

public recreation on WEAs. Additionally, the proposed rule amendments also clarify existing rules; removes unnecessary, redundant, or conflicting language; corrects prior mistakes; and makes non-substantive, technical corrections.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in this rule development effort pertains to general and specific rules on WEAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Scharine, Public Hunting Areas Program Coordinator, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)617-9487.

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

Section II Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-213.205	Annual Emissions Fee
62-213.300	Title V Air General Permits
62-213.400	Permits and Permit Revisions Required
62-213.410	Changes Without Permit Revision
62-213.412	Immediate Implementation Pending Revision Process
62-213.413	Fast-Track Revisions of Acid Rain Parts
62-213.420	Permit Applications
62-213.430	Permit Issuance, Renewal, and Revision
62-213.440	Permit Content
62-213.450	Permit Review by EPA and Affected States
62-213.460	Permit Shield

PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise Chapter 62-213, F.A.C. (“Operation Permits for Major Sources of Air Pollution”), to update major stationary source state permit regulations for consistency with federal regulations and state program requirements under Title V of the Clean Air Act.

SUMMARY: The proposed rule amendments address Operation Permits for Major Sources of Air Pollution. These updates include removal of the affirmative defense provision, adding a process for making minor amendments to existing

permits, and clarifying the actions that constitute off-permit changes to existing permits. Additional revisions will include repealing the Title V Air General Permits rule section in its entirety as the sources are now regulated under Rule 62-210.310, F.A.C. (“Air General Permits”), clarifying that major sources may continue to operate while under the permit renewal process, and clarifying requirements applicable to facilities that alternate between authorized methods of operation. The Department is proposing other streamlining, clarifying, and corrective revisions for various rule sections in Chapter 62-213, F.A.C.

OTHER RULES INCORPORATING RULE 62-213.205, F.A.C.: 62-210.370, 62-213.415, 62-213.420 and 62-213.900
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.300, F.A.C.: 62-210.300, 62-213.400, 62-296.406 and 62-296.570
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.400, F.A.C.: 62-210.300, 62-213.440 and 62-214.370
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.412, F.A.C.: 62-110.106, 62-210.350, 62-213.430 and 62-213.440
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.413, F.A.C.: 62-214.370
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.420, F.A.C.:
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.430, F.A.C.:
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.440, F.A.C.:
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.450, F.A.C.:
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-213.460, F.A.C.:
EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

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

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

RULEMAKING AUTHORITY: 403.031, 403.061, 403.087, 403.0872, F.S.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.0873, 403.814, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Preston McLane, 2600 Blair Stone Rd., MS 5500, Tallahassee, FL, 32399-2400, Preston.McLane@FloridaDEP.gov, (850)717-9041.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap or marital status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.205 Annual Emissions Fee.

~~Each Title V source permitted to operate in this state must pay between January 15 and April 1 of each year, upon written notice as provided in the Title V permit, an annual emissions fee in an amount determined as set forth in subsection 62-~~

~~213.205(1), F.A.C.~~

(1) Emissions Fee Calculation and Payment. Each Title V source permitted to operate in this state must pay between January 15 and April 1 of each year, upon written notice as provided in the Title V permit, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission-limiting standard is specified in the source's most recent construction permit or operation permit. The emissions fee factor is \$30.00. Provided, however, that:

~~(a) For emissions occurring in calendar year 2013, the emissions fee factor is \$27.00.~~

~~(a)(b) The amount of each regulated air pollutant in excess of 4,000 tons per year allowed to be emitted, in total, by any Title V source will not be included in the calculation of the fee. Any Title V source which does not emit any regulated air pollutant in excess of 4,000 tons per year may request a one-time credit not to exceed 25 percent of its first annual emissions fee for the prorated portion of the existing air operation permit application fees remaining upon commencement of its annual emissions fees.~~

(c) renumbered (b) No change.

~~(c)(d) Notwithstanding any other provisions of this rule, the annual emissions fee for any Title V source, other than a Title V source authorized to operate under a Title V air general permit, shall not be less than \$250.00.~~

(e) renumbered (d) No change.

~~(f) For an Acid Rain Part processed separately from a Title V permit, the Title V permit together with the Acid Rain Part shall be the most recent operation permit for Title V fee purposes. An Acid Rain Part processed separately from a Title V permit is not a separate permit and shall not be used as the most recent operation permit for Title V fee purposes.~~

(2) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02, 1-9-08, 3-16-08, 3-11-10, 4-1-13, 12-31-13, _____.

62-213.300 Title V Air General Permits.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.814 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 7-7-97, 11-13-97, 2-24-99, 1-3-01, 4-16-01, 4-14-03, 6-29-11, Repealed _____.

62-213.400 Permits and Permit Revisions Required.

All Title V sources are subject to the air operation permit requirements of this chapter, except those Title V sources permittable pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(1) No change.

(2) Except as provided in Rule 62-213.410, F.A.C., no source with a permit issued under the provisions of this chapter shall make any changes in its operation without first applying for and receiving a permit revision if the change meets any of the following:

(a) through (f) No change.

~~(g) Results in the trading of emissions among units within a source except as specifically authorized pursuant to Rule 62-213.415, F.A.C.;~~

(h) renumbered (g) No change.

~~(h)(+) Constitutes a change at an Acid Rain Source under the provisions of 40 C.F.R. 72.81(a)(1), (2) or (3), (b)(1) or (b)(3), adopted and hereby incorporated by reference at Rule 62-204.800, F.A.C.;~~

(j) Renumbered (i) No change.

(3) A Title V source may amend its Title V permit through an administrative permit amendment, pursuant to Rule 62-210.360, F.A.C.

(4) A Title V source that has submitted a timely Title V renewal permit application pursuant to Rule 62-213.420, F.A.C., may continue to operate in compliance with its existing air permit while the Department is processing the Title V source's renewal permit application under Rule 62-213.400, F.A.C., consistent with 40 C.F.R. 70.7(b), adopted and incorporated by reference in Rule 62-204.800, F.A.C., provided that the applicant timely responds to any requests for additional information.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.400, Amended 11-23-94, 1-3-95, 4-18-95, 3-13-96, 2-11-99, 1-3-01, 6-2-02, 3-16-08, _____.

62-213.410 Changes Without Permit Revisions Revision.

Title V sources having a valid permit issued pursuant to this chapter may make the following changes without permit revision, provided that sources shall maintain source logs or records to verify periods of operation:

(1) Title V sources having a valid permit issued pursuant to this chapter may change among authorized alternative methods of operation without permit revision, provided that sources maintain source logs or records to verify periods of operation under each authorized alternative method. ~~Permitted sources may change among those alternative methods of~~

~~operation:~~

(2) A permitted source may implement ~~operating~~ changes at the source that contravene an express permit term or condition, pursuant to the definition of Section 502(b)(10) changes, as defined in 40 CFR Part 70.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., 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), as defined in Rule 62-210.200, F.A.C., after ~~T~~the source ~~must submit~~ submits any forms required by any applicable requirement and ~~provide~~ provides the Department and EPA with at least 7 days written notice prior to implementation. The source and the Department shall attach each notice to the relevant permit:

(a) through (b) No change.

~~(3) A permitted source may implement changes at the source that are not addressed within or prohibited by the permit without a permit revision provided: Permitted sources may implement changes involving modes of operation only in accordance with rule 62-213.415, F.A.C.~~

(a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(b) 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).

(c) The source provides the Department with at least 7 days written notice prior to implementation of any such change. Such prior written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(d) The permittee keeps a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(4) Changes made pursuant to subsections 62-213.410(2) and (3), F.A.C., do not qualify for the permit shield under Rule 62-213.460, F.A.C.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.410, Amended 11-23-94, 4-16-01, 6-2-02, _____.

62-213.412 Immediate Implementation Pending Revision Process.

(1) through (2) No change.

(3) ~~The Department shall process the application for operation permit revision in accordance with the provisions of this chapter, except that the Department shall issue a draft permit revision or a determination to deny the revision within 60 days of receipt of a complete application for operation permit revision or, if the Title V source has submitted a construction permit application conforming to the requirements of Rule 62-213.420, F.A.C., the Department shall issue a draft permit or a determination to deny the revision at the same time the Department issues its determination on issuance or denial of the construction permit application. The Department shall not take final action on the operation permit revision application until all the requirements of paragraphs 62-213.430(1)(a), (c), (d), and (e), F.A.C., have been complied with.~~

(4) through (6) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.412, Amended 11-23-94, 1-1-96, 3-13-96, 2-11-99, 6-2-02, _____.

62-213.413 Fast-Track Revisions of Acid Rain Parts.

~~Those Acid Rain Sources making a change described at subsection 62-214.370(4), F.A.C., may request such change as provided herein:~~

(1) The designated representative of any the Acid Rain Source making a change described at subsection 62-214.370(4), F.A.C., shall make application for permit revision to the Department using DEP Form No. 62-210.900(1)(a);

(2) No change.

(3) Within five (5) business days after serving the copy of the application upon EPA, the designated representative shall publish notice of the application ~~in accordance with the provisions of subsection 62-103.150(1), F.A.C.~~ The notice shall require that comments be submitted in writing within 30 days of publication and shall identify the designated representative and the Department as parties to receive comment. The notice shall also contain the following statement:

“The Department shall take action on the application for permit revision within 40 days after publication of this notice. Any person desiring actual notice of the proposed agency action may request such notice pursuant to Section 120.60, F.S.”;

(4) The Department shall issue a draft permit revision or an intent to deny within forty (40) days after publication of the notice described at subsection 62-213.413(3), F.A.C. If the Department has received a request for actual notice of the agency action, the Department shall issue a proposed permit revision or denial only after the Department has provided all

persons making such request with actual notice ~~containing the information described in subsections 62-103.155(1) (3), F.A.C.~~, and has provided opportunity for petition for administrative hearing;

(5) No change.

Rulemaking Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.087, 403.0872, 403.0873 FS. History—New 1-3-95, Amended 7-6-95, 6-2-02, _____.

62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and Rule 62-4.050 subsections 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

1. No change.

2. For purposes of permit renewal, a timely application is one that is submitted ~~180 days before the expiration of a permit that expires before June 1, 2009, and~~ 225 days before the expiration of a permit ~~that expires on or after June 1, 2009.~~

3. No change.

(b) Complete Application.

1. No change.

2. The application shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. ~~An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraph 62-213.420(1)(b)3., F.A.C.~~ Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department’s ability to request additional information pursuant to subparagraph 62-213.420(1)(b)3., F.A.C.

3. through 5. No change.

(2) No change.

(3) Standard Application Form and Required Information. Applications shall be submitted under this chapter on forms provided by the Department and adopted by reference in subsection 62-210.900(1), F.A.C. The information as described on the forms in subsection 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each

emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. The application shall specifically include the following information, as detailed in the application form (DEP form number 62-210.900(1)); provided, however, that the information required by paragraphs (g) through (m), below, shall not be required for any emissions unit which is not subject to any unit-specific applicable requirements, except as needed to determine that no applicable requirements exist:

(a) through (b) No change.

(c) Information, as set forth in this subsection and in the application form number 62-210.900(1), on the emissions of all regulated pollutants which the applicant knows or has reason to believe are being emitted from a source in amounts as set forth in subparagraphs 62-213.420(3)(c)1. through 6., F.A.C. The applicant shall report pollutants for each emissions unit and for source-wide emissions such as fugitive emissions. When pollutants must be quantified, for those pollutants for which no standard test method or published emissions factor is available to the applicant, the applicant shall estimate the emissions and include the basis for the estimate with the emissions information. For purposes of this subsection, regulated pollutant means any pollutant to which an emissions limitation applies in accordance with subparagraph 62-213.420(3)(c)2., F.A.C.; any hazardous air pollutant; and any other regulated air pollutant as specified in Rule 62-210.200, F.A.C., except any pollutant that is regulated solely under 42 U.S.C. s.7412(r). Except as provided in Chapter 62-297, F.A.C., for submittal of compliance test data, nothing in this section shall be construed to require testing of actual emissions for determining estimated or potential emissions for a permit application. All applicants shall report regulated pollutants as set forth in subparagraphs 62-213.420(3)(c)1. through 6., F.A.C.

1. through 3. No change.

4. Each Title V source that emits or has the potential to emit any hazardous air pollutant or total hazardous air pollutants in a major amount as set forth in subparagraph 62-213.420(3)(c)1., F.A.C., or in an amount that would be a major amount but for a limitation on emissions being requested for the first time by the applicant, shall identify identity, for each emissions unit, each such pollutant which the applicant knows or has reason to believe would be emitted in an amount equal to or greater than:

a. through b. No change.

5. through 6. No change.

(d) through (n) No change.

(4) through (5) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10, 4-8-21, _____.

62-213.430 Permit Issuance, Renewal, and Revision.

(1) Action on Application. The Department shall issue a draft permit or a determination that the requested permit be denied within 90 days after receipt of the latest of: the application; the last item of information requested pursuant to paragraph 62-213.420(1)(b), F.A.C.; or, a written request to process the application without the requested information. If written comments received during the 30-day comment period result in a substantial change in this draft permit, the Department shall issue a revised draft permit within 45 days after the end of the 30-day public comment period, unless a different time period is agreed to between the applicant and the Department. A substantial change in a draft permit has the same meaning as “substantially modified” under subparagraph 62-110.106(7)(a)4., F.A.C. The Department shall issue a permit, permit revision or renewal only after all of the following conditions have been met:

(a) No change.

(b) The Department and the applicant have complied with the requirements for notice and public participation described in Rule rules 62-103.150 and 62-210.350, F.A.C.;

(c) through (e) No change.

(2) through (3) No change.

(4) Permit Revision Procedures. Permit revisions shall meet all requirements of this chapter, including those for content of applications, public participation, review by approved local air programs and affected States, and review by EPA, as they apply to permit issuance and permit renewal, except that permit revisions for those activities implemented pursuant to Rule 62-213.412, F.A.C., need not meet the requirements of paragraph 62-213.430(1)(b), F.A.C. The Department shall require permit revision in accordance with the provisions of Rule 62-4.080, F.A.C., and 40 C.F.R. 70.7(f)₂, adopted and incorporated by reference in Rule 62-204.800, F.A.C., whenever any source becomes subject to any condition listed at 40 C.F.R. 70.7(f)(1), hereby adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(5) EPA Recommended Actions. Within 90 days after receipt of notification from EPA that cause exists to modify, suspend, or revoke a permit, the Department shall investigate and determine whether cause exists pursuant to 40 C.F.R. 70.7(f)(1), hereby adopted and incorporated by reference in Rule 62-204.800, F.A.C., and shall forward the determination to EPA. If cause exists, the Department shall proceed according to the requirements of Rules rule 62-4.080 or 62-4.100, F.A.C., and 40 C.F.R. 70.7(f) to modify, suspend, or revoke the permit.

(6) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, _____.

62-213.440 Permit Content.

(1) Standard Permit Requirements. Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is the most stringent of the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 C.F.R. 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to subsection 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is added, changed, or deleted during the term of the permit, any such previous condition shall be documented with the permit for the duration of the term and any such new or changed condition shall include a condition effective date.

(a) No change.

(b) Monitoring and Related Recordkeeping and Reporting Requirements.

1. Each permit shall specify the following requirements with respect to monitoring:

a. Emissions monitoring and analysis procedures or test methods specified by applicable requirements including 40 C.F.R. 64, Compliance Assurance Monitoring, adopted and incorporated by reference at Rule ~~subsection~~ 62-204.800, F.A.C.;

b. through c. No change.

2. through 3. No change.

(c) No change.

(d) In addition to the requirements stated above, each Title V permit shall include all of the following:

1. through 4. No change.

~~5. A statement that a situation arising from sudden and unforeseeable events beyond the control of the source which causes an exceedance of a technology-based emissions limitation because of unavoidable increases in emissions attributable to the situation and which requires immediate corrective action to restore normal operation, shall be an affirmative defense to an enforcement action in accordance with the provisions and requirements of 40 C.F.R. 70.6(g)(2)~~

~~and (3), hereby adopted and incorporated by reference,~~

6. renumbered 5. No change.

(2) No change.

(3) Statement of Compliance.

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

1. No change.

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 C.F.R. 70.6(c)(5)(iii), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, and with Rule 62-214.350, F.A.C., for Acid Rain requirements. Such statement shall be submitted (postmarked) to the Department and EPA:

a. through b. No change.

3. No change.

(b) No change.

(4) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10, 6-29-11, 4-8-21, _____.

62-213.450 Permit Review by EPA and Affected States.

(1) No change.

(2) Review by Affected States and Approved Local Air Programs. At the time that the Department provides the notice to the public under Chapter ~~Chapters 62-103 and~~ 62-210, F.A.C., the Department shall give notice of each draft permit to any affected state and any approved local air program having geographical jurisdiction of the source. The Department shall also provide the approved local air program and affected state a copy of each proposed and final permit at the time the information is forwarded to EPA.

(3) through (4) No change.

Rulemaking Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.450, Amended 2-11-99, 1-3-01, _____.

62-213.460 Permit Shield.

(1) Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application.

(2) Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for

any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program.

~~Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program or the CAIR Program.~~

~~Rulemaking Authority 403.061, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.460, Amended 11-23-94, 1-3-01, 3-16-08, 3-11-10, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:

Preston McLane

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Shawn Hamilton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 5, 2023

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-2.0135 Dental Hygiene Examination

PURPOSE AND EFFECT: The Board proposes the rule to ensure that applicants do not take retake the examination upon a failure without first taking the required remedial course.

SUMMARY: The Board proposes the rule to make clear to applicants that they may not retake the dental hygiene examination without taking the required remedial coursework.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change

will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Traci Zeh, Acting Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C04 Tallahassee, Florida 32399-3258; Traci.Zeh@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0135 Dental Hygiene Examination.

(1) Practical or Clinical Examination:

(a) No Change.

(b) Dental Hygiene applicants who graduated from a nonaccredited dental college or school that have failed the practical or clinical examination after the first attempt, shall successfully complete a remedial dental hygiene course of a minimum of twenty (20) hours offered by an educational institution accredited as provided in Section 466.007(2)(b)1., Florida Statutes: before retaking the examination. A failure to comply with the remedial course work in this paragraph will result in a denial of licensure or a denial to sit for reexamination.

(c) through (d) No Change.

(2) through (6) No Change.

Rulemaking Authority 466.004(4) FS. Law Implemented 466.007 FS. History—New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05, 12-31-09, 10-10-10, 12-28-11, 8-8-12, 1-27-15, 9-1-15, 5-3-21, 9-22-22, 5-18-23, 3-24-24.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry