



# FLORIDA DEPARTMENT OF Environmental Protection

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## Via Electronic Mail

**TO:** Air Regulatory Projects Distribution List

**FROM:** Beth Rogers, Environmental Administrator  
Regulatory Reform/Legislative Coordination  
Division of Air Resource Management

**DATE:** August 17, 2022

**SUBJECT:** Air Regulatory Projects Update No. 2022-04

## Distribution of Updates

To keep regulatory staff and other interested persons informed of regulatory development and reform activities undertaken by the Florida Department of Environmental Protection (DEP), Division of Air Resource Management (DARM), an Air Regulatory Projects Update is transmitted periodically via email to summarize recent air rule development and state planning activities.

Please be aware that Notices of Rule Development, Notices of Rule Workshops or Hearing, Notices of Proposed Rule, Notices of Change, Notices of Intent to Adopt a Rule and Notices of Withdrawal pertaining to specific Florida rule sections are published in the Florida Administrative Register (FAR) (available online at [www.flrules.org](http://www.flrules.org)). Although DARM's Air Regulatory Projects Update may coincide with open comment periods for specific rulemaking activities, these updates are not intended to serve as general or specific notice of any pending rulemaking activity or as a substitute for the public notices published in the FAR.

This update lists Florida air rules recently adopted, revised or repealed, and any Clean Air Act State Implementation Plan (SIP) revisions recently submitted to the U.S. Environmental Protection Agency (EPA).

For additional information on current and recently completed air regulatory projects, including workshop materials and other project-related documents, please visit DARM's [Regulatory Projects](https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects) webpage at <https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>.

Please contact Beth Rogers at 850-717-9019 or [Elizabeth.Rogers@FloridaDEP.gov](mailto:Elizabeth.Rogers@FloridaDEP.gov) if you have questions or comments on any of the projects listed on this Air Regulatory Projects Update.

Please contact Terri Long at 850-717-9023 or [Terri.Long@Floridadep.gov](mailto:Terri.Long@Floridadep.gov) to add, remove or update any email address for future distribution of Air Regulatory Projects Updates.

## Updates

### **Florida’s Rule State Implementation Plan (SIP) – Supplement to Pending Excess Emissions Rule (Startup/Shutdown/Malfunction)**

On August 17, 2022, DEP submitted a Pre-Hearing supplemental submittal to EPA and published a Notice of Hearing, if requested, in the FAR. This proposed SIP revision consists of revisions to Florida’s Pending Excess Emissions Rule SIP, originally submitted to EPA on November 22, 2016, in response to EPA’s Startup, Shutdown, and Malfunction (SSM) SIP Call. Specifically, Florida is proposing to add to Florida’s Excess Emissions Rule SIP SSM-related amendments to rule provisions in Chapter 62-296, F.A.C., and facility-specific permits to clarify requirements for operations during startup, shutdown, and malfunction, and interaction with applicable federal standards.

### **Florida’s Proposed State Implementation Plan (SIP) – Air Pollution Control-General Provisions: Rule Repeals and Amendments**

On August 12, 2022, DEP submitted to EPA a Final Proposed SIP amendment for the Chapter 62-204, F.A.C. (“Air Pollution Control – General Provisions”) Rule Removals and Amendments. On July 6, 2022, DEP submitted a Pre-Hearing submittal to EPA and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of the removal of outdated or superseded Florida Administrative Code (F.A.C.) requirements. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida’s SIP consistent with current rules. EPA incorporates F.A.C. rules into Florida’s SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP is requesting be removed from, or amended within, Florida’s SIP is contained in Chapter 62-204, F.A.C., Air Pollution Control - General Provisions.

### **Surface Coating of Miscellaneous Metal Parts and Products (Fast-Track Rulemaking)**

On June 16, 2022, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C. Revisions of Rule 62-296.513, F.A.C., were effective on June 16, 2022.

On May 25, 2022, DEP published a Notice of Intent to Adopt (NOITA) for Rule 62-296.513, F.A.C. (“Surface Coating of Miscellaneous Metal Parts and Products”). The purpose of the NOITA is provide alternatives to the Surface Coating of Miscellaneous Metal Parts and Products (MMPP) requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C.

### **Stationary Sources-Emission Standards**

On June 3, 2022, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C. Revisions of Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., were effective on June 23, 2022. DEP received public comments on Rule 62-296.405, F.A.C. (“Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input”), on April 11, 2022. Based on the public comments, DEP published a Notice of Change on May 5, 2022. The clarifications were related to the calculations of the 30-day averaging times for Particulate Matter (PM), Sulfur Dioxide (SO<sub>2</sub>), and Nitrogen Oxides (NO<sub>x</sub>). The published NOPR stated that an arithmetic average would be used. Considering the public comments, the Notice of Change authorized use of a 30-day averaging time to be calculated using a heat-input weighted average. The Notice of Change also provided clarifying language on how to calculate the 30-day average.

On March 22, 2022, DEP published a Notice of Proposed Rule (NOPR) for F.A.C. Rules 62-296.402 (“Sulfuric Acid Plants”), 62-296.404 (“Tall Oil Plants and Kraft [Sulfate] Pulp Mills”), 62-296.405 (“Fossil Fuel Steam Generators with More Than 250 Million Btu Per Hour Heat Input”), and 62-296.570

(“Reasonably Available Control Technology (RACT) - Requirements for Major VOC- and NO<sub>x</sub>-Emitting Facilities”). The purpose of this NOPR was to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to delete provisions that were outdated or superseded by federal regulations, clarify federal rule applicability and what an existing and new source in each rule that used these terms. Other minor corrective or clarifying amendments were also proposed. The Notice of Rule Development was published on November 4, 2021.

### **Florida’s Proposed State Implementation Plan (SIP) – Stationary Sources – Emission Standards: Rule Removals and Amendments**

On April 1, 2022, DEP submitted to EPA a Final Proposed SIP amendment for the Chapter 62-296, F.A.C. (“Stationary Sources - Emission Standards”) Rule Removals and Amendments. On December 15, 2021, DEP submitted a Pre-Hearing submittal to EPA and published a Notice of Hearing, if requested, in the FAR. No hearing was requested, and no hearing was held. This proposed SIP revision consists of the removal of outdated or superseded F.A.C. requirements and a CAA Section 110(l) noninterference demonstration. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida’s SIP consistent with current rules. EPA incorporates F.A.C. rules into Florida’s SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP requested be removed from, or amended within, Florida’s SIP is contained in Chapter 62-296, F.A.C.

### **Stationary Sources – General Requirements**

On March 7, 2022, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C. Rules 62-210.310 (“Air General Permits”) and 62-210.700 (“Excess Emissions”), were effective on March 27, 2022. On February 3, 2022, DEP had published a Notice of Proposed Rule (NOPR) for Rules 62-210.310 and 62-210.700, F.A.C. The purpose of this NOPR was to revise Rule 62-210.700, F.A.C., to extend the sunset date of the excess emissions rule to November 22, 2023. Corrective revisions in Rule 62-210.310, F.A.C., were also proposed. The Notice of Rule Development was published on November 4, 2021.

### **Florida’s Proposed Regional Haze Plan for the Second Implementation Period**

On October 8, 2021, DEP submitted to EPA the final proposed Regional Haze Plan for the Second Implementation Period. On June 9, 2021, DEP submitted to EPA a Pre-Hearing submittal and published a Notice of Hearing, if requested, in the FAR. A hearing was requested, and the hearing was held on July 15, 2021. This proposed SIP revision addresses regional haze in Florida’s mandatory federal Class I areas and nearby Class I areas for the second implementation period of EPA’s Regional Haze Rule. During the Federal Land Managers (FLM) consultation period, DEP received comments from the National Park Service noting that Florida’s regional haze SIP has satisfied the reasonable progress requirements for Everglades National Park, although more work will be needed in future implementation periods.

### **Adoption by Reference of EPA Federal Regulations**

On October 8, 2021, DEP filed a Rulemaking Certification Package with the Florida Department of State. Revisions to F.A.C Rule 62-204.800 (“Federal Regulations Adopted by Reference”), were effective on October 8, 2021. On September 9, 2021, DEP had published a Notice of Intent to Adopt in the FAR for Rule 62-204.800, F.A.C. The proposed rule amendments updated the Department’s adoption by reference of air pollution regulations promulgated by EPA at Title 40, Code of Federal Regulations (C.F.R.), to incorporate requirements of the Department’s federally approved and delegated air pollution programs. These rule amendments included language to address the Municipal Solid Waste Landfill Emission Guidelines Federal Plan, adoption of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) amendments and streamline adoptions by reference where appropriate.

## Current Air Regulatory Projects

1. **Proposed Revision to Florida’s Pending Excess Emissions Rule State Implementation Plan (SIP)**
  - 09/21/22 Public Hearing, if requested
  - 08/17/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.
2. **Florida’s Proposed State Implementation Plan (SIP) – Chapter 62-204, F.A.C., Air Pollution Control – General Provisions: Rule Repeals and Amendments**
  - 08/12/22 Proposed SIP revision submitted to EPA
  - 08/08/22 Public Hearing, if requested (hearing canceled, no hearing requested)
  - 07/06/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.
3. **Florida’s Proposed State Implementation Plan (SIP) – Chapter 62-296, F.A.C., Stationary Sources - Emission standards: Rule Removals and Amendments**
  - 04/01/22 Proposed SIP revision submitted to EPA
  - 01/19/22 Public Hearing, if requested (hearing canceled, no hearing requested)
  - 12/15/21 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.
4. **Florida’s Proposed Regional Haze Plan for the Second Implementation Period**
  - 10/08/21 Proposed Regional Haze Plan submitted to EPA
  - 07/15/21 Public Hearing held
  - 06/09/21 Pre-Hearing Proposed Regional Haze Plan for the Second Implementation Period submitted to EPA
  - 06/09/21 Notice of Hearing, if requested published in the FAR
5. **Proposed Amendment to Florida’s Commercial Industrial Solid Waste Incinerator (CISWI) 111(d) State Plan.**
  - 07/02/20 Proposed CISWI 111(d) State Plan revision submitted to EPA
  - 07/08/20 Public Hearing, if requested (hearing canceled, no hearing requested)
  - 05/27/20 Pre-Hearing CISWI 111(d) State Plan revision submitted to EPA
  - 06/04/18 EPA proposed approval of Proposed CISWI 111(d) State Plan
  - 05/31/17 Proposed 111(d) Plan submitted to EPA
  - 02/22/17 Public Hearing, if requested (hearing canceled, no hearing requested)
  - 01/20/17 Pre-Hearing Draft Proposed 111(d) State Plan amendment submitted to EPA and Notice of Hearing, if requested published in the FAR.
6. **Proposed SIP Revision 2016-01 – Revisions to Excess Emissions Rule – Rule 62-210.700, F.A.C.**
  - 11/22/16 Proposed SIP revision submitted to EPA
  - 10/13/16 Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

## Recently Completed Air Regulatory Projects

Recently completed projects are listed in reverse chronological order by effective date of rule adoption/repeal or by most recent date of submittal to EPA.

### 7. **Municipal Solid Waste (MSW) Landfills 111(d) State Plan.**

- 08/16/22 EPA Published Final approval of 111(d) State Plan (87 FR 50269)
- 05/16/22 DEP Submitted Supplemental Information to EPA for Florida's proposed 111(d) State Plan
- 10/27/21 EPA published proposed approval of 111(d) State Plan (86 FR 59336)
- 12/22/20 Proposed MSW 111(d) State Plan submitted to EPA
- 12/01/20 Public Hearing, if requested (hearing canceled, no hearing requested)
- 10/21/20 Pre-Hearing MSW 111(d) State Plan submitted to EPA and Notice of Hearing published in the FAR

### 8. **Rule 62-296.513, F.A.C. Surface Coating of Miscellaneous Metal Parts and Products (Fast Track Rulemaking)**

- 06/16/22 Certification package filed with DOS 06/16/22; rule amendments adopted, effective 06/16/22
- 05/25/22 Notice of Intent to Adopt published

### 9. **Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., Stationary Sources – Emission Standards**

- 06/03/22 Certification package filed with DOS 06/03/22; rule amendments adopted, effective 06/23/22
- 05/05/22 Notice of Change published (Rule 62-296.405, F.A.C.)
- 04/11/22 Received Public comments on Rule 62-296.405, F.A.C.
- 03/22/22 Notice of Proposed Rule published
- 11/04/21 Notice of Rule Development published

### 10. **Rules 62-210.310 and 62-210.700, F.A.C., Stationary Sources – General Requirements**

- 03/07/22 Certification package filed with DOS 03/07/22; rule amendments adopted, effective 03/27/22
- 02/03/22 Notice of Proposed Rule published
- 11/04/21 Notice of Rule Development published

### 11. **SIP Revision 2020-01 – Removal of Florida's Motor Vehicle Rules, Chapters 62-243 and 62-244, F.A.C.**

- 01/25/22 EPA published Final approval of SIP (87 Fed. Reg. 3661)
- 11/22/21 EPA published proposed approval of SIP (86 Fed. Reg. 66255)
- 07/02/20 Proposed SIP revision submitted to EPA
- 07/08/20 Public Hearing, if requested (hearing canceled, no hearing requested)
- 05/27/20 Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

### 12. **Proposed SIP Revision 2018-05 - ISIP Amendment – 2015 Revised Ozone National Ambient Air Quality Standard**

- 12/02/21 EPA published final approval of Prongs 1 and 2 (86 FR 68413)
- 07/19/21 EPA published supplemental proposed approval of Prongs 1 and 2 (86 FR 37942)

04/06/20 EPA published final approval of all but Prongs 1 and 2 (85 FR 19089), effective 05/06/20  
 12/30/20 EPA published proposed approval of Prongs 1 and 2 (84 FR 71854)  
 12/17/19 EPA published proposed approval of all but Prongs 1 and 2 (84 FR 68863)  
 09/18/18 Proposed ISIP revision submitted to EPA  
 09/06/18 Public Hearing, if requested (hearing canceled, no hearing requested)  
 08/03/18 Pre-Hearing Draft Proposed ISIP revision submitted to EPA and Notice of Hearing published in the FAR.

**13. Adoption by Reference of EPA Regulations**

Rules noticed: 62-204.800 (OGC No. 21-0811)

10/08/21 Certification package filed with DOS 10/08/21; rule amendments adopted, effective 10/08/21  
 09/09/21 Notice of intent to adopt rule (fast-track) published

**14. SIP Revision 2020-02 – Request to Approve Various Infrastructure SIP Elements**

07/07/21 EPA published final approval of SIP (86 FR 35608)  
 03/02/21 EPA published proposed approval of SIP (86 FR 12143)  
 08/26/20 Proposed SIP revision submitted to EPA  
 08/27/20 Public Hearing, if requested (hearing canceled, no hearing requested)  
 07/21/20 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

**15. Rule 62-210.300, F.A.C., Stationary Sources – General Requirements**

06/16/21 Rule amendments adopted, effective 06/16/21  
 05/27/21 Filed certification package with DOS  
 04/28/21 Notice of Proposed Rule published  
 03/17/21 Notice of Rule Development published

**16. SIP Revision 2019-03 – Amendment to the Maintenance Plan for the Hillsborough County Lead (Pb) Nonattainment Area.**

06/04/21 EPA published final approval of SIP  
 03/25/21 EPA published proposed approval of SIP (86 Fed. Reg. 15840)  
 01/23/20 Proposed SIP revision submitted to EPA  
 01/22/20 Public Hearing, if requested (hearing canceled, no hearing requested)  
 12/18/19 Pre-Hearing Draft Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.