103 and 62–210, F.A.C. to implement other part 70 requirements. These rules, and several other rules and statutes providing for State permitting and administrative actions, were submitted by Florida with sufficient evidence of procedurally correct adoption as required by 40 CFR 70.4(b)(2).

The Florida program, in Rules 62–213.100 and 62–213.200, F.A.C., substantially meets the requirements of 40 CFR 70.2 and 70.3 with regards to applicability. However, the portion of the State's definition of ''major source'' in Rule 62–213.200(19)(a), F.A.C., implies that emissions of criteria pollutants from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station will not be aggregated with emissions of criteria pollutants from other similar units. Since the State's definition of ''major source'' conflicts with the part 70 definition, Florida has initiated rulemaking to clarify that the non-aggregation in the described situations applies only to hazardous air pollutants (HAPs). Finalization of this rulemaking is a condition of full program approval.

Florida's program, in Rules 62–210.900 and 62–213.420, F.A.C., substantially meets the requirements of 40 CFR 70.5 for complete permit application forms. However, the State's program, in Rule 62–4.090, F.A.C., requires renewal applications to be submitted 60 days prior to expiration of existing operating permits. This requirement conflicts with the requirement of 40 CFR 70.5(a)(1)(iii) because the State's timeframe does not ensure that a permit will not expire prior to renewal. Florida has initiated rulemaking to require submittal of renewal applications six months prior to expiration of existing operating permits. Finalization of this rulemaking is a condition of full program approval.

Section 70.4(b)(2) requires states to include in their part 70 programs any criteria used to determine insignificant activities or emission levels for the purposes of determining complete applications. Section 70.5(c) states that an application for a part 70 permit may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate appropriate fee amounts. Section 70.5(c) also states that EPA may approve, as part of a state program, a list of insignificant activities and emissions levels which need not be included in permit applications. Under part 70, a state must request and EPA may approve as part of that state's program any activities or emission levels that the state wishes to consider insignificant. Part 70, however, does not establish emissions thresholds for insignificant activities. EPA has accepted emissions thresholds of five tons per year for criteria pollutants, and the lesser of 1000 pounds per year or section 112(g) de minimis levels for HAPs, as reasonable.

Florida's title V program includes three different approaches to establishing insignificant activities and emissions levels. Rule 62–213.420(3)(c), F.A.C., establishes threshold levels for reporting emissions of pollutants for which no standard applies. Rule 62–210.300(3), F.A.C., provides for the exemption of certain facilities, emissions units, or pollutant-emitting activities from the title V permitting process. Rule 62–4.040(1)(b), F.A.C., allows the State to determine insignificant activities on a case-by-case basis during the permitting process.

The threshold levels in Rule 62–213.420(3)(c), F.A.C., do not exempt any units or activities from permitting requirements or any other requirements, except the reporting of emissions below the thresholds established. Rule 62–213.420(3)(c)2., F.A.C., provides for the reporting of emissions if the title V source emits or has the potential to emit at the following aggregate thresholds: 50 tons/year for carbon monoxide; 500 lbs/year for lead and lead compounds (expressed as lead); and five tons/year for particulates (PM–10), sulfur dioxide, nitrogen oxides, and volatile organic compounds (VOCs). Once these aggregate thresholds have been met, emissions are reported on a per unit basis for units which have a potential to emit at the following thresholds: 10 tons/year for carbon monoxide; 100 lbs/year for lead and lead compounds (expressed as lead); and one ton/year for particulates (PM–10), sulfur dioxide, nitrogen oxides, and VOCs. Fugitive emissions and emissions from units with the potential to emit less than the unit thresholds mentioned above shall be considered as source-wide emissions and shall be reported as source-wide emissions if, in the aggregate, the source-wide emissions equal or exceed the following thresholds: 10 tons/year for carbon monoxide; 100 lbs/year for lead and lead compounds (expressed as lead); and one ton/year of particulates (PM–10), sulfur dioxide, nitrogen oxides, and VOCs.

Rule 62–213.420(3)(c)3.b., F.A.C., provides for the reporting of HAPs when a title V source emits or has the potential to emit eight tons or more per year of any single HAP, or 20 tons or more per year of any combination of HAPs. Once these thresholds have been met, emissions are identified and reported from each emissions unit with the potential to emit one ton per year of any individual HAP. All fugitive emissions not associated with any specific emissions units are also reportable when such emissions exceed one ton per year of any individual HAP.

In the State's Supplement 1 (dated July 8, 1994) to the original title V program submittal, Florida noted that the emissions thresholds in its program were based on the presumption that reporting requirements need to be stringent enough to identify applicable requirements and to suffice for inventorying emissions to evaluate the impact on ambient air concentrations. The aggregate threshold for carbon monoxide of 50 tons/year appears to be inconsistent with this objective. Since the aggregate threshold of 50 tons/year must be met prior to the reporting of carbon monoxide in the application, the potential exists for carbon monoxide to be inappropriately excluded because of miscalculations. EPA proposes that, as a condition of full approval, the State provide EPA with an acceptable justification for establishing an aggregate carbon monoxide emissions threshold of 50 tons/year rather than five tons/year. Otherwise, the State must establish aggregate and individual unit thresholds that trigger the reporting of carbon monoxide emissions consistent with the emissions levels established for particulates (PM–10), sulfur dioxide, nitrogen oxides, and volatile organic compounds.

Moreover, since insignificant emissions levels are reviewed relative to threshold levels for determining major source status, as well as levels at which applicable requirements are triggered, Florida's thresholds for the reporting of HAP emissions must be revised as a condition of full program approval. For other state and local programs, EPA has accepted HAPs emission thresholds of the lesser of 1000 lbs/year or section 112(g) de minimis levels as sufficient for full approval.

Rule 62–210.300(3), F.A.C., exempts specific facilities, emissions units, or pollutant-emitting activities from the title V permitting process. As a condition of full approval, the State must revise Rule 62–210.300(3), F.A.C. to provide that (1) no insignificant activities or emissions units subject to applicable requirements (as defined in Rule 62–213.200(6), F.A.C.) will be exempted from title V permitting requirements; (2) insignificant activities or emissions units exemptions will not be used to lower the potential to emit below major source thresholds; and (3) emissions thresholds for individual