

**RULES OF THE
ENVIRONMENTAL PROTECTION
COMMISSION
OF HILLSBOROUGH COUNTY**

**CHAPTER 1-3
STATIONARY AIR POLLUTION
SOURCES AND AMBIENT AIR QUALITY
STANDARDS**

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PART 1

1-3.10 STATEMENT OF INTENT

(1) The Environmental Protection Commission of Hillsborough County (Commission or EPC) promulgates this rule for the purpose of implementing the intent of the Florida Legislature as declared in Chapter 84-446, Laws of Florida, as amended or recodified (Act), to insure the atmospheric purity and freedom of the air of Hillsborough County from contaminants or synergistic agents injurious to human, plant, or animal life, which unreasonably interfere with comfortable enjoyment of life or property or the conduct of business. In so doing, the EPC recognizes that the Florida Department of Environmental Protection (Department) has environmental regulatory and enforcement authority pursuant to Chapter 403, Florida Statutes, and that the remedies of the Department under that chapter are available to the EPC as an approved local program pursuant to Chapter 403.182, F.S. It is the intent of the EPC to require compliance with the Department's permitting rules and emission limits in Hillsborough County, except as may be otherwise provided herein, so as to further the policies of preventing significant deterioration, protecting air quality existing at the time the Department adopted its standards, and of upgrading or enhancing air quality. Where a new or increased source of air pollution poses a possibility of degrading existing high air quality or ambient air quality established by this rule, the Director shall not recommend issuance of a Department permit for such source or proposed source until he has received reasonable assurance that such source, construction or development will not violate this rule.

(2) Standards and provisions of the Department, as here adopted, are incorporated in the form existing on the date of adoption of this rule or relevant amendment. When EPC rules are more stringent or restrictive than Department rules, the EPC rules shall apply.

(3) Department rules, as adopted herein and incorporated by reference, shall be interpreted consistently with official Department policy. For purposes of this rule, official Department policy shall include written policy statements signed by the Secretary of the Department or

his/her designee. Other documented representations of Department policy may be used in support of a policy interpretation, but shall not themselves be official policy.

Section History - New and effective 02/26/86; amended and effective 09/14/88; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02; amended 02/15/07 and effective 02/16/07; amended 08/9/12 and effective 08/20/12.

1-3.11 DECLARATION OF LEGISLATIVE FINDINGS

The EPC hereby finds that emissions into the atmosphere of Hillsborough County in excess of, or contributing to an exceedance of, the standards hereinafter provided may reasonably be expected to cause air pollution prohibited by Section 17 of the Act. The EPC also finds that emissions, while in compliance with source specific emission limiting standards, may at times constitute nuisances as defined by Section 3(8) and prohibited by Section 16 of the Act.

Section History - New and effective 02/26/86; amended and effective 09/14/88; readopted and effective 06/25/98; readopted and effective 08/19/99; amended 08/9/12 and effective 08/20/12.

1-3.12 DEFINITIONS

(1) Definitions contained in the Act, apply to this rule.

(2) With the exception of the definitions for “Air Pollution,” and “Particulate Matter,” definitions contained in Section 62-210.200, Florida Administrative Code (F.A.C.), shall, to the extent applicable apply to this rule.

(3) The following specific definitions shall apply to this rule:

(a) “Director” shall mean the Executive Director of the EPC or authorized agent.

(b) “Objectionable odor” shall mean any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, or which creates a nuisance as defined by the Act.

(c) “Stationary source” shall mean any building, structure, equipment, facility, or installation which emits or may emit an air pollutant and exists at or is designed to be operated as a unit at a fixed location, although

parts of the source may move while the source is in operation.

(d) “Vapor-tight gasoline tank truck” shall mean a gasoline tank truck, which has demonstrated within the 12 preceding months that its product delivery tank will sustain a pressure change of not more than 750 pascals (75mm of water) within 5 minutes after it is pressurized to 4500 pascals (450mm of water). This capability is to be demonstrated using the pressure test procedure specified in U.S. Environmental Protection Agency (EPA) Reference Method 27.

Section History - New and effective 02/26/86; amended and effective 09/14/88; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02; amended 08/9/12 and effective 08/20/12.

PART 2

1-3.20 CIRCUMVENTION PROHIBITED

No person shall circumvent any air pollution control device, or allow the emission of air pollutants without the applicable air pollution control device operating properly.

Section History - New and effective 02/26/86; readopted and effective 06/25/98; readopted and effective 08/19/99.

1-3.21 PERMITS REQUIRED

(1) No air pollution source may be constructed, modified or operated in Hillsborough County without a valid permit as may be required by the Department pursuant to Chapters 62-210, 212, 213 and 214, F.A.C., Chapter 62-4, F.A.C., or as may be otherwise required by this rule.

(2) Application for or renewal of a permit, or copy where appropriate, shall be submitted to the Director for his review, pursuant to Department and EPC requirements, and recommendation according to this rule. Reasonable assurances shall be provided that all Department and EPC standards have or will be met by the applicant or the activity sought to be permitted. Activities under Citation at the time of application shall have the Citation resolved prior to the Director recommending approval of an application involving the same activity.

(3) No air pollution source may be constructed, modified or operated in Hillsborough County in violation of any

conditions specified on the permit, whether issued by the EPC or by the Department, or certification authorizing the activity or as may be incorporated by reference within the conditions of the permit authorizing the activity. Violation of any such permit or certification condition is a violation of this rule.

Section History - New and effective 02/26/86; amended and effective 06/25/98; amended and effective 08/19/99; amended 09/19/02 and effective 10/15/02; amended 08/9/12 and effective 08/20/12.

1-3.22 PROHIBITIONS

(1) No person may build, erect, construct, or implant any new source or operate, modify or re-build an existing source, or by any other means release or take action which would result in the release of air pollutants into the atmosphere of the County which will result in or contribute to, ambient air concentrations greater than ambient air quality standards as defined in this rule.

(2) No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity in excess of emission standards herein established.

(3) No person shall cause, let, permit, suffer or allow the discharge into the atmosphere of any pollutant from any source or activity that causes or tends to cause or to contribute to an objectionable odor.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99.

1-3.23 NECESSARY PRECAUTIONS

No person shall store, pump, handle, process, load, unload or use in any process or installation volatile organic compounds or organic solvents without applying known and existing vapor emission control devices or systems as may be necessary.

Section History - New and effective 02/26/86; readopted and effective 06/25/98; readopted and effective 08/19/99.

1-3.24 PUBLIC NOTIFICATION

(1) Construction and Operating Permits.

(a) Pursuant to Chapter 62-110.106 F.A.C., a Notice of Application and Notice of Proposed Agency Action for any air pollution permit may require public notice in a newspaper of general circulation by the applicant at the

applicant's expense. In such instance, the notice must be published in a newspaper that meets the requirements of 50.011 and 50.031, F.S. Any Notice of Application shall be in addition to any public notice required under Chapter 62-110.106(7), F.A.C.

(b) Applicants shall give written notice to each Neighborhood Organization registered with the EPC which lies within one mile of any proposed activity under consideration for an initial construction permit. At the Director's discretion, applicants may be directed to provide the same written notice to Neighborhood Organizations further than one mile from the proposed activity for activities to be covered by an initial construction permit. Applicants shall, at the Director's discretion, give written notice to each Neighborhood Organization registered with the EPC, which lies within one mile of any proposed activity under consideration for an operation permit or modification of an existing facility. Also, at the Director's discretion, applicants may be directed to provide the same written notice to Neighborhood Organizations further than one mile from the proposed activity for activities to be covered by an operation permit or modification of an existing facility. The EPC will provide the applicant with the affected Neighborhood Organization list, and within 10 days of receipt of this list, the applicant will provide the EPC written evidence that the Neighborhood Organizations were notified. The notice to the Neighborhood Organizations shall include a description of the air emission source, the nature of the air emissions, the proposed startup date and the name of a contact person at the EPC for further information.

(c) Applicants shall post a sign at the location of any proposed activity under consideration for an initial construction permit. At the Director's discretion, applicants may be directed to post the same sign for activities to be covered by an operation permit or modification of an existing facility. The EPC will provide the applicant with the sign. It must be posted conspicuously on the property, so as to be readily viewable from the busiest adjacent public roadway. The applicant must pick up and post the sign within 15 days of submitting an

application, and leave it posted on-site for no less than 30 days.

(2) General and Relocatable Permits. Applicants who intend to use an air general permit in Hillsborough County, or move a facility classified as a relocatable facility to a location in Hillsborough County for the first time at that location, shall post a sign at the facility. The EPC will provide the facility with a sign. It must be posted conspicuously on the property so as to be readily viewable from the busiest adjacent public roadway. The facility must pick up and post the sign within 5 days of submitting notification to EPC, and the sign must remain posted for 30 days, or for the duration of the operation if it is less than 30 days.

Section History - New and effective 06/25/98; amended and effective 08/19/99; amended 09/19/02 and effective 10/15/02; amended 08/9/12 and effective 08/20/12.

1-3.25 EXCESS EMISSIONS

(1) Excess emissions specifically allowed by Chapter 62-210, F.A.C., shall not be violations of this rule unless they are determined to be nuisances. The Director may request written verification that any such emissions fall within the designated conditions.

(2) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may be reasonably prevented during start-up, shut down, or malfunction, are prohibited.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99.

1-3.26 DEPARTMENT REGULATIONS

The EPC acknowledges and reaffirms all existing rule adoptions, incorporations, and references in Chapter 1-3. In conformance with an operating agreement with the Department, which generally allows the EPC to act on behalf of the Department for certain air pollution permitting and enforcement matters, the EPC herein adopts and incorporates the following State regulations: Chapters 62-204, 62-210, 62-212, 62-213, 62-214, 62-257, 62-296, and 62-297, F.A.C.

Section History - New 02/15/07 and effective 02/16/07; re-adopted 12/13/07 and effective 12/14/07; amended 08/9/12 and effective 08/20/12.

PART 3

1-3.30 AMBIENT AIR QUALITY STANDARDS

(1) Standards established in Chapter 62-204, F.A.C., are adopted and hereby incorporated by reference.

(2) Sampling and analysis of contaminants in this section shall be performed in accordance with the latest version of quality assurance project plans for ambient air quality monitoring submitted to EPA Region 4 by the Department.

Section History - New and effective 02/26/86; amended and effective 06/25/98; amended and effective 08/19/99; amended 08/9/12 and effective 08/20/12.

1-3.31 DESIGNATION OF AIR POLLUTION STATUS OF AREA

Designations of Hillsborough County pursuant to Chapter 62-204, F.A.C. regarding the ambient standards of Section 1-3.30 above and Prevention of Significant Deterioration areas, are hereby adopted by reference.

Section History - New and effective 06/25/98; amended 09/19/02 and effective 10/15/02.

PART 4

1-3.40 NEW SOURCE REVIEW

Provisions contained in Chapter 62-212, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by reference.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

PART 5

1-3.50 EMISSION LIMITING AND PERFORMANCE STANDARDS

Provisions contained in Chapters 62-204 and 62-296, F.A.C., pertinent to Hillsborough County, are adopted and hereby incorporated by reference, except for Sections 62-296.320(4)(b) 2. and 62-296.513(1)(c), F.A.C., and except as may be modified herein.

Section History - New and effective 02/26/86; amended and effective 06/25/98; readopted and effective 08/19/99; amended 09/19/02 and effective 10/15/02.

1-3.51 PARTICULATE EMISSIONS

The particulate emission limits under RACT in Sections 62-296.700 through 62-296.712, F.A.C., shall apply to all new and existing emission units. In situations where the particulate emission limits under RACT, pursuant to Section 62-296.700, F.A.C., are less restrictive than process weight limits pursuant to Section 62-296.320, F.A.C., process weight limits shall apply, except as provided in Section 62-296.700(3), F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

1-3.52 VISIBLE EMISSIONS

(1) Visible emissions in Hillsborough County from a single source or combination of sources sharing a common discharge point shall not have an opacity equal to or greater than 20% except as otherwise specifically provided in these rules. The ability to comply with all other standards does not relieve a source from this 20% opacity standard.

(2) A 5% opacity standard shall apply in Hillsborough County to the following types of stationary sources: loading or unloading of materials to or from containers such as railcars, trucks, ships, storage structures and stockpiles; permanent conveyor systems; storage of materials in structures such as silos or enclosed bins, which have a storage capacity of fifty cubic yards or more; crushing, grinding, sizing and screening operations; and static drop transfer points. The deadline for compliance with this standard shall be within 180 days of the effective date of this rule for existing sources, and on the effective date of the rule for new sources.

(a) Sources exempt from this standard are:

(1) Emissions of particulate matter from open stockpiles of materials, vehicular traffic and other emissions from roads and plant grounds;

(2) Construction and road maintenance activities;

(3) Molten Sulfur Storage and Handling Facilities shall not exceed 10 percent opacity except during ship unloading which shall not exceed 15% opacity;

(4) Sources with specific RACT emission limiting standards greater than 5% as set forth in Department Rule 62-296.711(2)(c), F.A.C.;

(5) When material is being discharged to the hold of a ship from a conveyor system, an opacity of 10% will be allowed when the conveyor and/or hatch covering is moved; and

(6) Facilities for grinding and screening of vegetation and yard waste material.

3. Annual visible emissions tests, conducted in accordance with EPA Method 9, shall be required of the permitted sources subject to the standards in this section or subject to Rule 62-296.320(4)(b) 1., F.A.C.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02; amended 08/9/12 and effective 08/20/12.

1-3.53 SOURCE-SPECIFIC REQUIREMENTS

(1) Emissions for the following specific sources shall have the following limits in Hillsborough County regardless of provisions otherwise contained in this rule or in Chapters 62-204 through 62-297 F.A.C., unless the provisions of Chapters 62-204 through 62-297, F.A.C., are more stringent.

(a) Sulfuric acid plants or plant sections manufacturing sulfuric acid - 10% opacity except for a 30 minute period during plant start-up, with opacity for such period allowed up to 40%.

(b) Nitric acid plants producing weak nitric acid (50 to 70%) by pressure or atmospheric pressure process - no visible emissions (5% opacity).

(c) Fossil fuel steam generators - visible emissions are limited to 20% opacity except for either one six-minute period per hour during which opacity shall not exceed 27 percent, or one two minute period per hour during which opacity shall not exceed 40 percent. The option selected shall be specified in the emission unit's construction and operation permits.

(d) Bulk gasoline terminals - loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks.

(e) Municipal Waste Incinerators – mercury and dioxin/furan emissions shall be controlled by combustion practices, operation and maintenance, and operation of a carbon injection system. An alternative would be to install a continuous emission monitor for the pollutant mercury and adjust the carbon feed rate accordingly. This continuous emission monitor shall be installed and operated in accordance with EPA Performance Specification 12A of 40 CFR 60, Appendix B if it is used to adjust the carbon feed rate. Otherwise, EPA Performance Specification 12B of 40 CFR 60, Appendix B may be used. Any such alternative must be approved by the Executive Director prior to implementation.

(f) Human and Animal Crematories - for all human and animal crematories the following requirements shall apply, in addition to any requirements of state, federal, or local law:

(1) Each crematory unit shall be operated and maintained in accordance with the manufacturer's operation and maintenance requirements. Each crematory unit operator shall be trained by the crematory manufacturer or similarly qualified training provider prior to operating the crematory unit. Records of maintenance and operator training shall be maintained and made available to EPC staff for inspection upon request.

(2) If a rain cap is used on the exhaust stack of a crematory unit it shall be designed so as not to obstruct the upward dispersion of emissions.

(3) Initial and annual visible emissions testing.

a. The testing for human crematories required pursuant to Rule 62-296.401(5)(h)1, F.A.C., shall be conducted with the unit operating at a capacity of one (1) adult-sized cadaver. The size of the load, any containers used and the order of charge shall also be considered when determining representative conditions during visible emissions testing.

b. The testing for animal crematories required pursuant to Rule 62-296.401(6)(h)1, F.A.C., shall be conducted with the unit operating at a capacity that is

representative of normal operations and is not greater than the manufacturer's recommended capacity. The operating capacity shall be a batch load, in pounds, for a batch animal crematory unit and a charging rate, in pounds per hour, for a ram-charged animal crematory unit. The size of the load, any containers used and the order of charge shall also be considered when determining representative conditions during visible emissions testing.

(4) Thermocouple location.

a. For crematory units constructed after August 30, 1989, the thermocouple, which measures secondary chamber temperature, shall be located at or beyond the point where the 1.0 second gas residence time at 1800 degrees Fahrenheit is calculated.

b. For crematory units constructed prior to August 30, 1989, the thermocouple shall be located at or beyond the point where the 1.0 second gas residence time at 1600 degrees Fahrenheit is calculated.

c. Proof of compliance with section (4)a. or (4)b. above, as applicable, shall be submitted in writing to the EPC in accordance with Rules 62-296.401(5)(c)(1) and 62-296.401(6)(c)(1), F.A.C. New crematory units shall be in compliance with this requirement upon start-up.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02; 12/13/07 and effective 12/14/07; amended 08/9/12 and effective 08/20/12.

PART 6

1-3.60 SOURCE SAMPLING AND MONITORING

Source sampling and monitoring shall be performed in compliance with Department and EPA requirements so as to determine as accurately as possible actual operational emissions.

Section History - New and effective 02/26/86; amended 09/19/02 and effective 10/15/02.

Rule History:

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