



FLORIDA DEPARTMENT OF Environmental Protection

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Via Electronic Mail

TO: Air Regulatory Projects Distribution List

FROM: Ashley Kung, Program Administrator
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DATE: November 4, 2021

SUBJECT: Air Regulatory Projects Update No. 2021-04

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, 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). Although the Division's Air Regulatory Projects Update may coincide with open comment periods for specific rulemaking activities, the Update is 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This update lists Florida air rules recently adopted, revised or repealed, and Clean Air Act State Implementation Plan (SIP) revisions recently submitted to the U.S. Environmental Protection Agency (EPA) by the Division.

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

Please contact Ashley Kung at 850-717-9041 or Ashley.Kung@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 to add, remove or update any email address for future distribution of Air Regulatory Projects Updates.

Updates

Stationary Sources-Emission Standards

On November 4, 2021, DEP published a Notice of Rule Development (NORD) for Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. The purpose of this NORD is to revise Chapter 62-296, F.A.C., to clarify existing rule requirements and applicability, define new and existing units in rules that use those terms, delete outdated provisions, and make other minor corrective or clarifying changes.

Stationary Sources-General Requirements

On November 4, 2021, DEP published a Notice of Rule Development (NORD) for Rules 62-210.310 and 62-210.700, F.A.C. The purpose of this NORD is to revise Rule 62-210.700, F.A.C., to amend the sunset date of the excess emissions rule. Corrective revisions in Rule 62-210.310, F.A.C., are also proposed.

Florida's Proposed Regional Haze Plan for the Second Implementation Period

On October 8, 2021, the DEP submitted the final proposed Regional Haze Plan for the Second Implementation Period to EPA. On June 9, 2021, DEP submitted a Pre-Hearing submittal to EPA and published a Notice of Hearing, if requested, in the FAR. The hearing was requested and 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 the U.S. Environmental Protection Agency Regional Haze Rule. During the 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 need to be done in future implementation periods.

Adoption by Reference of EPA Federal Regulations

On October 8, 2021, DEP filed the Rulemaking Certification Package with the Department of State. The rule revisions to Rule 62-204.800, F.A.C., were effective on October 8, 2021. On September 9, 2021, DEP published a Notice of Intent to Adopt in in the FAR for Rule 62-204.800, F.A.C. The proposed rule amendments update the Department's adoption by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (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 include 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 streamlines adoptions by reference where appropriate.

Stationary Sources-General Requirements

On May 27, 2021, the DEP filed the Certification package with the Department of State. The effective date of these rule revisions is June 16, 2021. On April 28, 2021, DEP published a Notice of Proposed Rule (NOPR) for Rule 62-210.300, F.A.C. The purpose of this NOPR is to update and expand the current categorical permit exemption for burning of drugs in boilers with a heat input of 250 million Btu per hour or more, to instead allow for law enforcement and other government agencies to incinerate drugs seized by law enforcement, prohibited agricultural food products, and animal carcasses in incinerators consistent with the state's incinerator rule, Rule 62-296.401, F.A.C., and federal incinerator regulations, 40 CFR Part 60, Subparts Eb, Cb, AAAA, BBBB, CCCC, DDDD, EEEE, adopted and incorporated by reference in Rule 62-204.800, F.A.C. The proposed revisions also include correcting a cross-reference in the permit exemption for brownfield remediation sites. The Notice of Rule Development was published on March 17, 2021.

Current Air Regulatory Projects

1. **Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., Stationary Sources – Emission Standards**
 - 11/04/21 Notice of Rule Development published
2. **Rules 62-210.310 and 62-210.700, F.A.C., Stationary Sources – General Requirements**
 - 11/04/21 Notice of Rule Development published
3. **Proposed Municipal Solid Waste (MSW) Landfills 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
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. **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
6. **Proposed SIP Revision 2018-05 - ISIP Amendment – 2015 Revised Ozone National Ambient Air Quality Standard**
 - 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.
7. **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.

8. SIP Revision 2020-01 – Removal of Florida’s Motor Vehicle Rules, Chapters 62-243 and 62-244, F.A.C.

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.

9. 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/peal or by most recent date of submittal to EPA.

10. 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.

11. 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

12. 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.

13. Rule 62-17.211, F.A.C., Electric Power Plant Siting

05/04/21 Rule amendments adopted, effective 05/04/21
04/14/21 Filed certification package with DOS
03/12/21 Notice of Change published (Rule 62-17.211, F.A.C.)
01/21/21 Received JAPC comments on Rule 62-17.211, F.A.C.
01/06/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

14. Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., Stationary Sources – Emission Standards (ERC Rulemaking)

04/21/21 Notice of Withdrawal published

01/22/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

15. Rules 62-213.202, 62-213.420, 62-213.440, and 62-213.900, F.A.C., Operation Permits for Major Sources of Air Pollution

04/08/21 Rule amendments adopted, effective 04/08/21

03/19/21 Filed certification package with DOS

01/06/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

16. Rules 62-17.021, and 62-17.191, F.A.C., Electric Power Plant Siting

04/08/21 Rule amendments adopted, effective 04/08/21

03/19/21 Filed certification package with DOS

01/06/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published