
Sulfuric acid mist	7
Fluorides	3
Vinyl chloride	1
	(Pounds Per Year)
Lead	1200
Mercury	200
Asbestos	14
Beryllium	0.8

TABLE 212.400-3
DE MINIMUS AMBIENT IMPACTS

Pollutant	Concentration Micrograms (Per Cubic Meter)	Averaging Period
Nitrogen dioxide	14	Annual
Lead	0.1	Quarterly
Vinyl chloride	15	24-hour
Sulfur dioxide	13	24-hour
PM ₁₀	10	24-hour
Fluorides	0.25	24-hour
Mercury	0.25	24-hour
Beryllium	0.001	24-hour
Carbon monoxide	575	8-hour
Hydrogen sulfide	0.2	1-hour
Ozone	No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to preconstruction review would be required to perform an ambient impact analysis, including the gathering of ambient air quality data.	

History: Formerly 17-2.500; Amended 2-2-93; Formerly 17-212.400; Amended 11-23-94, 1-1-96, 3-13-96.
62-212.400

	State Effective Date	Date Submitted to EPA	Federal Register Date	Federal Register Cite	Federal Effective Date
Original Reg	10/15/92	11/23/92	10/20/94	59 FR 52916	12/19/94
1 st Revision	02/02/93	01/08/93	01/11/95	60 FR 2688	03/13/95
2 nd Revision	11/23/94	12/21/94	06/16/99	64 FR 32346	08/16/99
3 rd Revision	03/13/96	04/15/96	06/16/99	64 FR 32346	08/16/99

62-212.500 Preconstruction Review for Nonattainment Areas.

- (1) General Prohibitions.
 - (a) Except as provided in this rule, the Department shall not permit the construction or modification of any emissions unit or facility that would cause or contribute to a violation of any ambient air quality standard. The Department shall ensure that the combined impact of new emissions, emissions offsets, temporary emissions and existing emissions within any nonattainment area or area of influence shall not interfere with reasonable further progress (RFP) toward attainment of ambient air quality standards.
 - (b) In an area designated nonattainment pursuant to Rule 62-204.340(2), F.A.C., without an approved State Implementation Plan (SIP) which defines RFP, the Department shall require sufficient emissions offsets to provide a significant net air quality improvement in the affected area pursuant to Rule 62-212.500(4)(d)2., F.A.C.
 - (c) The Department shall include conditions in each permit issued to insure that the provisions of this rule are not violated.
- (2) Applicability.
 - (a) Project Exemptions.
 1. Pollution Control Project Exemption. A pollution control project that is being added, replaced, or used at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.24(F)(5)(iii)(h) shall not be subject to the preconstruction review requirements of this rule.
 2. Temporary Clean Coal Technology Demonstration Project Exemption. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration that meets the requirements of 40 CFR 52.24(f)(5)(iii)(i) shall not be subject to the preconstruction review requirements of this rule.
 - (b) Fugitive Emissions Exemption. A proposed new facility or modification shall not be subject to the requirements of Rule 62-212.500(4), F.A.C., 62-2.510(4) if:
 1. The affected facility would not belong to any of the facility categories listed in Table 212.400-1, Major Facility Categories, or any other facility category which, as of August 7, 1980, is being regulated under 40 CFR 60 or 40 CFR 61; and
 2. The facility or modification would be subject to the provisions of Rule 62-212.500(4), only if fugitive emissions, to the extent quantifiable, are considered in determining whether the affected facility would be subject to the provisions of Rule 62-212.500(4), F.A.C. pursuant to Rule 62-212.500(2)(d)2., F.A.C., if it is or were itself a proposed new facility.
 - (c) Alternative Fuel or Raw Material Exemption. A modification that is to occur for any of the following reasons shall not be subject to the provisions of Rule 62-212.500(4), F.A.C.:
 1. Use of an alternative fuel or raw material by reason of any order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or the Power Plant and Industrial Fuel Use Act of 1978, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or
 2. Use of an alternative fuel by reason of an order or rule under Section 125 of the Act; or
 3. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste; or
 4. Use of an alternative fuel or raw material which the facility was capable of accommodating before December 21, 1976 unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976; or
 5. Use of an alternative fuel or raw material which the facility is approved to use under any permit issued under Rule 17-2.510 (transferred), 17-2.17 (repealed), or 62-212.500, F.A.C.
 - (d) New and Modified Facilities.
 1. New Minor Facilities. A proposed new minor facility shall not be subject to the

- provisions of Rule 62-212.500(4), F.A.C.
2. New Major Facilities. Unless exempted under Rule 62-212.500(2)(a) or (b), F.A.C., a proposed new major facility shall be subject to the provisions of Rule 62-212.500(4), F.A.C., if:
 - a. For the affected pollutant, except lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same "Major Group" Standard Industrial Classification (SIC) Code would be equal to or greater than 100 tons per year; or
 - b. For lead or lead compounds, measured as elemental lead, the sum of the quantifiable fugitive emissions and the potential emissions of all emissions units at the facility which have the same "Major Group" Standard Industrial Classification (SIC) Code would be equal to or greater than 5 tons per year.
 3. Modifications to Minor Facilities. Unless exempted under Rule 62-212.500(2)(a), (b) or (c), F.A.C., a proposed modification to a minor facility shall be subject to the provisions of Rule 62-212.500(4), F.A.C., only if the modification would be a physical change which in and of itself would constitute a new major facility subject to the provisions of Rule 62-212.500(4), F.A.C., pursuant to Rule 62-212.500(2)(d)2., F.A.C.
 4. Modifications to Major Facilities. Unless exempted under Rule 62-212.500(2)(a), (b) or (c), F.A.C., a proposed modification to a major facility shall be subject to the provisions of:
 - a. Rule 62-212.500(4), F.A.C., if the facility to be modified would be subject to those provisions pursuant to Rule 62-212.500(2)(d)2., F.A.C., if it were itself a proposed new facility and the modification would result in a significant net emissions increase (as set forth in Rule 62-212.500(2)(e)2., F.A.C.) of the affected pollutant; or
 - b. Rule 62-212.500(2)(d)3., F.A.C., if the facility to be modified would not be subject to the provisions of Rule 62-212.500(4), F.A.C., pursuant to Rule 62-212.500(2)(d)2., F.A.C., if it were itself a proposed new facility.
 5. Relaxations of Restrictions on Pollutant Emitting Capacity. If a previously permitted facility or modification becomes a facility or modification which would be subject to the provisions of Rule 62-212.500(4), F.A.C., if it were a proposed new facility or modification, solely by virtue of a relaxation in any federally enforceable limitation on the capacity of the facility or modification to emit a pollutant (such as a restriction on hours of operation), which limitation was established after August 7, 1980, then at the time of such relaxation, the provisions of Rule 62-212.500(4), F.A.C., shall apply to the facility or modification as though construction had not yet commenced on it.
- (e) Emissions Changes.
1. Net Emissions Increase. A modification to a facility results in a net emissions increase when, for the affected pollutant, the sum of all the contemporaneous, creditable increases and decreases in the actual emissions of the facility, including the increase in emissions of the modification itself, and any increases or decreases in quantifiable fugitive emissions, is greater than zero.
 2. Significant Net Emissions Increase. A significant net emissions increase of the affected pollutant is a net emissions increase equal to or greater than the applicable significant emission rate listed in Table 212.400-2, Regulated Air Pollutants -- Significant Emission Rates.
 3. Contemporaneous Emissions Changes. An increase or decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is contemporaneous with a particular modification if it occurs within the period beginning five years prior to the date on which the owner or operator of the facility submits a complete application for a permit to modify the facility, and ending on the date on which the owner or operator of the modified facility projects the new or modified facility to begin operation. The date on which any increase

in the actual emissions, or in the quantifiable fugitive emissions, of the facility occurs is the date on which the owner or operator of the facility begins, or projects to begin, operation of the emissions unit(s) resulting in the increase. The date on which any decrease in the actual emissions, or in the quantifiable fugitive emissions, of the facility occurs is the date on which the owner or operator of the facility completes, or is committed to complete through a federally enforceable permit condition, a physical change in or change in the method of operation of the facility resulting in the decrease.

4. Creditable Emissions Changes. An increase or decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is creditable if the Department has not relied on it in demonstrating attainment, defining reasonable further progress, or issuing a permit under the provisions of this rule, which permit is in effect when the increase in emissions of the modification occurs. In addition, a decrease in the actual emissions, or in the quantifiable fugitive emissions, of a facility is creditable only if:
 - a. The old level of actual emissions, the old level of federally enforceable allowance emissions, or the old level of allowable emissions under Rule 62-296.500 through 62-296.516, 62-296.570, 62-296.600 through 62-296.605, or 62-296.700 through 62-296.712, F.A.C., whichever is lower, exceeds the new level of actual emissions;
 - b. It is federally enforceable on and after the date that the owner or operator obtains from the Department a permit for the modification; and
 - c. It has approximately the same qualitative significance for public health and welfare as that attributed to the increase in emissions of the modification.
- (f) Pollutants Subject to Nonattainment-Area Preconstruction Review. Except for the statewide compliance provisions of Rule 62-212.500(4)(c), F.A.C., the provisions of this rule apply only to the emissions of the affected pollutant. For ozone nonattainment areas classified as marginal or higher, the provisions of Rule 62-212.500, F.A.C., apply individually to the emissions of both volatile organic compounds (VOC) and nitrogen oxides (NO_x).
1. Nonattainment Areas. The provisions of this rule apply to all new or modified emissions units or facilities which are located in or are proposed to be located in any nonattainment area, and which emit or may emit the affected air pollutant, unless specifically exempted by a provision of this rule.
 2. Areas of Influence of Nonattainment Areas. The provisions of this rule apply to any new or modified emissions unit or facility which is located in or is proposed to be located in the area of influence of any nonattainment area, and which emits or may emit the affected air pollutant, as though it were physically located in the nonattainment area, except as provided under Rule 62-212.500(2)(a)2.a. or b., below.
 - a. All VOC and NO_x emissions units which are located within the area of influence of an ozone nonattainment area are exempt from the provisions of Rule 62-212.500, F.A.C., and shall be permitted in accordance with Rule 62-212.400, or 62-212.300, F.A.C.
 - b. All other new or modified emissions units or facilities located in or proposed to be located in an area of influence which would be subject to the provisions of Rule 62-212.500, F.A.C., if they were to be located within the nonattainment area, shall be subject to those provisions unless the owner or operator demonstrates to the Department that the maximum allowable emissions or the significant net increase in emissions of the proposed new or modified facility (not taking into account any emission offsets) will not have a significant impact within the nonattainment area.
- (3) Limited Exemptions and Special Provisions.
- (a) Temporary Emissions. A proposed temporary new or modified emissions unit or facility subject to the provisions of Rule 62-212.500(4), F.A.C., shall be exempt from the requirements of Rule 62-212.500(4)(c), F.A.C., and Rule 62-212.500(4)(d), F.A.C., provided that:

1. Total operating time of the emissions unit or facility shall not exceed two years; and
 2. The owner or operator has provided the Department with reasonable assurance that the emissions will not interfere with attainment of ambient air quality standards.
- (b) Relocatable Facilities. A relocatable facility may be permitted in accordance with Rule 62-212.500(3)(a), F.A.C., and be permitted to relocate within the nonattainment area or area of influence by amendment to the facility's operating permit provided that:
1. The owner or operator obtains an amendment to the operating permit prior to moving to the new location, identifying the new location and duration of operation at the new location; and
 2. The federally enforceable allowable emissions would not be increased at the new location.
- (c) Resource Recovery Projects. A resource recovery facility which processes municipal solid waste for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse, and which utilizes solid waste to provide more than 50 percent of the heat input needed to operate the facility shall be exempt from the provisions of Rule 62-212.500(8)(d)1., F.A.C., provided that:
1. The applicant demonstrates to the Department that the applicant has made its best effort to obtain the full emission offsets required and such efforts were unsuccessful; and
 2. The applicant commits to continuing to seek the required emission offsets and to apply them when they become available; and
 3. The applicant has secured all available offsets.
- (d) Voluntary Fuel Conversions. (Reserved)
- (e) (Reserved)
- (f) Open Burning. Open burning in or near a nonattainment area shall be permitted in accordance with the provisions of Rule 62-256, Open Burning and Frost Protection Fires.
- (4) Preconstruction Review Requirements. Except as provided in Rules 62-212.500(1) through (3), F.A.C., the Department shall not issue a permit to construct a new facility or to make a modification to a facility in a nonattainment area or an area of influence unless the following requirements have been met:
- (a) LAER Requirement. The owner or operator of the proposed new or modified facility may limit the emissions of the affected air pollutant from the facility or modification through the application and employment of LAER. The procedure for determining LAER is set forth in Rule 62-212.500(7), F.A.C.
 - (b) Statewide Compliance Requirement for Multiple Facility Ownership. The owner or operator of the proposed new or modified facility shall demonstrate to the Department that all major facilities owned or operated by such person(s) or by any entity controlling, controlled by, or under common control with such person within the State of Florida have all required air permits and are in compliance with all applicable emission limitations or other permit conditions, or are on a schedule approved by the Department for compliance with such requirements.
 - (c) Emissions Offset Requirements. The Department shall not issue any permit to construct any new facility or to make any modification to a facility unless sufficient, creditable emission offsets are obtained in accordance with Rule 62-212.500(5), F.A.C.
 - (d) Net Air Quality Improvement Requirement.
 1. Nonattainment Areas with Approved SIP.
 - a. The committed VOC or NO_x offsets must exceed the increase of VOC or NO_x emissions, respectively, from the proposed new facility or modification by a ratio of at least 1.1:1 for marginal ozone nonattainment areas and 1.15:1 for moderate ozone nonattainment areas. For transitional ozone nonattainment areas, the committed VOC offsets must equal or exceed the increase of VOC emissions from the proposed new facility or modification, and NO_x offsets are not required.
 - b. All VOC or NO_x offsets that meet the requirements of Rule 62-212.500(4), F.A.C., shall be considered to be consistent with the achievement of reasonable

complete application pursuant to Rule 62-210.350(2)(b), F.A.C., it shall be considered in the Department's preliminary determination and proposed agency action on the permit application. If this demonstration is received within the public comment period on the Department's proposed agency action, it shall be considered in the Department's final determination and final agency action on the permit application.

- c. If the Department finds that the Federal Land Manager's analysis does not demonstrate to the Department's satisfaction that an adverse impact on visibility would occur in the Class I area, a written explanation of the reasons for such finding shall be included in the Department's preliminary or final determination as provided in Rule 62-212.500(4)(e)2.b., F.A.C. In making the decision to issue or deny the permit, the Department may take into account the Federal Land Manager's demonstration, the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the emissions unit. The Department shall not issue permits over the Federal Land Manager's demonstration of adverse impact to those emissions units whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in visibility protection areas, which impairment results from manmade air pollution.
- (f) Stack Height Policy Requirement. The owner or operator of the proposed new or modified facility shall provide to the Department a good-engineering-practice stack height, or other dispersion techniques, analysis to demonstrate compliance with Rule 62-212.550, F.A.C.
- (g) Alternative Analysis Requirement. The owner or operator of the proposed new or modified facility shall provide an analysis of alternative sites, sizes, production processes, and environmental control techniques. The owner or operator shall demonstrate to the Department that the benefits of the proposed new or modified facility outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- (5) Emission Offsets.
 - (a) Emission Offsets Required. If a proposed new facility or modification is subject to the requirements of Rule 62-212.500(4), F.A.C., the owner or operator of such facility shall obtain sufficient, creditable emission offsets. Emission offsets shall be considered sufficient if they provide for a net air quality improvement in accordance with Rule 62-212.500(4)(d), F.A.C. The creditability of emission offsets is determined by applying the criteria set forth below in Rule 62-212.500(5)(b), F.A.C.
 - (b) Creditable Emission Offsets.
 - 1. Emissions of an air pollutant shall only be offset by emissions of the same air pollutant.
 - 2. An emissions offset shall be computed on a mass emission basis and shall not exceed the base emission limit of the emissions unit providing the offset.
 - 3. An emission offset may be obtained by the curtailment of production or operation hours of an offsetting emissions unit provided such curtailment is included as an enforceable provision in the operating permit that is issued to the offsetting emissions unit.
 - 4. Emission offsets for PM₁₀, sulfur dioxide, carbon monoxide, or lead shall be provided only by emissions units located within the nonattainment area or area of influence within which the proposed new or modified emissions unit would be located.
 - 5. Emission offsets for VOC or NO_x shall be provided by emissions units located within the ozone nonattainment area in which the proposed new or modified emissions unit would be located or within another ozone nonattainment area provided:
 - a. The other area has an equal or higher nonattainment classification than the area in which the proposed new or modified emissions unit would be located; and
 - b. Emissions from such other area contribute to violations of the ozone ambient air quality standard in the nonattainment area in which the proposed new or

- modified emissions unit would be located.
6. For an existing fuel combustion emissions unit, credit shall be based on the emissions for the type of fuel being burned at the time the application to construct is filed for the emissions unit to which an emission offset will be provided. If the existing emissions unit commits to switch to a cleaner fuel to provide the offset, emission offset credit based on the difference in actual emissions for the fuels involved shall not be creditable unless the existing emissions unit's permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the emissions unit switch back to a dirtier fuel at some later date.
 7. Emissions reductions achieved by shutting down an existing emissions unit or permanently curtailing production or operating hours below base emission limit levels may be creditable for offsets. Curtailments in production or operating hours occurring prior to the date the new emissions unit application is filed may be used for emission offset credit where an applicant can establish that the emissions unit shut down or curtailed production after December 31, 1990, and the proposed new emissions unit is a replacement for the shutdown or curtailment.
 8. All emission reductions providing offset credit shall be federally enforceable.
 9. An emission offset shall be creditable only to the extent that the Department has not relied on it in issuing any permit under Rule 17-2.510 (transferred), 17-2.520 (transferred), 17-2.17 (repealed), 62-212.300, 62-212.400, or 62-212.500, F.A.C., or in demonstrating attainment or reasonable further progress.
- (c) Base Emission Limit Adjustments. Any emissions unit which has its permit modified to provide offsets to another emissions unit or facility shall have its base emission limit reduced accordingly.
- (6) Net Air Quality Improvement.
- (a) Net Air Quality Improvement. A net air quality improvement shall be presumed if:
 1. Over an acceptable uniform grid of receptor points, considering only the impacts of the proposed new or modified facility, the emissions unit(s) providing the emissions offset and all other emissions units contributing to the availability of new emissions unit allowance, the sum of the maximum increases subtracted from the sum of the absolute values of the maximum decreases in the predicted ambient concentration of the affected pollutant within the nonattainment area, divided by the total number of receptor points within the nonattainment area, would be greater than zero annual average; and
 2. No increase in ambient concentration resulting from the combined impacts of the emissions units considered in Rule 62-212.500(7)(a)1., F.A.C., would exceed the numerical value of any Class II maximum allowable increase established under Rule 62-204.260, F.A.C., provided that such values that have an averaging time of less than one year may be exceeded once per year at any receptor point.
 - (b) Significant Net Air Quality Improvement. A significant net air quality improvement shall be presumed if:
 1. Over an acceptable uniform grid of receptor points, considering only the impacts of the proposed new or modified facility and the emissions unit(s) providing the emissions offset, the sum of the maximum increases subtracted from the sum of the absolute values of the maximum decreases in the predicted ambient concentration of the affected pollutant within the nonattainment area, divided by the total number of receptor points within the nonattainment area, would be greater than one microgram per cubic meter annual average; and
 2. No increase in ambient concentration resulting from the combined impacts of the emissions units considered in Rule 62-212.500(7)(b)1., F.A.C., would exceed the numerical value of any Class II maximum allowable increase established under Rule 62-204.260, F.A.C., provided that such values that have an averaging time of less than one year may be exceeded once per year at any receptor point.
- (7) Lowest Achievable Emission Rate (LAER).

- (a) Basis of Determination. Except as provided in Rule 62-212.500(1) through (4), F.A.C., any person who proposes to construct a new emissions unit or to make a modification in a nonattainment area or area of influence shall, in its construction permit application, apply to the Department for a determination of the Lowest Achievable Emission Rate (LAER) that is applicable to the affected pollutant emission that would result from the operation of the proposed new or modified emissions unit. In such application, the applicant shall recommend a determination of LAER setting forth the basis for such determination. In making the LAER determination, the Department shall give consideration to and make a determination that reflects:
 - 1. Any information published by the U.S. Environmental Protection Agency pursuant to Section 108 of the Clean Air Act, as required by Section 178 of the Act concerning determinations of LAER.
 - 2. The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of emissions unit, unless the owner or operator of the proposed emissions unit demonstrates that such limitation is not achievable, or the most stringent emissions limitation which is achieved in practice by such class or category of emissions unit, whichever is more stringent.
 - 3. All scientific, engineering, technical material, or other relevant information available to the Department.
 - (b) Limitation Regarding Environmental Protection Agency Standards of Performance for New Stationary Sources. In no event shall the determination of LAER allow the proposed new or modified emissions unit to emit any affected pollutant in excess of the amount allowable under any applicable Environmental Protection Agency Standard of Performance for New Stationary Sources, promulgated pursuant to 40 CFR Part 60, and adopted and incorporated by reference in Rule 62-204.800, F.A.C.
 - (c) Phased Construction Projects. For phased construction projects, the determination of LAER shall be reviewed and modified as necessary, through the permitting process, at the latest reasonable time not later than 18 months prior to commencement of construction of each independent phase of the project. At that time, the owner or operator of the facility may be required to demonstrate the adequacy of any previous Department demonstration of LAER or propose a revision to such previous determination.
- (8) Construction/Operation Permit Requirement.
- (a) Permit Application Information Required. At a minimum, the owner or operator of the facility or modification shall provide the following information to the Department:
 - 1. A description of the nature, location, design capacity and typical operating schedule of the facility or modification, including specifications and drawings showing its design and plant layout;
 - 2. A detailed schedule for construction of the facility or modification;
 - 3. A detailed description of the system of continuous emissions reductions proposed by the facility as LAER, emissions estimates, and any other information as necessary to determine that LAER would be applied to the facility or modification;
 - 4. Information relating to the air quality impact of the facility or modification, including meteorological and topographical data necessary to estimate such impact.
 - (b) Permit Offset Identification.
 - 1. If the proposed new facility or modification is required to have emission offsets, any construction or operation permit issued for such facility or modification shall specifically identify and quantify the amount of offset required and identify the emissions unit(s) providing the required emissions offset. Such identification shall include ownership, unit designation, location, effective date of offset, and other permit identification data.
 - 2. Before any permit is issued for the new or modified facility, the operation permit of each offsetting emissions unit shall be revised to specifically identify and quantify the new maximum allowable emission limits for each such emissions unit, the amount of offset provided, and the facility or modification to which such emissions offset is provided. The

identification of the facility or modification to which an emissions offset is provided shall include ownership, unit designation, location, effective date of offset, and other permit identification data.

- (c) Construction Permits. Any construction permit issued pursuant to this rule shall contain all conditions and provisions necessary to insure that the construction and operation of the facility or modification shall be in accordance with the requirements of this rule.
- (d) Operation Permits.
 - 1. All required emission offsets shall have occurred prior to the issuance of any operation permit.
 - 2. Any operation permit issued for a facility or modification shall include all operating conditions and provisions required under Rule 17-2.17 (repealed) or 62-212.500(8)(c), F.A.C., and set forth in the original or amended construction permit. This provision shall apply as long as the nonattainment area for which the original or amended construction permit was issued is designated as a nonattainment area under Rule 62-204.340(2), F.A.C. or as an air quality maintenance area under Rule 62-204.340(4), F.A.C.

History: Formerly 17-2.510; Amended 2-2-93; Formerly 17-212.500; Amended 11-23-94, 1-1-96, 3-13-96.
62-212.500

	State Effective Date	Date Submitted to EPA	Federal Register Date	Federal Register Cite	Federal Effective Date
Original Reg	10/15/92	11/23/92	10/20/94	59 FR 52916	12/19/94
1 st Revision	02/02/93	01/08/93	01/11/95	60 FR 2688	03/13/95
2 nd Revision	11/23/94	12/21/94	06/16/99	64 FR 32346	08/16/99
3 rd Revision	03/13/96	04/15/96	06/16/99	64 FR 32346	08/16/99

62-212.600 Sulfur Storage and Handling Facilities.

- (1) Applicability. The requirements of this section apply to proposed new or modified sulfur storage and handling facilities. These requirements supplement, but in no case supersede, all other applicable requirements of Rules 62-212.300, 62-212.400, and 62-212.500, F.A.C.
- (2) Preconstruction Review Requirements.
 - (a) Ambient Air Quality Analysis. The owner or operator of any proposed new or modified sulfur storage and handling facility that is to be located within five kilometers of either a particulate matter air quality maintenance area or a PSD Class I area shall provide the Department with an analysis of the probable particulate matter ambient air quality impacts that could result from the operation of the facility, in accordance with Rule 62-212.600(3), F.A.C., Emission Estimates, and Rule 62-204.220(4), F.A.C., Air Quality Models.
 - (b) Sulfur Deposition Analysis. The owner or operator of any proposed new or modified sulfur storage and handling facility shall provide the Department with an analysis of the probable annual and maximum monthly sulfur deposition rates that could occur as a result of the operation of the facility. The particle size distribution used in the model shall be determined in accordance with the provisions of Rule 62-212.600(3), F.A.C.
 - (c) Postconstruction Monitoring. The owner or operator of any proposed new or modified sulfur storage and handling facility shall conduct postconstruction air quality and deposition monitoring of sulfur particulate emissions from the facility for two years from the date of issuance of the initial air operation permit for the facility, and, through the permitting process, shall determine the period of time, if any, such monitoring must be continued after that time. The data collected shall be provided to the Department as specified in the permit. All ambient air quality monitoring shall be done using the appropriate ambient test method(s) referenced in Rule 62-204.220(3), F.A.C. Particulate deposition monitoring shall be done in accordance with the provisions of DEP Reference Method for Monitoring Deposition of Sulfur Particulate, hereby adopted and incorporated by reference.
 - (d) Exemptions. Any sulfur storage and handling facility with a throughput of elemental sulfur in all forms of less than 5,000 tons per year shall be exempt from the provisions of Rule 62-212.600(a), (b), and (c), F.A.C.
- (3) Emission Estimates.
 - (a) Except as otherwise provided in this rule, the particulate matter emission factor equations published by the U. S. Environmental Protection Agency in Section 13.2, Compilation of Air Pollution Emission Factors, AP-42, 5th Edition, Volume I, January 1995, hereby adopted and incorporated by reference, shall be used to estimate the sulfur particulate emissions from solid sulfur storage and handling facilities. The emission factors referenced above shall be used to estimate the emitted sulfur particulate that would be measured by a high volume air sampler as specified in the reference sampling method for total suspended particulate.
 - (b) All emissions estimates generated pursuant to this rule shall be supported by data that explain the basis for selecting the variables in the emission factor equations (e.g. moisture content, silt content, ambient wind speed, etc.). The emission factor variables shall be selected to represent the probable conditions for each operation under normal operating conditions. The silt content data used in the referenced equations (minus 200 mesh U. S. screen) shall be based on or represent data obtained by dry sieving. The dry sieving shall be performed in accordance with methods specified in Rule 62-212.600(3)(a), F.A.C., except that sieving shall not be performed for more than 40 minutes. Drying of the solid sulfur prior to sieving shall be performed at a temperature of 75 +/- 5 degrees C. Appropriate values shall be selected to estimate both the maximum annual average and maximum daily (24 hour) average emission rates for each emissions unit within the facility.
 - (c) Sulfur Deposition Rate Emission Factors. The emission factors used to calculate the probable elemental sulfur deposition rates resulting from the operation of a sulfur storage or handling facility shall be estimated using the following procedure:
 1. Solid Sulfur Storage and Handling Facility Deposition Emission Factors.
 - a. Estimate the weight of all particles emitted to the atmosphere. The suspended

particulate emission estimates obtained from the procedures in this rule represent the weight of the 0-30 micron particles emitted prior to applying any control measures. To estimate the weight of all particles emitted to the atmosphere prior to applying any control measures, multiply the 0-30 micron emission rate by 2.1.

- b. Determine the specific particle size ranges from 0-300 microns that will be used in the deposition calculation. Use a sufficient number of size intervals such that errors in calculated deposition rates resulting from the variation in the settling velocity (in still air) of the particles within each interval are minimized.
 - c. Using the particle size distribution equation in Rule 62-212.600(3)(c)4., F.A.C., and the estimated weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.
2. Molten Sulfur Storage and Handling Facility Deposition Emission Factors.
- a. Determine the weight of all particles emitted to the atmosphere from an emissions unit at a molten sulfur handling facility and the size distributions of these particles in the 0-300 micron size range.
 - b. Determine the specific particle size ranges from 0-300 microns that will be used in the deposition calculations. Use a sufficient number of size intervals such that errors in calculated deposition rates resulting from the variations in the settling velocity (in still air) of the particles within each interval are minimized.
 - c. Using the particle size distribution equation in Rule 62-212.600(3)(c)4., F.A.C., and the weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.
3. If particulate control measures would be applied to limit the emission of any of the particles in this size range (0-300 microns), compute the collection efficiency of the control measures for each particle size range to be used in the deposition calculations using published collection efficiency data or actual test data for a similar facility or operation. Use this information or actual emissions test data to estimate the probable particle size distribution of the sulfur particles emitted to the atmosphere after the application of all control measures.
4. For calculating the deposition rates, determine the representative weight of the particles emitted to the atmosphere in each interval as specified above and assume that all particles within each selected interval have a particle diameter equal to the mass mean diameter of the range. The mass mean diameter is given by:

$$\bar{d} = \left[\frac{(d_2^3 + d_1^2 d_2 + d_1 d_2^2 + d_1^3)}{4} \right]^{1/3}$$

where: d1 is the lower bound of the particle size interval and d2 is the upper bound of the particle size interval. The particle size distribution equation is given by:

$$D = 236.4e^{-0.0423W}$$

where: D is the particle size diameter (microns) and W is the weight percent greater than stated size.

History: Formerly 17-2.540; Formerly 17-212.600; Amended 11-23-94, 3-13-96.

62-212.600

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Original Reg	10/15/92	11/23/92	10/20/94	59 FR 52916	12/19/94
1 st Revision	11/23/94	12/21/94	06/16/99	64 FR 32346	08/16/99
2 nd Revision	03/13/96	04/15/96	06/16/99	64 FR 32346	08/16/99