



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: January 27, 2021

SUBJECT: Air Regulatory Projects Update No. 2021-02

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This Update lists Florida air rules recently adopted, revised or repealed, guidance memoranda issued, and Clean Air Act State Implementation Plan (SIP) revisions recently submitted to the U.S. Environmental Protection Agency (EPA) by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 January 22, 2021, DEP published a Notice of Proposed Rule (NOPR) for Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. The purpose of this NOPR is to revise Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., to address air emissions during transient operation conditions for some source categories, deleting provisions that are outdated or superseded by federal standards, clarification of federal rule applicability and what an existing and new source in each rule that uses these terms. Other minor corrective or clarifying amendments are also proposed. This rulemaking will be presented to the Environmental Regulation Commission (ERC) for approval in a hearing held at a time, date and place, that will be publicly noticed in a future volume of the Florida Administrative Register. The Notice of Rule Development was published on October 22, 2020.

Operation Permits for Major Sources of Air Pollution

On January 6, 2021, DEP published a Notice of Proposed Rule (NOPR) for Rules 62-213.202, 62-213.420, 62-213.440 and 62-213.900, F.A.C. The purpose of this NOPR is to revise Chapter 62-213, F.A.C., to clarify language in Rule 62-213.202, F.A.C., regarding “Primary Responsible Official” and its use on the notification form, revise the Responsible Official Notification Form to add instructions, adopt and incorporate by reference the Statement of Compliance Form and Responsible Official Notification Form in the rules where they are referenced, clarify monitoring and related recordkeeping and reporting requirements, repeal rule section 62-213.900, F.A.C., and remove obsolete references to the federal Clean Air Interstate Rule (CAIR). The Notice of Rule Development was published on October 22, 2020.

Electrical Power Plant Siting

On January 6, 2021, DEP published a Notice of Proposed Rule (NOPR) for Rules 62-17.021, 62-17.191, and 62-17.211, F.A.C. The purpose of this NOPR is to: delete definitions in Rule 62-17.021, F.A.C., that are already defined by statute or that the associated rule has been repealed and to revise existing definitions; update and clarify processes in Rule 62-17.191, F.A.C., for review of postcertification submittals in order to determine compliance with the Conditions of Certification; and update and clarify processes in Rule 62-17.211, F.A.C., for modifying a certification and transferring a certification and to incorporate the Notice of Intent to Transfer of Certification Form into the rule section. The Notice of Rule Development was published on October 22, 2020.

Proposed Revision to Florida’s 111(d) State Plan for Municipal Solid Waste (MSW) Landfills

On December 22, 2020, the DEP submitted the final proposed MSW 111(d) State Plan revision to EPA. On October 21, 2020, DEP submitted a Pre-Hearing submittal to EPA and published a Notice of Hearing, if requested, in the FAR. No hearing was requested or held. This proposed revision to Florida’s 111(d) State Plan for MSW Landfills will ensure that Florida may enforce the Emission Guidelines promulgated by EPA on August 29, 2016, which set emissions limitations for MSW Landfills that commenced construction or modification on or before July 17, 2014. The proposed State Plan adopts the requirements of the Emission Guidelines, contained in 40 C.F.R. Part 60, Subpart Cf, and includes information on the facilities subject to regulation under this subpart.

Current Air Regulatory Projects

1. Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C., Stationary Source – Emission Standards

01/22/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

2. 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

01/06/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

3. Rules 62-17.021, 62-17.191 and 62-17.211, F.A.C., Electric Power Plant Siting

01/06/21 Notice of Proposed Rule published

10/22/20 Notice of Rule Development published

4. Proposed Municipal Solid Waste (MSW) Landfills 111(d) State Plan.

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.

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

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.

6. 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.

7. 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.

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

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.

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

- 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.

10. 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.

11. Rules 62-296.401, 62-296.403, 62-296.406, 62-296.408, 62-296.409, 62-296.410, 62-296.414, 62-296.415, 62-296.417, and 62-296.511, F.A.C., Stationary Source – Emission Standards

- 11/05/20 Rule amendments adopted, effective 11/05/20
- 10/16/20 Filed certification package with DOS
- 09/23/20 Notice of Change published
- 07/22/20 Notice of Proposed Rule published
- 11/14/19 Notice of Rule Development published

12. Rules 62-210.200, 62-210.300, 62-210.310, and 62-210.350, F.A.C., Stationary Source – General Requirements

- 09/29/20 Rule amendments adopted, effective 09/29/20
- 09/09/20 Filed certification package with DOS
- 07/22/20 Notice of Proposed Rule published
- 11/14/19 Notice of Rule Development published

13. Adoption by Reference of Emission Guidelines for Municipal Solid Waste Landfills and Miscellaneous EPA Regulations

- Rules noticed: 62-204.800 (OGC No. 20-0719)
- 06/15/20 Certification package filed with DOS 06/15/20; rule amendments adopted, effective 06/15/20
- 05/05/20 Notice of intent to adopt rule (fast-track) published

14. Rule 62-210.700, F.A.C., Stationary Source – General Requirements

- 04/30/20 Rule amendments adopted, effective 04/30/20
- 3/13/20 Filed certification package with DOS
- 03/12/20 Notice of Proposed Rule published
- 11/14/19 Notice of Rule Development published

15. Rules 62-204.340, and 62-204.800, F.A.C., Air Pollution Control – General Provisions

04/02/20 Rule amendments adopted, effective 04/02/20
03/13/20 Filed certification package with DOS
01/22/20 Notice of Proposed Rule published
02/13/19 Notice of Rule Development published

16. Proposed SIP Revision 2019-01 - SIP Amendment – Redesignation Request and Maintenance Plan for the Polk County Sulfur Dioxide (SO₂) Nonattainment Area

02/20/20 EPA published final approval of the redesignation SIP (85 FR 9666), effective 03/23/20
10/09/19 Final Proposed SIP revision submitted to EPA
09/09/19 Pursuant to parallel processing request, EPA published proposed approval of Pre-Hearing SIP (84 FR 47216)
03/20/19 Public Hearing, if requested (hearing canceled, no hearing requested)
02/15/19 Pre-Hearing Draft Proposed SIP revision submitted to EPA with request for parallel processing by EPA, and Notice of Hearing published in the FAR.

17. Proposed SIP Revision 2018-04 - ISIP Amendment – 2010 Revised Sulfur Dioxide National Ambient Air Quality Standard for CAA Section 110(a)(2)(D)(i)(I) Prongs 1 and 2

05/01/20 EPA published final approval of ISIP (85 FR 25295), effective 06/01/20
02/10/20 EPA published proposed approval of ISIP (85 FR 7480)
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.