

NAME OF PERSON ORIGINATING PROPOSED RULE:
Katerina Maroney, Early Learning Policy Manager
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Rodney J. MacKinnon, Executive
Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 14, 2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: April 8, 2019

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Air Resource Management

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| RULE NOS.: | RULE TITLES: |
| 62-296.412 | Dry Cleaning Facilities |
| 62-296.418 | Bulk Gasoline Plants |
| 62-296.470 | Implementation of Federal Clean Air Interstate Rule |
| 62-296.500 | Reasonably Available Control Technology (RACT) – Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx) Emitting Facilities |
| 62-296.512 | Cutback Asphalt |
| 62-296.600 | Reasonably Available Control Technology (RACT) – Lead |
| 62-296.700 | Reasonably Available Control Technology (RACT) Particulate Matter |

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NOPR) is to repeal an obsolete and outdated rule, clarify the geographic scope of the Department’s Reasonably Available Control Technology (RACT) rules, and to complete miscellaneous regulatory cleanup. Specifically, the Division intends to repeal Rule 62-296.470, F.A.C., which has been superseded by federal standards; to revise Rules 62-296.418, 62-296.500, 62-296.600, and 62-296.700, F.A.C., to specify the counties where the rules are applicable; to revise Rule 62-296.412, F.A.C., to delete outdated provisions; and to revise Rule 62-296.512, F.A.C., to remove a reference to a test method for a pollutant that is not regulated by the rule.

SUMMARY: The proposed rule amendments address Stationary Sources – Emission Standards.

OTHER RULES INCORPORATING RULE 62-296.412, F.A.C: There are no other rules incorporating this rule.

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

OTHER RULES INCORPORATING RULE 62-296.418, F.A.C: Rules 62-210.300 and 62-210.310, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-296.470, F.A.C: Rule 62-213.440, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-296.500, F.A.C: Rules 62-210.200, 62-212.500, 62-296.100, and 62-296.570, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-296.512, F.A.C: Rules 62-210.200 and 62-296.512, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-296.600, F.A.C: Rules 62-212.500, 62-296.100, 62-296.601, 62-296.602, 62-296.603, 62-296.604 and 62-296.605, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-296.700, F.A.C: Rules 62-210.200, 62-212.500 and 62-296.100, 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.

RULEMAKING AUTHORITY: 403.061, F.S.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 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: Hastings Read, 2600 Blair Stone Rd., MS 5500, Tallahassee, FL, 32399-2400, hastings.read@floridadep.gov, (850)717-9017.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.412 Petroleum Solvent Dry Cleaning Facilities.

~~(1) All new and existing perchloroethylene dry cleaning facilities are subject to the requirements (including compliance deadlines) of the national emission standard for perchloroethylene dry cleaning facilities at 40 C.F.R. Part 63, Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Until compliance is achieved with the requirements of 40 C.F.R. Part 63, Subpart M, existing (as of December 9, 1991) perchloroethylene dry cleaning facilities with a solvent consumption of 1,475 gallons per year or more must also comply with the requirements of subsection 62-296.412(2), F.A.C. The requirements of subsection 62-296.412(2), F.A.C., shall not apply to any perchloroethylene dry cleaning facility after it has achieved compliance with the requirements of 40 C.F.R. Part 63, Subpart M.~~

~~(2) The owner or operator of any existing perchlorethylene dry cleaning facility as specified in subsection 62-296.412(1), F.A.C., with total rated dryer capacity of 10 pounds of articles or greater, shall:~~

~~(a) Vent the entire dryer exhaust through a carbon adsorption system or refrigerated condensation unit which meets the following conditions:~~

~~1. The dryer/condenser system must be closed to the atmosphere at all times except when articles are being loaded or unloaded through the door of the machine; and,~~

~~2. The dryer/condenser system must not vent to the atmosphere until the air vapor stream temperature on the outlet side of the refrigerated condenser is equal to or less than 45 degrees Fahrenheit.~~

~~(b) Emit no more than 100 parts per million by volume of organic compounds from the dryer control device before dilution;~~

~~(c) Cook or treat all diatomaceous earth filters so that the residue contains 55 pounds or less of organic compounds per 220 pounds of wet waste material;~~

~~(d) Reduce the organic compounds from all solvent stills to 132 pounds or less per 220 pounds of wet waste material;~~

~~(e) Drain all filtration cartridges in the filter housing for at least 24 hours before discarding the cartridge; or dry all drained cartridges without emitting organic compounds to the atmosphere; and,~~

~~(f) Repair all perceptible leaks of organic compounds within three working days or, if repair parts are necessary, order such parts within three working days.~~

~~(g) Keep monthly records of solvent consumption.~~

~~(3) New or existing (as of October 1, 1986) perchloroethylene dry cleaning facilities, located outside of ozone nonattainment or air quality maintenance areas as defined in Chapter 62-204, F.A.C., and their respective metropolitan statistical areas, with total rated dryer capacity equal to or greater than 10 pounds of articles shall be exempt~~

~~from the requirements of subsection 62-296.412(2), F.A.C., if the owner or operator demonstrates to the Department that the solvent mileage (pounds of articles cleaned per drum of solvent consumed) is equal to or greater than 20,000 or 15,000 pounds of articles cleaned per 52 gallon drum of perchloroethylene consumed for new or existing facilities, respectively. Such facilities are not exempt from the requirements of the national emission standard for perchloroethylene dry cleaning facilities promulgated in 40 C.F.R. Part 63 and adopted by reference in Rule 62-204.800, F.A.C.~~

~~(1) Applicability. The requirements of subsections (2) through (5), below, apply to the following:~~

~~(a)(4) Petroleum solvent dry cleaning facilities located in Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, or Pinellas County, areas designated as air quality maintenance areas for ozone under Rule 62-204.340, F.A.C., (including the respective metropolitan statistical areas) and all such facilities located in ozone attainment areas with solvent consumption equal to or greater than 9,750 gallons per year; and~~

~~(b) Petroleum solvent dry cleaning facilities in all other areas of the state with solvent consumption equal to or greater than 15,000 gallons per year, respectively, shall comply with the following:~~

~~(2)(a) Each affected petroleum solvent dry cleaning dryer that is installed at a petroleum dry cleaning plant shall be a solvent recovery dryer. The solvent recovery dryer(s) shall be properly installed, operated, and maintained.~~

~~(3)(b) Each affected petroleum solvent filter that is installed at a petroleum dry cleaning plant shall be a cartridge filter. Cartridge filters shall be drained in their sealed housings for at least eight hours prior to their removal.~~

~~(4)(e) Each owner or operator of an affected petroleum solvent dryer shall include leak inspection and leak repair cycle information in the operating manual and on a clearly visible label posted on each affected facility. Such information should state: "To protect against fire hazards, loss of valuable solvents and emissions of solvent to the atmosphere, periodic inspection of this equipment for evidence of leaks and prompt repair of any leaks is required. The equipment must be inspected every 15 days and all vapor or liquid leaks be repaired within the subsequent 15 day period."~~

~~(5)(d) Keep monthly records of equipment inspections and monthly solvent consumption.~~

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

~~(a) Leak Detection. Liquid leakage shall be detected by visual inspection of the sources identified in p. 6-3 of EPA 450/2-78-050, incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

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

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

~~(d) The concentration of organic compounds in the exhaust vent of single bed carbon adsorbers shall be determined per the equipment specifications in "RACT Compliance for Carbon Adsorbers," Task No. 119, or stack test per Attachment 3 of EPA 450/2-78-041, incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

~~(e) The concentration of organic compounds in the exhaust vent of multiple bed carbon adsorbers and others shall be determined using the equipment specifications per the manufacturer's specifications, or stack testing per Attachment 3 of EPA 450/2-78-041, incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

~~(f) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.~~

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(12), 17-296.412, Amended 11-23-94, 4-18-95, 1-1-96, 3-13-96, 6-25-96, 10-7-96, 3-11-10, 7-10-14, _____.

62-296.418 Bulk Gasoline Plants.

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

(a) through (b) No change.

(2) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 5-9-07, Amended 3-11-10, _____.

62-296.470 Implementation of Federal Clean Air Interstate Rule.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 9-4-06, Amended 4-1-07, 10-6-08, Repealed _____.

62-296.500 Reasonably Available Control Technology (RACT) – Volatile Organic Compounds (VOC) and Nitrogen Oxides (NOx) Emitting Facilities.

(1) Applicability.

(a) The specific emission limiting standards and other requirements of Rules 62-296.500 through 62-296.516, F.A.C., shall apply to each stationary VOC-emitting stationary emissions unit in Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, or Pinellas County, except for any emission unit which has been or would be subject to Prevention of Significant Deterioration review or Preconstruction Review for Nonattainment Areas, existing VOC-emitting facilities in areas designated as air quality maintenance areas for ozone under Rule 62-204.340, F.A.C. In addition, the emission limiting standards of these rules shall apply to new and modified VOC emitting facilities in areas designated as air quality maintenance areas for ozone under Rule 62-204.340, F.A.C., except those new and modified VOC-emitting facilities which have been or would be subject to review pursuant to 40 C.F.R. 52.21 or Rule 17-2.17 (repealed), 17-2.500 (transferred), 17-2.510 (transferred), 62-212.400 or 62-212.500, F.A.C.

(b) In addition to the applicable requirements of this rule, the specific emission limiting standards and other requirements of Rule 62-296.570, F.A.C., shall apply in Broward, Dade, and Palm Beach counties to major VOC-emitting facilities not regulated in whole under Rules 62-296.501 through 62-296.516, F.A.C., and major NOx-emitting facilities, except those new and modified major VOC- and NOx-emitting facilities which have been or would be subject to Prevention of Significant Deterioration review or Preconstruction Review for Nonattainment Areas, review pursuant to 40 C.F.R. 52.21 or Rule 17-2.17 (repealed), 17-2.500 (transferred), 17-2.510 (transferred), 62-212.400, or 62-212.500, F.A.C.

(2) Permit, Recordkeeping, and Compliance Reporting Requirements.

(a) Permits – Special Considerations.

1. Permits to construct or operate are required for all emissions units subject to a specific emission limiting standard or other requirement of Rules 62-296.501 through 62-296.516, or 62-296.570, F.A.C., except those emissions units subject to Rule 62-296.512, F.A.C., Cutback Asphalt, or emissions units operating under an Air General Permit pursuant to Rule 62-210.310, F.A.C.

2. No change.

(b) Recordkeeping.

1. through 3. No change.

4. The Department may accept, instead of the coating analysis methods required under paragraphs 62-296.500(2)(b)2. and 3., F.A.C., a certification by the coating manufacturer of the composition of the coating if it is supported by actual batch formulation records. The manufacturer's certification shall be consistent with EPA's document number 450/3-84-019, titled, "Procedures for Certifying Quantity of

Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings," herein adopted and incorporated by reference (link).

5. No change.

(c) No change.

(3) through (6) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)–(1)(f), Amended 2-2-93, 3-17-94, Formerly 17-296.500, Amended 11-23-94, 1-1-96, 3-11-10, _____.

Cutback Asphalt.

(1) Applicability. The emission limiting control standards or control technology set forth in subsection 62-296.512(2), F.A.C., shall apply to the manufacture and use of cutback asphalts for paving or maintaining roads, streets, highways, and parking lots.

(2) No change.

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

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

~~(b) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.~~

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)13., 17-296.512, Amended 11-23-94, 1-1-96, 7-10-14, _____.

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

(1) Applicability. Any ~~new or existing~~ lead processing operation that is located in the area of Hillsborough County encompassed within a radius of 5 kilometers centered at UTM coordinates 364.0 East, 3093.5 North, zone 17 (in city of Tampa), designated as unclassifiable for the 1978 Lead National Ambient Air Quality Standard (NAAQS) in 40 C.F.R. §81.310, herein adopted and incorporated by reference (link), or within 50 kilometers outside the boundary an area designated under Chapter 62-275, F.A.C., as a lead nonattainment or air quality maintenance area, or in the area of influence of such an area, shall limit the emission of lead through the application of reasonably available control technology (RACT) as specified in Rules 62-296.601 through 62-296.605, F.A.C.

(2) through (6) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 8-8-94, Formerly 17-296.600, Amended 1-1-96, 3-13-96, 7-10-14, _____.

62-296.700 Reasonably Available Control Technology (RACT) Particulate Matter.

(1) Applicability.

(a) Emissions of particulate matter shall be limited through the application of Reasonably Available Control Technology (RACT) for a ~~Any existing~~ emissions unit, issued an air permit on or before May 30, 1988, that emits particulate matter and is located in:

1. That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of US 41 South and State Road 60 and a radius of 12 kilometers;

2. The downtown Jacksonville area in Duval County located within the following boundary lines: south and then west along the St. Johns River from its confluence with Long Branch Creek, to Main Street; north along Main Street to Eighth Street; east along Eighth Street to Evergreen Avenue; north along Evergreen Avenue to Long Branch Creek; and east along Long Branch Creek to the St. Johns River; or

3. An area within 50 kilometers outside the boundary of such an area as described in subparagraph 62-296.700(1)(a)1. or 2., F.A.C., above, a particulate matter air quality maintenance area or in the area of influence of such an area, except an emissions unit which has received a determination of Best Available Control Technology pursuant to Rule 17-2.630 (repealed) or 62-296.330 (repealed), F.A.C., or received a permit in connection with Rule 17-2.500 (transferred), 17-2.510 (transferred), 62-212.400 or 62-212.500, F.A.C., shall limit the emission of particulate matter through the application of Reasonably Available Control Technology (RACT) as specified in Rules 62-296.701 through 62-296.712, F.A.C., or Rules 62-296.401 through 62-296.415, F.A.C.

(b) [Reserved].

(2) Exemptions. The following facilities and emissions units which are located within a particulate matter air quality maintenance area or area of influence are exempt from the provisions of this rule:

(a) No change.

(b) Any facility whose owner or operator demonstrates to the Department that the impact within an area as described in subparagraph 62-296.700(1)(a)1. or 2., F.A.C., above, that the designated air quality maintenance area of the total maximum allowable particulate matter emissions from such facility will not exceed 1 ug/m³, annual average, and 5 ug/m³, 24-hour average.

(c) No change.

(d) Any emissions unit of unconfined particulate matter which is located more than five kilometers outside the boundary of an area as described in subparagraph 62-296.700(1)(a)1. or 2., F.A.C., above, a particulate matter air quality maintenance area.

(e) through (f) No change.

(g) Any emissions unit which has received a determination of Best Available Control Technology pursuant to Rule 17-2.630 (repealed) or 62-296.330 (repealed), F.A.C., or received a permit in connection with Rule 17-2.500 (transferred), 17-2.510 (transferred), 62-212.400 (Prevention of Significant Deterioration) or 62-212.500 (Preconstruction Review of Nonattainment Areas), F.A.C.

(3) through (6) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. Formerly 17-2.650(2)(a)-(g), 17-296.700, Amended 11-23-94, 1-1-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Hastings Read

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Noah Valenstein

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 05/06/2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 02/13/2019

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-14.013 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions

PURPOSE AND EFFECT: The proposed amendments are intended to address recent legislation authorizing smokable medical marijuana. The proposed amendments incorporate the revised medical marijuana consent form and incorporate a new documentation form for use by qualified physicians who determine that smoking marijuana is an appropriate route of administration for a qualified patient.

SUMMARY: The proposed rule amendments incorporate the revised medical marijuana consent form and incorporate a new documentation form for use by qualified physicians who determine that smoking marijuana is an appropriate route of administration for a qualified patient.

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: 381.986 FS.

LAW IMPLEMENTED: 381.986 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: Kama Monroe, J.D., Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.013 Mandatory Standardized Informed Consent for Medical Marijuana; Required Documentation for Comparable Medical Conditions; Required Documentation for Smokable Medical Marijuana.

(1) Pursuant to section 381.986, F.S., the Board has approved form DOH-MQA-5026 (rev. 4/19 2/48), entitled "Medical Marijuana Consent Form," which is hereby incorporated by reference and available from <http://www.flrules.org/Gateway/reference.asp?No=Ref-09316>, or the Board's website at <http://www.floridasosteopathicmedicine.gov/forms/medical-marijuana-consent-form.pdf>, as the mandatory standardized informed consent form that a qualified physician must use each time the qualified physician issues a certification for medical marijuana to a patient he or she has diagnosed with at least one qualifying medical condition.

(2) No change.

(3) Pursuant to section 381.986(4)(c), F.S., qualified physicians who determine that smoking marijuana is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, are required to submit form DH-MQA-5035 (4/19), entitled