



Florida Department of Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

Via U.S. Mail and Electronic Mail

October 13, 2016

Mrs. Heather McTeer Toney
Regional Administrator
U.S. Environmental Protection Agency (EPA) – Region 4
61 Forsyth Street SW – Mail Code: 9T25
Atlanta, GA 30303-8909

Re: Pre-Hearing Submittal: Proposed Revision to Florida's State Implementation Plan – Response to EPA's Startup, Shutdown, and Malfunction SIP Call; Revisions to Florida's Excess Emissions SIP Rule

Dear Mrs. Toney,

Notice is hereby given that, pursuant to 40 C.F.R. 51.102, the Florida Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to Florida's State Implementation Plan (SIP) in response to EPA's June 12, 2015 Startup, Shutdown, and Malfunction (SSM) SIP Call (80 Fed. Reg. 33,840). Please find enclosed the notice of opportunity to offer comments and attend a public hearing, which was published on October 13, 2016, in the Florida Administrative Register. The public hearing will be held, if requested, on November 16, 2016.

This SIP submittal consists of revisions to Florida's "Excess Emissions" rule in response to EPA's SSM SIP Call. Specifically, Florida is proposing to remove subsections 62-210.700(1), (2), and (4), F.A.C., as applied to both category-specific SIP limits found in Chapter 62-296, F.A.C., and source-specific permit limits that have been expressly incorporated into Florida's SIP. Effective May 22, 2018, subsections 62-210.700(1), (2), and (4), F.A.C., will no longer be applicable to SIP-based emission limits. In addition, subsections 62-210.700(1), (2), and (4), F.A.C., will no longer be applicable to limits established through new PSD and NSR permits issued by the Department after the effective date of the rule revision (October 23, 2016).

Please note that although the Department is complying with EPA's SSM SIP Call, the Department does not agree with EPA's conclusion that Florida's existing SIP is "substantially inadequate." Florida's air program and SIP have worked effectively for

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decades to reduce emissions and improve air quality for the state's citizens and visitors, and the provisions of Rule 62-210.700, F.A.C., have been an element of Florida's SIP during this time. As you are aware, state petitioners have challenged the legality of EPA's SSM SIP Call, and the Department will evaluate whether any further revisions to Florida's Excess Emissions rule are necessary after litigation concludes.

The public notice and pre-hearing SIP submittal are enclosed. The Department respectfully requests that EPA provide any comments on this submittal by November 14, 2016. If you have any questions about this proposed SIP revision, please contact Preston McLane at (850) 717-9089 or by email at Preston.McLane@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin B. Green", with a long horizontal flourish extending to the right.

Justin B. Green, Director
Division of Air Resource Management

JG/pm

cc (with SIP package): R. Scott Davis, Chief, Air Planning Branch, EPA Region 4

Encl: Notice published October 13, 2016, in the Florida Administrative Register
Pre-Hearing SIP Submittal – Revisions to Excess Emissions Rule