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Via Electronic Mail

TO: Air Regulatory Projects Distribution List

FROM: Beth Rogers, Environmental Administrator
Regulatory Reform/Legislative Coordination
Division of Air Resource Management

DATE: February 16, 2024

SUBJECT: Air Regulatory Projects Update No. 2024-02

Distribution of Updates

To keep regulatory staff and other interested persons informed of regulatory developments and reform activities undertaken by the Florida Department of Environmental Protection (DEP), Division of Air Resource Management (DARM), 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 DARM's Air Regulatory Projects Update may coincide with open comment periods for specific rulemaking activities, these updates are 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This update lists Florida air rules recently adopted, revised, or repealed, and any Clean Air Act State Implementation Plan (SIP) revisions that DEP may have recently submitted to the U.S. Environmental Protection Agency (EPA).

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

Please contact Beth Rogers at 850-717-9019 or Elizabeth.Rogers@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

Florida’s Supplemental Amendment to Previously Proposed Regional Haze Plan for the Second Implementation Period

On January 19, 2024, DEP submitted to EPA Florida’s Pre-Hearing draft of the Supplemental Amendment to the previously submitted Regional Haze Plan for the Second Implementation Period. 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 under EPA’s Regional Haze Rule.

On January 29, 2024, DEP received a written request to extend the comment period and re-schedule the hearing, if requested, to a later date. On February 16, 2024, DEP published in the Florida Administrative Register, a notice of extension of the comment period through March 8, 2024, and rescheduled the hearing, if requested, from February 27, 2024, to March 20, 2024.

Operation Permits for Major Sources of Air Pollution: Proposed Revisions to Chapter 62-213, F.A.C.

On December 5, 2023, DEP published a Notice of Rule Development (NORD) to revise Chapter 62-213, F.A.C., to update major stationary source state permit regulations for consistency with federal regulations and state program requirements under Title V of the Clean Air Act. These updates include removal of the affirmative defense provision, adding a process for making minor amendments to existing permits, and clarifying the actions that constitute off-permit changes to existing permits. Additional revisions will include repealing the Title V Air General Permits rule section in its entirety, as the sources are now regulated under Rule 62-210.310, F.A.C. (“Air General Permits”), clarifying that major sources may operate while under the permit renewal process, and clarifying requirements applicable to facilities that may alternate between authorized methods of operation. The Department may propose other streamlining, clarifying and corrective revisions for various rule sections in Chapter 62-213, F.A.C.

Florida’s State Implementation Plan (SIP) – Chapter 62-210, F.A.C. (Stationary Sources – General Requirements): Rule Removals and Amendments

On August 15, 2023, DEP submitted to EPA a Final Proposed SIP Amendment. This proposed SIP revision consists of the removal of outdated or superseded rule requirements in Chapter 62-210, F.A.C., Stationary Sources – General Requirements. The proposed SIP revision incorporates amendments to F.A.C. rules to make Florida’s SIP consistent with current state rules.

Florida’s State Implementation Plan (SIP) – Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products): Rule Amendments

On October 12, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products). This proposed SIP revision consists of amendments that provide compliance alternatives to the Miscellaneous Metal Parts and Products (MMPP) requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C.

Florida’s State Implementation Plan (SIP) – Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions): Rule Repeals and Amendments

On January 12, 2024, DEP submitted to EPA two withdrawal letters to EPA, withdrawing portions of Rules 62-204.340 and 62-204.500, F.A.C., as part of this SIP submittal.

On August 12, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions). EPA has divided this SIP amendment package into three parts: FL-168 (Administrative Changes); FL-169 (Delegations Actions); and FL-170 (General Conformity). This proposed SIP revision will remove outdated or superseded rule requirements in Chapter 62-204, F.A.C. The proposed SIP revision will also incorporate recent amendments to rules in Chapter 62-204, F.A.C., to make Florida’s SIP consistent with current state rules.

Florida’s State Implementation Plan (SIP) – Chapter 62-296, F.A.C. (Stationary Sources – Emission Standards): Rule Removals and Amendments

On April 1, 2022, DEP submitted to EPA a Final Proposed SIP Amendment to Chapter 62-296, F.A.C. (Stationary Sources – Emission Standards). This proposed SIP revision consists of the removal of outdated or superseded F.A.C. requirements under Chapter 62-296, F.A.C. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida’s SIP consistent with current state rules. EPA divided the SIP into five parts: FL-164 (Editorial Changes), which EPA proposed for final approval on November 6, 2023 (effective December 6, 2023); FL-165 (Substantive Changes), which EPA proposed for initial approval on November 28, 2023; FL-166 (Noninterference Demonstrations for Removal of Clean Air Interstate Rule and Obsolete Rules), which EPA proposed for final approval on October 3, 2023 (effective November 2, 2023); FL-167 (Non-Obsolete Rules); and FL-167-1 (Miscellaneous Revisions to Chapter 62-296.500 [concurrent processing with Florida’s Excess Emissions SIP]), which EPA proposed for approval on August 4, 2023 (effective September 5, 2023).

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

On October 8, 2021, DEP submitted to EPA Florida’s final proposed Regional Haze Plan for the Second Implementation Period. (FL-163). 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 under EPA’s Regional Haze Rule. During the Federal Land Managers (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 may be needed in future implementation periods.

Current Air Regulatory Projects

1. Florida’s Proposed Supplemental Amendment to the previously submitted Regional Haze Plan for the Second Implementation Period

- 03/20/24 Public Hearing, if requested
- 02/16/24 Notice of Re-Scheduled Hearing, if requested, published in the FAR
- 01/19/24 Pre-Hearing Proposed Amendment to Florida’s Regional Haze Plan for the Second Implementation Period submitted to EPA
- 01/19/24 Notice of Hearing, if requested, published in the FAR

2. Operation Permits for Major Sources of Air Pollution – Proposed Amendments to Chapter 62-213, F.A.C.

- 12/05/23 Notice of Rule Development published in the FAR

3. Proposed Amendment to Florida’s State Implementation Plan (SIP) – Chapter 62-210, F.A.C. (Stationary Sources – General Requirements): Rule Removals and Amendments

- 08/15/23 Final Proposed SIP revision submitted to EPA
- 08/02/23 Public Hearing (hearing canceled; no hearing requested)

06/30/23 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

4. Proposed Amendment to Florida’s State Implementation Plan (SIP) – Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products): Rule Amendments

10/12/22 Final Proposed SIP revision submitted to EPA
10/05/22 Public Hearing, if requested (hearing canceled; no hearing requested)
08/31/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

5. Proposed Amendment to Florida’s State Implementation Plan (SIP) – Chapter 62-204, F.A.C. (Air Pollution Control – General Provisions): Rule Repeals and Amendments

01/12/24 Partial withdrawal letters (Rules 62-204.340 and .500, F.A.C.) submitted to EPA
08/12/22 Proposed SIP revision submitted to EPA
08/08/22 Public Hearing, if requested (hearing canceled, no hearing requested)
07/06/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

6. Proposed Amendment to Florida’s State Implementation Plan (SIP) – Chapter 62-296, F.A.C. (Stationary Sources - Emission Standards): Rule Removals and Amendments

11/28/23 EPA Proposed partial approval in FR (88 FR 83062)
11/06/23 EPA published Final partial approval in FR (88 FR 76137)
10/03/23 EPA published Final partial approval in FR (88 FR 67963)
09/11/23 EPA Proposed partial approval in FR (88 62303)
08/11/23 EPA Proposed partial approval in FR (88 FR 54534)
08/04/23 EPA published Final partial approval in FR (88 FR 51702)
05/08/23 EPA Proposed partial approval in FR (88 FR 29591)
04/01/22 Proposed SIP revision submitted to EPA
01/19/22 Public Hearing, if requested (hearing canceled, no hearing requested)
12/15/21 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

7. 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

8. 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.

Recently Completed Air Regulatory Projects

Recently completed projects are listed in reverse chronological order by effective date of rule adoption/peel or by most recent date of submittal to EPA.

9. Proposed Supplement to Florida's Pending Excess Emissions Rule State Implementation Plan (SIP)

08/04/23 EPA published final approval of Supplement to SIP (88 FR 51702)
05/08/23 EPA published proposed approval of Supplement to SIP (88 FR 29598)
09/30/22 Proposed SIP revision submitted to EPA
09/21/22 Public Hearing, if requested (hearing canceled, no hearing requested)
08/17/22 Pre-Hearing Proposed SIP revision submitted to EPA and Notice of Hearing published in the FAR.

10. Proposed Amendment to Florida's State Implementation Plan (SIP) – Rule 62-210.700, F.A.C. (Excess Emissions)

08/04/23 EPA published final approval of Supplement to SIP (88 FR 51702)
05/08/23 EPA published proposed approval of Supplement to SIP (88 FR 29598)
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.

11. Adoption by Reference of EPA Regulations

Rules noticed: 62-204.800 (OGC No. 23-0052)
07/14/23 Certification package filed with DOS, rule adoptions became effective
06/15/23 Notice of intent to adopt rule (fast-track) published

12. Rules 62-210.300, 62-210.310 and 62-210.360, F.A.C. (Stationary Sources – Emission Standards)

05/12/23 Certification package filed with DOS 05/12/23; rule amendments adopted, effective 06/01/23
04/13/23 Notice of Proposed Rule published
09/08/22 Notice of Rule Development published

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

08/16/22 EPA Published Final approval of 111(d) State Plan (87 FR 50269)
05/16/22 DEP Submitted Supplemental Information to EPA for Florida's proposed 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

14. Rule 62-296.513, F.A.C. (Surface Coating of Miscellaneous Metal Parts and Products) (Fast Track Rulemaking)

- 06/16/22 Certification package filed with DOS 06/16/22; rule amendments adopted, effective 06/16/22
- 05/25/22 Notice of Intent to Adopt published

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

- 06/03/22 Certification package filed with DOS 06/03/22; rule amendments adopted, effective 06/23/22
- 05/05/22 Notice of Change published (Rule 62-296.405, F.A.C.)
- 04/11/22 Received Public comments on Rule 62-296.405, F.A.C.
- 03/22/22 Notice of Proposed Rule published
- 11/04/21 Notice of Rule Development published

16. Rules 62-210.310 and 62-210.700, F.A.C. (Stationary Sources – General Requirements)

- 03/07/22 Certification package filed with DOS 03/07/22; rule amendments adopted, effective 03/27/22
- 02/03/22 Notice of Proposed Rule published
- 11/04/21 Notice of Rule Development published

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

- 01/25/22 EPA published Final approval of SIP (87 Fed. Reg. 3661)
- 11/22/21 EPA published proposed approval of SIP (86 Fed. Reg. 66255)
- 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.

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

- 12/02/21 EPA published final approval of Prongs 1 and 2 (86 FR 68413)
- 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.

19. 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

20. 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.

21. 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

22. 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.