



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## Via Electronic Mail

**TO:** Air Regulatory Projects Distribution List

**FROM:** Ashley Kung, Program Administrator  
Division of Air Resource Management

**DATE:** April 28, 2021

**SUBJECT:** Air Regulatory Projects Update No. 2021-03

## 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](http://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This Update lists Florida air rules recently adopted, revised or repealed, guidance memoranda issued, and Clean Air Act State Implementation Plan (SIP) revisions recently submitted to the U.S. Environmental Protection Agency (EPA) by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](mailto: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](mailto:Terri.Long@Floridadep.gov) to add, remove or update any email address for future distribution of Air Regulatory Projects Updates.

## **Updates**

### **Stationary Sources-General Requirements**

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.

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

On April 21, 2021 DEP published a Notice of Withdrawal for Rules 62-296.402, 62-296.404, 62-296.405, and 62-296.570, F.A.C. 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 was 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 were also proposed. The Notice of Rule Development was published on October 22, 2020.

### **Operation Permits for Major Sources of Air Pollution**

The DEP filed the Certification Package with the Department of State on March 19, 2021. The effective date of the rule revisions is April 8, 2021. 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**

The DEP filed the Certification Package for Rule 62-17.211, F.A.C., with the Department of State on April 14, 2021. The effective date of the rule revisions is May 4, 2021. The DEP received comments from the Joint Administrative Procedures (JAPC) committee on January 21, 2021. Based on JAPC's comments, the DEP published a Notice of Change on March 12, 2021, for Rule 62-17.211, F.A.C., to amend the Notice of Intent to Transfer of Certification Form. DEP filed the Certification Package for Rules 62-17.021 and 61-17.191, F.A.C. with the Department of State on March 19, 2021. The effective date of the rule revisions is April 8, 2021.

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 associated with a rule that has been repealed; revise existing definitions; update and clarify processes in Rule 62-17.191, F.A.C., for review of post-certification 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.

### **Current Air Regulatory Projects**

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

04/28/21 Notice of Proposed Rule published  
03/17/21 Notice of Rule Development published

**2. 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

**3. 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.

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

03/02/21 EPA published proposed approval of SIP (86 Fed. Reg. 12,143)  
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.

**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. 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.

7. **SIP Revision 2019-03 – Amendment to the Maintenance Plan for the Hillsborough County Lead (Pb) Nonattainment Area.**
  - 03/25/2021 EPA published proposed approval of SIP (86 Fed. Reg. 15,840)
  - 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.
  
8. **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.
  
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. **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
  
11. **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
  
12. **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

13. **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
  
14. **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
  
15. **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
  
16. **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
  
17. **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
  
18. **Proposed SIP Revision 2019-01 - SIP Amendment – Redesignation Request and Maintenance Plan for the Polk County Sulfur Dioxide (SO<sub>2</sub>) 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.
  
19. **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.