

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

**State Implementation Plan (SIP) Infrastructure Confirmation for the 2015 Revised
National Ambient Air Quality Standard for Ozone**

Introduction

On October 26, 2015, the U.S. Environmental Protection Agency (EPA) revised the national ambient air quality standard (NAAQS) for ozone. *See* 80 Fed. Reg. 65,292 (Oct. 26, 2015). Pursuant to Clean Air Act (CAA) section 110(a)(1), states must address basic State Implementation Plan (SIP) “infrastructure” elements listed under section 110(a)(2) of the CAA within three years of EPA’s promulgation of a revised NAAQS. EPA has historically referred to the submittals in which states address these requirements as “infrastructure SIPs.”¹

Subsection 403.061(35), Florida Statutes (F.S.), grants the Florida Department of Environmental Protection (Department) the broad authority to “[e]xercise the duties, powers and responsibilities required of the state under the federal Clean Air Act, 42 U.S.C. ss. 7401 et seq” and “implement the programs required under that act in conjunction with its other powers and duties.” By virtue of this statute, the Department has the authority and responsibility to act on behalf of the State of Florida to develop and revise a SIP as required by section 110(a)(1) of the CAA and to ensure that such SIP adequately addresses the required infrastructure elements as set forth at sections 110(a)(2)(A) through (M) of the CAA.

The Department hereby confirms that the requirements of sections 110(a)(1) and the infrastructure elements required by sections 110(a)(2)(A) through (M) of the CAA are adequately addressed in Florida’s existing approved SIP with respect to the implementation of the 2015 revised ozone NAAQS. The Department is not aware of any SIP deficiencies related to implementation of the revised ozone standard but understands that Florida is obligated to revise its SIP to address new ozone requirements in accordance with schedules established in current and forthcoming EPA regulations and guidance. This document demonstrates the correlation between the section 110(a)(2) infrastructure elements and the Florida Statutes and SIP-approved Florida rules that address each such element.

Furthermore, the Department confirms that all elements of Florida’s approved SIP have undergone public notice in accordance with the requirements of 40 CFR 51.102. On August 3, 2018, the Department published a notice of hearing in the Florida Administrative Register announcing the Department’s intent to submit this infrastructure SIP revision. A copy of the pre-hearing submittal was also sent to EPA. On August 31, 2018, EPA provided a comment

¹ The term “infrastructure SIP” does not appear in the statute, but EPA uses the term to distinguish this particular type of SIP submission designed to address basic structural requirements of a SIP from other types of SIP submissions designed to address different requirements, such as “nonattainment SIP” submissions required to address the nonattainment planning requirements of part D, “regional haze SIP” submissions required to address the visibility protection requirements of CAA section 169A, New Source Review (NSR) permitting program submissions required to address the requirements of parts C and D.

(attached as Appendix 3) on the Department's Pre-Hearing Infrastructure SIP submission. EPA's comment noted that EPA's March 27, 2018 guidance memorandum entitled "Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)" provides states flexibilities in designing their approaches to address obligations under the Clean Air Act. The Department is aware of EPA's March 27, 2018 memorandum and the flexibilities it provides. The Department, however, has not revised this infrastructure SIP as a result of this comment.

Rules and Statutes

Florida's existing SIP consists largely of Florida Administrative Code (F.A.C.) rules adopted by the Department and approved by EPA through the SIP revision process. The complete list of Department rules approved and incorporated by reference into Florida's SIP is published by EPA in the Code of Federal Regulations at 40 C.F.R. 52.520(c). The list includes each F.A.C. rule section number and effective date, with a corresponding EPA approval date for each rule section. The F.A.C. rules are available online at the Florida Department of State website (<https://www.flrules.org/default.asp>) and at the Department's Division of Air Resource Management website (<https://floridadep.gov/air/air-business-planning/content/current-air-rules>).

There are four rule chapters of the F.A.C. that contain SIP-approved rule sections that directly or indirectly address implementation of the O₃ NAAQS:

- **Chapter 62-210, F.A.C., Stationary Sources – General Requirements.** This rule chapter establishes definitions and the general requirements for stationary sources of air pollutant emissions. It provides criteria for determining the need for an owner or operator to obtain Department authorization by permit to conduct certain activities involving sources of air pollutant emissions, and it establishes reporting requirements and requirements relating to estimating emissions. This chapter also sets forth special provisions related to compliance monitoring, stack heights, circumvention of pollution control equipment, and excess emissions. This rule chapter is referenced in the discussion below regarding the requirements in sections 110(a)(2)(A), (B), (C), (D), (F), (J) and (K) of the CAA.
- **Chapter 62-212, F.A.C., Stationary Sources – Preconstruction Review.** This rule chapter establishes the preconstruction review requirements for proposed new emissions units, new facilities, and modifications to existing units and facilities. The requirements of this chapter apply to those proposed activities for which an air construction permit is required. This chapter includes general preconstruction review requirements and specific requirements for emission units subject to both attainment and nonattainment area preconstruction review (i.e., New Source Review). This rule chapter is referenced in the discussion below regarding the requirements in sections 110(a)(2)(A), (B), (C), (D), (F), (J) and (K) of the CAA.
- **Chapter 62-296, F.A.C., Stationary Sources – Emission Standards.** This rule chapter establishes emission limiting standards and compliance requirements for stationary sources of air pollutant emissions. It establishes emission limitations for specific categories of facilities and emissions units, including reasonably available control

technology (RACT). This rule chapter is referenced in the discussion below regarding the requirements in section 110(a)(2)(A) and (F) of the CAA.

- **Chapter 62-297, F.A.C., Stationary Sources – Emissions Monitoring.** This rule chapter establishes test procedures for determining the compliance of air pollutant emissions units with emission limiting standards. This rule chapter is referenced in the discussion below regarding the requirements in sections 110(a)(2)(A) and (F) of the CAA.

As mentioned above, the Department has adopted many of the current SIP-approved rules under the authority of subsection 403.061(35), F.S. Beyond the broad authority given to the Department by this statute to implement the CAA, the Department relies on other Florida Statutes for authority to conduct various air program activities such as permitting, monitoring, fee collection, compliance assurance, enforcement, and emergency response. These statutes are essential to Florida's implementation of the 2015 Ozone NAAQS and are referenced in the discussion below regarding certain requirements of CAA section 110(a)(2). For the most part, these Florida Statutes are referenced only to confirm the Department's legal authority to implement the SIP. Certain statutes have, however, been approved and incorporated into Florida's SIP and are noted as such. The complete Florida Statutes are available online at <http://www.leg.state.fl.us/Statutes>.

Section 110(a)(2) Elements – Implementing Rules and Statutes

110(a)(2)(A) – Emission limits and other control measures: SIPs must include enforceable emission limits and other control measures, means, or techniques, schedules for compliance and other related matters.

- **Rules:** SIP-approved sections of Chapters 62-210, 62-212, 62-296 and 62-297, F.A.C., to the extent such rule sections provide emission limits and other control measures, or the authority to establish such limits and measures through SIP-approved permits, for pollutant-emitting activities that contribute to ozone concentrations in the ambient air. Pollutants that contribute to ozone concentrations in the ambient air are primarily nitrogen oxides (NO_x) and volatile organic compounds (VOC). SIP-approved regulations that limit ozone precursor emissions include the following:
 - Rule 62-210.300, F.A.C. – Lists required permits for stationary sources including those that emit NO_x and VOC.
 - Rule 62-212.400, F.A.C. – Describes Florida's Prevention of Significant Deterioration program which limits emissions including NO_x and VOC from new major stationary sources and major modifications.
 - Rule 62-296.405, F.A.C. – Lists required emissions limits for fossil fuel steam generators with more than 250 million Btu per hour heat input including NO_x and VOC limits.
 - Rules 62-296.500 through .570, F.A.C. - Lists Reasonable Available Control Technology requirements for NO_x and VOC emitting facilities.
- **Statutes:** Subsection 403.061(9), F.S., which authorizes the Department to “[a]dopt a comprehensive program for the prevention, control, and abatement of pollution of the air... of the state,” and section 403.8055, F.S., which authorizes the Department to

“[a]dopt rules substantively identical to regulations adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law....”

110(a)(2)(B) – Ambient air quality monitoring: SIPs must provide for the establishment and operation of ambient air quality monitors, the compilation and analysis of ambient air quality data and the submission of these data to EPA upon request.

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., to the extent such rule sections provide monitoring requirements, or the authority to establish monitoring requirements through SIP-approved permits, for pollutant-emitting activities that contribute to ozone concentrations in the ambient air.
- **Statutes:** Subsection 403.061(1), F.S., which authorizes the Department to “[a]pprove and promulgate current and long-range plans developed to provide for air and water quality control and pollution abatement,” subsection 403.061(9), F.S., which authorizes the Department to “[a]dopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state....,” and subsection 403.061(11), F.S., which authorizes the Department to “[e]stablish ambient air quality... standards for the state as a whole or for any part thereof.”
- **Note 1:** Florida’s air monitoring strategy for ozone is set forth in the Department’s 2017 Annual Monitoring Network Plan (<https://floridadep.gov/sites/default/files/APPROVED-2016-2017-Florida-Annual-Air-Monitoring-Network-Plan.pdf>), approved by EPA on October 19, 2017.
- **Note 2:** 40 CFR Part 58, Appendix D, section 5(a) requires that states incorporate Photochemical Assessment Monitoring Stations (PAMS) into the state’s monitoring network no later than June 1, 2019. Florida has two PAMS sites in Broward County (AQS Site #12-011-0034) and Hillsborough County (AQS Site #12-057-3002) and is on track to complete these updates to the monitoring network by the June 1, 2019 deadline. The updates to include the two PAMS sites are included in the Department’s 2018 Annual Air Monitoring Network Plan which was submitted as a draft to EPA in June of 2018.

110(a)(2)(C) – Program for enforcement of control measures and new source review: SIPs must include a program that provides for enforcement of all SIP measures and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that the NAAQS are achieved, including a permit program as required in Parts C and D of Title 1 of the CAA.

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., to the extent such rule sections provide for enforcement of emission limits and control measures for ozone precursors (NO_x and VOC) and also provide for a permitting program as required under parts C and D of the CAA for pollutant-emitting activities that contribute to ozone concentrations in the ambient air.
- **Statutes:** Subsection 403.061(6), F.S., which requires the Department to “[e]xercise general supervision of the administration and enforcement of the laws, rules, and regulations pertaining to air and water pollution”; subsection 403.061(14), F.S., which authorizes the Department to “[e]stablish a permit system whereby a permit may be required for the operation, construction or expansion of any installation that may be a source of air pollution....” (with the definition of pollution provided in subsection

403.031(7), F.S.); section 403.087, F.S., which provides specific requirements for implementation of a permit system for operation of reasonably expected sources of air pollution; and section 403.121, F.S., which authorizes the Department to seek judicial and administrative remedies for violations.

- **Note:** The Department’s EPA-approved preconstruction review program applies to both major and minor sources. New major sources and major modifications that are subject to Prevention of Significant Deterioration (PSD) or Nonattainment New Source Review (NNSR) permitting must demonstrate that the source or modification will not cause or contribute to a violation of any NAAQS or PSD increment and provide an analysis of additional impacts of the source or modification, including impacts on visibility. The Department’s EPA-approved PSD program ensures that major stationary sources and major modifications apply the Best Available Control Technology (BACT) to reduce emissions of NO_x and VOC in accordance with EPA PSD permitting requirements.

110(a)(2)(D)(i) – Interstate transport: Requires SIP to include provisions prohibiting any source or other type of emissions activity within the state from contributing significantly to nonattainment of the NAAQS in any other state (Prong 1); interfering with maintenance of the NAAQS in any other state (Prong 2); or interfering with any other state’s required plan under Part C of the CAA for prevention of significant deterioration and protection of visibility.

Section 110(a)(2)(D)(i)(I) Prong 1:

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., require any new major source or major modification to undergo PSD or NNSR permitting and thereby demonstrate that it will not cause or contribute to a violation of any NAAQS or PSD increment in Florida or any other state and require that the owner or operator provide an analysis of additional impacts of the source or modification, including impacts on visibility. All new or modified major sources of ozone precursor emissions (NO_x and VOC) will apply the BACT to reduce NO_x and VOC emissions in accordance with the CAA and EPA PSD permitting requirements. Please see Rules section in element **110(a)(2)(A)** above for descriptions of specific SIP-approved regulations that limit ozone precursor emissions (NO_x and VOC).
- **Statutes:** Section 403.061(14), F.S., authorizes the Department to “[e]stablish a permit system whereby a permit may be required for the operation, construction or expansion of any installation that may be a source of air pollution....” (with the definition of “pollution” provided in Section 403.031(7), F.S.), and Section 403.087, F.S., provides specific requirements for implementation of a permit system for operation of reasonably expected sources of air pollution.
- **Note 1:** The “nonattainment new source review” part of this element is outside the scope of this infrastructure submittal because it pertains to Part D in Title I of the CAA, which addresses SIP requirements and submission deadlines for designated nonattainment areas for NAAQS.
- **Note 2:** Florida’s regional haze plan for addressing visibility-impairing pollutants is fully approved under Florida’s SIP by EPA (78 Fed. Reg. 53,250). This plan ensures that Florida will not interfere with visibility protection in other states.
- **Note 3:** EPA has completed an analysis of state-to-state 2023 contributions to projected ozone nonattainment and maintenance areas associated with the 2015 ozone standard in

the Notice of Availability of the Environmental Protection Agency's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). *See* 82 Fed. Reg. 1,733 (Jan. 6, 2017). On March 27, 2018, EPA provided updates to this modeling analysis along with information to support the development of SIPs addressing section 110(a)(2)(D)(i)(I).² In the updated modeling analysis, EPA determined that the maximum Florida contribution to any projected ozone nonattainment area is 0.21 ppb. These contributions are well below the significance criteria of 0.70 ppb and indicate that Florida is projected to continue to have an insignificant impact on downwind nonattainment receptors in the future. NO_x emissions for 2023 in EPA's modeling for the Florida Reliability Coordinating Council (FRCC) region, which covers the majority of Florida and Florida's largest sources, is 50,954 tons. This is a 16 percent decrease from the 2016 FRCC electric power sector emissions of 61,022 tons, as estimated in EPA's Emissions and Generation Resource Integrated Database (eGRID).³ The 2023 NO_x emissions used in the modeling are reasonable considering the projected continuing decline in emissions in Florida and subsequent projected decline in ozone design values, supporting Florida's reliance on this model for the purposes of addressing section 110(a)(2)(D)(i)(I) Prong 1. NO_x emissions in Florida have declined because of unit shutdowns, fuel switches, and improved NO_x controls required by various regulations (e.g. Florida's SIP-approved PSD permitting program which requires major stationary sources and major modifications to apply BACT to reduce emissions of NO_x and VOC in accordance with EPA PSD permitting requirements). NO_x emissions will continue to decline due to additional unit shutdowns and fuel switches.

- Note 4: Total Florida NO_x and non-biogenic VOC emissions have declined by 52 percent and 44 percent, respectively, since the year 2000. (Appendix 1 to this submittal provides source category-specific NO_x and VOC emissions trends for the industrial, nonpoint, on-road, and non-road source categories). These emissions are expected to continue to decrease in the coming years as higher-emitting vehicles are replaced with newer lower-emitting vehicles and reductions in point source emissions as discussed above.
- Note 5: Monitored design value trends for ozone throughout the state reflect the decline in precursor emissions (NO_x and VOC) referenced under Note 4. (*See* Appendix 2 to this submittal). EPA's updated interstate ozone transport modeling referenced under Note 3 also projects that Florida ozone design values will decrease from 6 percent to 23 percent across the state from 2011 to 2023, reflecting the expected trend in emission reductions discussed above.
- The Department believes that it can be concluded, based on EPA's 2023 modeling, emissions data, and monitoring data discussed above, that Florida is meeting its Section 110(a)(2)(D)(i) Prong 1 obligations for the 2015 ozone NAAQS. As such, Florida does not have a significant impact in nonattainment areas in any other state with respect to the 2015 ozone NAAQS. Florida has an EPA-approved New Source Review (NSR) program

² *See* Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I). Peter Tsirigotis Memorandum dated March 27, 2018, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, available at: https://www.epa.gov/sites/production/files/2018-03/documents/transport_memo_03_27_18_1.pdf

³ <https://www.epa.gov/energy/emissions-generation-resource-integrated-database-egrid>

that evaluates new major sources, and new major modifications to major sources, to minimize ozone precursor emissions (NO_x and VOC). This program, along with various federal programs that reduce ozone precursor emissions, limit any future state-to-state contributions to potential nonattainment areas.

Section 110(a)(2)(D)(i)(I) Prong 2:

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., require any new major source or major modification to undergo PSD or NNSR permitting and thereby demonstrate that it will not cause or contribute to a violation of any NAAQS or PSD increment in Florida or any other state and require that the owner or operator provide an analysis of additional impacts of the source or modification, including impacts on visibility. All new or modified major sources of ozone precursor emissions (NO_x and VOC) will apply the BACT to reduce NO_x and VOC emissions in accordance with the CAA and EPA PSD permitting requirements. Please see Rules section in element **110(a)(2)(A)** above for descriptions of specific SIP-approved regulations that limit ozone precursor emissions (NO_x and VOC).
- **Statutes:** Section 403.061(14), F.S., authorizes the Department to “[e]stablish a permit system whereby a permit may be required for the operation, construction or expansion of any installation that may be a source of air pollution....” (with the definition of “pollution” provided in Section 403.031(7), F.S.), and Section 403.087, F.S., provides specific requirements for implementation of a permit system for operation of reasonably expected sources of air pollution.
- **Note 1:** In EPA’s updated 2023 modeling analysis, EPA determined that the maximum Florida contribution to any projected ozone maintenance area is 0.53 ppb. These contributions are well below the significance criteria of 0.70 ppb and indicate that Florida is projected to not have a significant impact on downwind maintenance receptors in the future. As discussed above for Prong 1, the 2023 NO_x emissions used in the modeling are reasonable considering the projected continuing decline in emissions in Florida and subsequent projected decline in ozone design values, supporting Florida’s reliance on this model for the purposes of addressing section 110(a)(2)(D)(i)(I) Prong 2.
- The Department believes that it can be concluded, based on EPA’s 2023 modeling discussed above and the emissions data and monitoring data discussed above in Prong 1, that Florida is meeting its Section 110(a)(2)(D)(i) Prong 2 obligations for the 2015 ozone NAAQS. As such, Florida does not interfere with maintenance by any other state with respect to the 2015 ozone NAAQS. Florida has an EPA-approved New Source Review (NSR) program that evaluates new major sources, and new major modifications to major sources, to minimize ozone precursor emissions (NO_x and VOC). This program, along with various federal programs that reduce ozone precursor emissions, limit any future state-to-state contributions to maintenance areas.

110(a)(2)(D)(ii) – Interstate and international transport provisions: SIPs must include provisions ensuring compliance with the applicable requirements of CAA Sections 115 or 126(b).

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., which require that any new major source or major modification undergo PSD or NNSR permitting and

thereby provide notification to other potentially affected federal, state, and local government agencies.

- **Statutes:** Subsection 403.061(14), F.S., which authorizes the Department to “[e]stablish a permit system whereby a permit may be required for the operation, construction or expansion of any installation that may be a source of air pollution...” (with the definition of pollution provided in subsection 403.031(7), F.S.), and section 403.087, F.S., which provides specific requirements for implementation of a permit system for operation of reasonably expected sources of air pollution.
- **Note:** EPA has made no finding of SIP inadequacy for Florida under section 115 or section 126 of the CAA with respect to the 2015 ozone standard.

110(a)(2)(E) – Adequate resources and authority, conflict of interest and oversight of local government: States must provide for adequate personnel, funding and legal authority under state law to carry out its SIP and related issues, comply with conflict-of-interest requirements under CAA Section 128 and ensure adequate oversight of any local government agency responsible for implementation of any SIP provision.

- **Statutes:** Subsection 403.061(2), F.S., which authorizes the Department to “[h]ire only such employees as may be necessary to effectuate the responsibilities of the department,” subsection 403.061(4), F.S., which authorizes the Department to “[s]ecure necessary scientific, technical, research, administrative, and operational services by interagency agreement, by contract, or otherwise”; section 403.182, F.S., which authorizes the Department to approve local pollution control programs; and subsection 320.03(6), F.S., which authorizes the Department to establish an Air Pollution Control Trust Fund and use a \$1 fee on every motor vehicle license registration sold in the state for air pollution control purposes. Sections 112.3143(4) and 112.3144, F.S., both of which have been adopted and incorporated into Florida’s SIP and, together, require disclosure of conflicts of interest by public officials consistent with the requirements of CAA section 128.
- **Note:** The Department understands that when EPA does a completeness determination and final approval for any SIP submittal, it implicitly determines that the requirements of section 110(a)(2)(E) are met. Each submittal must provide for adequate personnel, funding and legal authority under state law to carry out the proposed SIP revision. In order for a submittal to be deemed complete, any local and regional implementation plans must be submitted through the state agency. In Florida’s case, no local or regional areas submit implementation plans; the Department is solely responsible for the SIP.

110(a)(2)(F) – Stationary source emissions monitoring: SIPs must provide for the establishment and operation of emissions monitoring systems by source owners or operators, and for the submission of periodic emissions reports from such sources.

- **Rules:** SIP-approved sections of Chapters 62-210, 62-212, 62-296, and 62-297, F.A.C., to the extent such rule sections require emissions monitoring and reporting for pollutant-emitting activities that contribute to ozone concentrations in the ambient air, including requirements for the installation, calibration, maintenance and operation of equipment for continuously monitoring or recording emissions, or provide authority for the Department to establish such emissions monitoring and reporting requirements through SIP-approved permits; and require reporting of ozone precursor emissions (NO_x and VOC) in such

manner as to allow the state to correlate such data with applicable emission limitations and comply with the provisions of the EPA Air Emissions Reporting Rule.

- **Statutes:** Subsection 403.061(13), F.S., which authorizes the Department to “[r]equire persons engaged in operations which may result in pollution to file reports which may contain... any other such information as the department shall prescribe...”; also, section 403.8055, F.S., which authorizes the Department to “[a]dopt rules substantively identical to regulations adopted in the Federal Register by the United States Environmental Protection Agency pursuant to federal law....”

110(a)(2)(G) – Emergency powers: Requires state to provide for authority comparable to that in section 303 of the CAA to address activities causing imminent and substantial endangerment to public health and to provide contingency plans to implement such authority.

- **Statutes:** Section 403.131, F.S., which authorizes the Department to “[s]eek injunctive relief to enforce compliance with this chapter or any rule, regulation or permit certification, or order; to enjoin any violation specified in s. 403.061(1); and to seek injunctive relief to prevent irreparable injury to the air, waters, and property, including animal, plant, and aquatic life, of the state and to protect human health, safety, and welfare caused or threatened by any violation”; and paragraph 120.569(2)(n), F.S., which authorizes the Department to issue emergency orders to address immediate dangers to the public health, safety, or welfare.

110(a)(2)(H) – Future SIP revisions: Requires state to have the authority to revise its SIP in response to changes in the NAAQS, availability of improved methods for attaining the NAAQS, or any EPA finding that the SIP is substantially inadequate.

- **Statutes:** Subsection 403.061(35), F.S., which, as previously described in the “Introduction” above, grants the Department the broad authority to implement the CAA; also, subsection 403.061(9), F.S., which authorizes the Department to “[a]dopt a comprehensive program for the prevention, control, and abatement of pollution of the air ... of the state, and from time to time review and modify such programs as necessary.”

110(a)(2)(I) – Nonattainment areas: Require states to meet the applicable requirements of part D of the CAA relating to nonattainment areas.

- **Note 1:** The Department understands that EPA does not expect this SIP infrastructure submission to address this element. The Department further understands that Florida is required to submit a proposed SIP revision, by such date as EPA may require, addressing the nonattainment area provisions of Part D of the CAA for any areas of the state that may be designated nonattainment for the 2015 O₃ NAAQS. At this time, no areas of Florida violate the 2015 O₃ NAAQS.
- **Note 2:** This element is outside the scope of this infrastructure submittal because it pertains to Part D of Title I of the CAA, which addresses SIP requirements and submission deadlines for designated nonattainment areas for NAAQS.

110(a)(2)(J) – Consultation with government officials; public notification of NAAQS violations; and compliance with PSD and visibility requirements: States must consult with local governments and federal land managers pursuant to the provisions of Section 121 of the CAA, provide measures for notifying the public of instances or areas exceeding the NAAQS

pursuant to Section 127 of the CAA and meet the requirements of Part C of Title I of the CAA (relating to PSD and visibility protection).

- **Rules:** SIP-approved sections of Chapters 62-210 and 62-212, F.A.C., to the extent such rule sections require intergovernmental consultation, public notice and compliance with the requirements of parts C and D of the CAA, and to the extent such rule sections provide for a permitting program as required under parts C and D of the CAA for pollutant-emitting activities that contribute to ozone concentrations in the ambient air. New major sources and major modifications that are subject to PSD permitting must demonstrate that the source or modification will not cause or contribute to a violation of any NAAQS or PSD increment and provide an analysis of additional impacts of the source or modification, including impacts on visibility. All new or modified major sources of NO_x or VOC emissions will apply BACT to reduce NO_x and VOC emissions in accordance with the CAA and EPA PSD permitting requirements.
- **Statutes:** Subsection 403.061(21), F.S., which authorizes the Department to “[a]dvice, consult, cooperate, and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department” and subsection 403.061(20), F.S., which authorizes the Department to “[c]ollect and disseminate information ... relating to pollution.”
- **Note 1:** Notification to the public of instances or areas exceeding the NAAQS and associated health effects is provided through implementation of the Air Quality Index reporting system in all required areas.
- **Note 2:** Florida’s regional haze plan for addressing visibility-impairing pollutants is fully approved under Florida’s SIP by EPA (78 Fed. Reg. 53,250). These SIP-approved regulations maintain continuing consultation procedures with the Federal Land Managers on the implementation of the State’s visibility protection program in accordance with 40 CFR 51.308(i)(4). This provision applies to any regional haze plan (or plan revision), including progress reports.

110(a)(2)(K) – Air quality modeling: Requires state to provide for the performance of air quality modeling as required by EPA to predict the effects on air quality of emissions of NAAQS pollutants and for submission of such data to EPA.

- **Rules:** SIP-approved sections of Chapter 62-210 and 62-212, F.A.C., to the extent such rule sections require use of EPA-approved modeling of pollutant-emitting sources to predict the effect on ambient air quality of any emissions of any air pollutant for which a NAAQS has been promulgated.
- **Statutes:** Subsection 403.061(13), F.S., which authorizes the Department to “[r]equire persons engaged in operations which may result in pollution to file reports which may contain information relating to locations, size of outlet, height of outlet, rate and period of emission, and composition and concentration of effluent and such other information as the department shall prescribe to be filed...”; also subsection 403.061(18), F.S., which authorizes the Department to “[e]ncourage and conduct studies, investigations, and research relating to pollution and its causes, effects, prevention, abatement, and control.”
- **Note:** The Department has the technical capability to conduct or review all air quality modeling associated with the NSR program and all SIP-related modeling. The Department is currently developing the technical capability to conduct or review

photochemical grid modeling, which may also be performed for the Department under contract as necessary. All such modeling is conducted in accordance with the provisions of 40 CFR Part 51, Appendix W, “Guideline on Air Quality Models.” The Department agrees to submit any NSR or SIP modeling files to EPA upon request.

110(a)(2)(L) – Permitting fees: Requires state to assess permitting fees to cover the costs of reviewing, approving, implementing and enforcing major stationary source permits.

- Statutes: Paragraph 403.087(6)(a), F.S., directs the Department to “require a processing fee in an amount sufficient, to the greatest extent possible, to cover the costs of reviewing and acting upon any application for a permit...”
- Note 1: Subparagraph 62-4.040(4)(a)1., F.A.C., requires each permittee for a New Source Review permit to pay the Department \$7,500. This permit fee covers the costs of review, approval, implementation and enforcement of PSD and Nonattainment NSR permits and is sufficient to operate Florida’s PSD and nonattainment New Source Review permitting program.
- Note 2: Section 403.0872, F.S., and Chapter 62-213, F.A.C., implement Florida’s Title V program. Florida’s Title V program requires annual operating fees that cover the reasonable cost of implementation and enforcement of the Title V program.

110(a)(2)(M) – Consultation and participation by affected local entities: Requires state to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

- Statutes: Subsection 403.061(21), F.S., which authorizes the Department to “[a]dvice, consult, cooperate, and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department.”
- Note: The Department has specific operating agreements with eight county air pollution control agencies (Duval, Orange, Hillsborough, Pinellas, Sarasota, Palm Beach, Broward, and Miami-Dade) that delineate the duties and responsibilities of each such county in carrying out Florida’s air program, including applicable portions of the SIP.

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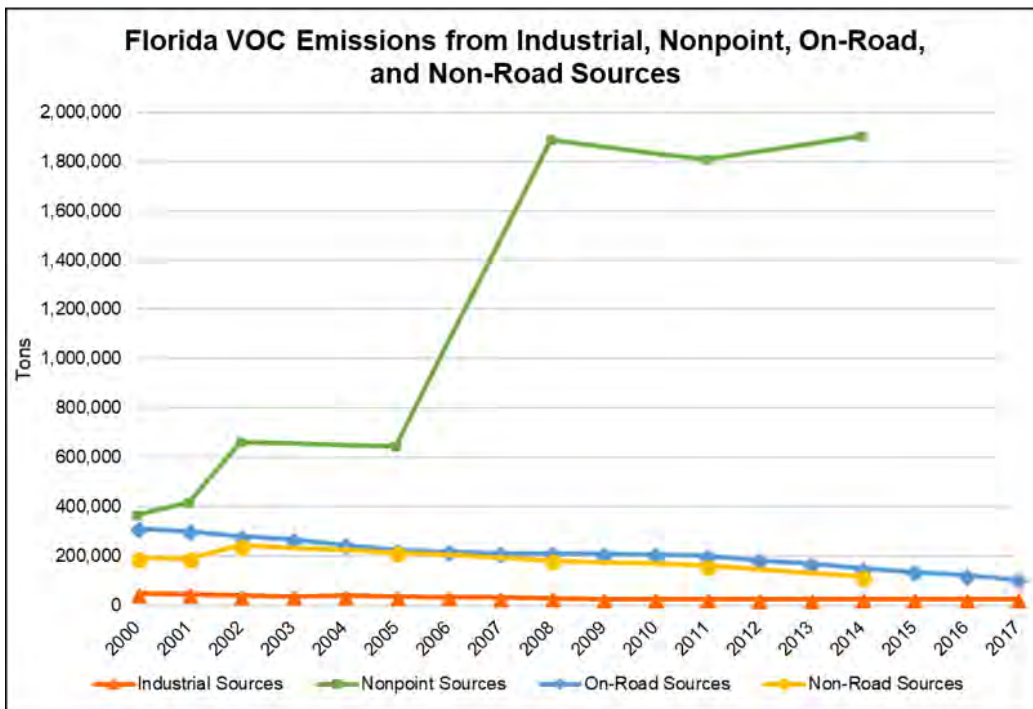
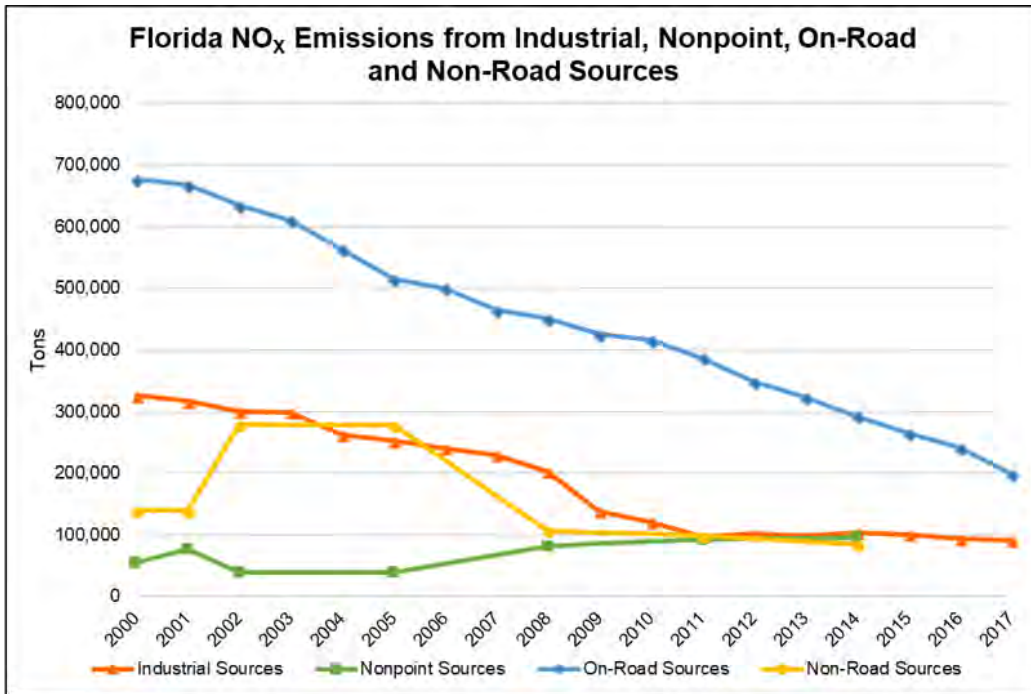
Appendix 1

Florida Statewide Source-Category NO_x and VOC Emission Trends (Industrial, Nonpoint, On-Road, and Non-Road Categories)

The figures below show Florida statewide emission trends for NO_x and VOC from stationary industrial, on-road, non-road, and nonpoint sources from 2000 to 2017. Note that changes in nonpoint and non-road emissions are not taking into account changes made to the Nonpoint and Non-Road National Emissions Inventory (NEI) categories over time, such as the addition of commercial marine vessel, locomotive, and biogenic emissions to Nonpoint in 2008, the addition of emissions from various types of equipment to Non-Road in 2002, and the removal of aircraft, commercial marine vessel, and locomotive emissions from Non-Road in 2008.

Emissions of NO_x from stationary industrial sources have decreased 72 percent since 2000. Emissions of NO_x from mobile on-road sources have decreased by 71 percent since 2000. Emissions of NO_x from non-road sources have decreased by 40 percent since 2000. Emissions of NO_x from nonpoint sources have increased by 70 percent since 2000.

Emissions of VOC from stationary industrial sources have decreased 44 percent since 2000. Emissions of VOC from mobile on-road sources have decreased by 78 percent since 2000. Emissions of VOC from non-road sources have decreased by 39 percent since 2000. Emissions of VOC from nonpoint sources have increased by 415 percent since 2000. This increase in VOC emissions from nonpoint sources is largely due to the addition of biogenic emissions to the NEI Nonpoint category starting in 2008, which typically account for more than 85 percent of Nonpoint VOC emissions in Florida. When biogenic emissions are removed, there is a 36 percent decrease in nonpoint VOC emissions since 2000.



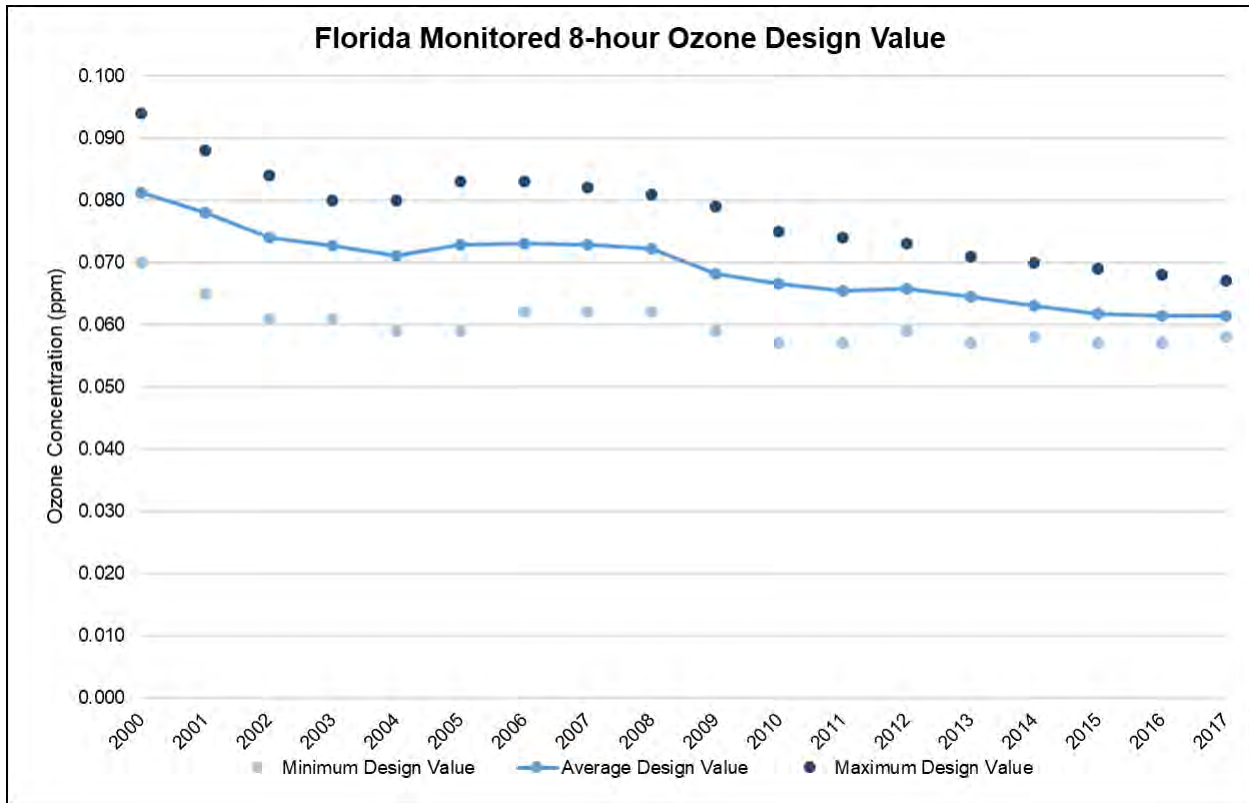
Emissions of NO_x and VOC from industrial, nonpoint, on-road, and non-road sources. Industrial source emissions data are from Florida facility Annual Operating Report submissions. Mobile on-road source emissions are estimated from the Motor Vehicle Emission Simulator (MOVES2014a) model. Nonpoint and non-road emissions data are from the NEI.

Appendix 2

Florida Statewide Monitored 8-hour Ozone Design Values

Figure 1 below shows Florida statewide minimum, maximum, and average monitored 8-hour ozone design values from 2000 to 2017.⁴ The average 8-hour ozone design value has decreased by 24 percent since 2000. Design values are calculated from Florida’s ambient air quality monitoring network.

Figure 1: Minimum, Maximum, and Average Monitored 8-hour Ozone Design Values.



⁴ 2015 ozone monitoring data was incomplete for three monitors in Duval County (12-031-0077, 12-031-0100, and 12-031-0106) and are not included in the 2015 statewide minimum, maximum, and average monitored 8-hour ozone design values.

Appendix 3 EPA Comments on Pre-Hearing Submittal



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

August 31, 2018

Jeff Koerner, Director
Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, Florida 32399-2400

Dear Mr. Koerner:

Thank you for your letter dated August 3, 2018, transmitting a prehearing package revising Florida's State Implementation Plan (SIP) addressing Clean Air Act (CAA) section 110(a)(1) and 110(a)(2) for the 2015 ozone standard. If requested, this SIP revision is subject to a public hearing, which would be held on September 6, 2018. We have completed our review of the prehearing package. We offer the following comments enclosed as it relates to CAA section 110(a)(1) and 110(a)(2) for the 2015 ozone standard.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Lynorae Benjamin, Chief, Air Regulatory Management Section, at (404) 562-9040, or have your staff contact Tiereny Bell at (404) 562-9088.

Sincerely,

A handwritten signature in blue ink that reads "R. Scott Davis".

R. Scott Davis
Chief
Air Planning and Implementation Branch

Enclosure

**The U.S. Environmental Protection Agency Comments on
Florida's Submittal Regarding Section 110(a)(1) and 110(a)(2) for the
2015 Ozone National Ambient Air Quality Standards (NAAQS)**

Key Comments

110(a)(2)(D)(i)(I) – Interstate Transport, Prongs 1 and 2

- The EPA notes that the Agency is continuing to seek feedback and evaluate whether states may have additional flexibilities in designing their approaches to address obligations under section 110(a)(2)(D)(i)(I) of the CAA for the 2015 ozone NAAQS. This includes additional discussions with states on the July 26, 2018, national call. As a result, the EPA encourages states to remain in close communication as they proceed in the process of developing their state implementation plans addressing the good neighbor provision, particularly if states are interested in using any of the potential flexibilities listed in Appendix A of the March 27, 2018, Memorandum from Peter Tsirigotis regarding “Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I).” Additionally, the EPA is encouraging collaboration among states that are linked to a common receptor. See *id.* at pages 6-7.