



FLORIDA DEPARTMENT OF Environmental Protection

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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: December 11, 2024

SUBJECT: Air Regulatory Projects Update No. 2024-05

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This update lists Florida air rules recently adopted, revised, or repealed, and any Clean Air Act State Implementation Plan (SIP) revisions that DEP has recently submitted to the U.S. Environmental Protection Agency (EPA).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

Asbestos Program: Proposed Revisions to Chapter 62-257, F.A.C. (“Asbestos Program”)

On December 11, 2024, DEP published a Notice of Proposed Rule (NOPR) to revise two state rules pertaining to Florida’s Asbestos Program – 62-257.200 (“Definitions”) and 62-257.301 (“Notification Procedure and Fee”) – and to repeal 62-257.400 (“Fee Schedule”) and 62-257.900 (“Form”). The revisions will update definitions; clarify the notification procedure; simplify the fee schedule; and amend the Notice of Demolition or Asbestos Renovation Form and incorporate the Form into Rule 62-257.301. On May 7, 2024, DEP published a Notice of Rule Development (NORD) for this rulemaking.

DARM is proposing to revise Rule 62-257.301 to provide for a simplified, two-tiered fee structure: (1) a flat fee of \$200 for any notification that generates a paper invoice (generated either through a paper notification or using DEP’s Business Portal); or (2) a discounted flat fee of \$100 if the notification is filed and paid electronically using DEP’s Business Portal. The discounted flat fee for electronic payment is intended to incentivize electronic notification and payment using DEP’s Business Portal. These revisions to Rule 62-257.301 will allow DARM to repeal Rule 62-257.400, which contains the current fee schedule that varies the fee depending on the quantity of regulated asbestos containing material removed. This simplified fee structure will reduce costs for asbestos removal projects.

DARM is also revising Rules 62-257.200 and 62-257.301 to include corrective and clarifying amendments consistent with 40 CFR Part 61, Subpart M, the National Emissions Standard for Hazardous Air Pollutants (NESHAP) for Asbestos. These revisions will clarify that a thorough inspection is required for all demolitions at facilities regardless of size. The revisions will also clarify that a thorough inspection is required for all renovations at facilities that involve projects larger than the threshold amounts listed in the Asbestos NESHAP.

Adoption by Reference of EPA Federal Regulations

On November 13, 2024, DEP published a Notice of Intent to Adopt for Rule 62-204.800, F.A.C. The proposed rule amendments will update DEP’s adoption by reference of air pollution regulations promulgated by EPA at Title 40, Code of Federal Regulations (C.F.R.), to incorporate requirements of DEP’s federally approved and delegated air pollution programs. These rule amendments included adoption of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) amendments and streamlined references where appropriate.

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

On November 5, 2024, DEP published a NOPR to revise Chapter 62-213, F.A.C., based on stakeholder input received during the rule development process. These updates included 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 included 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 continue to operate while under the permit renewal process, and clarifying requirements applicable to facilities that alternate between authorized methods of operation. On December 5, 2023, DEP published a NORD for this rulemaking.

DEP intends to file a final rule Certification Package with the Florida Department of State in late December 2024 with these rule revisions becoming effective 20-days after filing (January 2025).

Florida's Regional Haze Progress Report for the Second Implementation Period

On October 30, 2024, DEP submitted to EPA Florida's Draft Regional Haze Progress Report for the Second Implementation Period. Florida's Regional Haze Progress Report addresses the requirements of 40 CFR 51.308(g), which requires that states develop and submit to EPA periodic reports evaluating the state's progress toward the visibility goals applicable to Class I areas within their jurisdictions. Specifically, Florida's Progress Report fulfills the requirements of paragraphs 51.308(g), (h), and (i) of EPA's Regional Haze Rule (RHR) for the second regional haze planning period, from 2019 to 2028. In this progress report, DEP has affirmed that the combined elements of Florida's approved regional haze SIP for the first planning period (78 FR 53250) and pending regional haze SIP for the second planning period are adequate for making reasonable progress towards the RHR goal of achieving natural visibility conditions at Class I areas by 2064. Pursuant to 40 CFR 51.308(h), Florida's Progress Report also includes a determination of the adequacy of the State's existing Regional Haze SIP.

In Florida's Regional Haze SIP (submitted to EPA on October 8, 2021, and supplemented on June 14, 2024, and October 28, 2024), DEP set forth a long-term strategy to attain reasonable progress goals for visibility impairing pollutants in Florida's Class I areas, which include the Chassahowitzka National Wilderness Area, Everglades National Park, and the St. Marks National Wilderness Area. The predicted reductions in visibility impairment are expected to result from the implementation of a combination of existing emissions control activities and planned emission control programs.

DEP has received comments from EPA on Florida's Draft Regional Haze Progress Report, and DEP has revised the Progress Report to address those comments. The revised Progress Report is available for review on the DARM website. DEP intends to submit Florida's Final Progress Report to EPA in late January 2025.

2024 Hillsborough-Polk Verification of Continued Attainment – Annual Report

On May 1, 2024, DEP submitted to EPA Region 4 a draft report of DARM's annual review of emissions data and air dispersion modeling parameters for Mosaic New Wales and Mosaic Bartow. This report verified continued attainment of the 2010 one-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) for the Hillsborough-Polk maintenance area in accordance with section 175A of the Clean Air Act. This report included:

- 1) The status of ongoing compliance with the SO₂ emission limits for the Mosaic New Wales and Mosaic Bartow facilities;
- 2) A review of annual emissions data for these two facilities;
- 3) A review of the air dispersion modeling inputs and assumptions identified by EPA as a result of coordination with DEP;
- 4) A certification that there are no changes in the air dispersion modeling inputs and assumptions that could result in a modeled violation; and
- 5) All supporting documentation and data that DEP evaluated in preparing the annual report.

On June 12, 2024, DEP submitted the final version of this report to EPA Region 4, which approved the report on October 9, 2024.

2024 Florida Ongoing Data Requirements Rule for the 2010 SO₂ NAAQS – Annual Report

On May 1, 2024, pursuant to the ongoing requirements of EPA’s Data Requirements Rule (DRR) ([40 CFR 51.1205](#)), DEP submitted an annual report to EPA Region 4. This report addressed the areas around two DRR sources in Florida that EPA designated "Attainment/Unclassifiable" for the 2010 one-hour SO₂ NAAQS, based on modeling of actual SO₂ emissions:

- Jacksonville Electric Authority (JEA) Northside Generating Station; and
- WestRock CP, LLC, Fernandina Beach Mill (WestRock).

The DRR requires that DEP review these areas annually to document the annual SO₂ emissions of each applicable source and determine whether additional modeling is needed to characterize the air quality relative to the 2010 one-hour SO₂ NAAQS. DEP’s draft annual DRR report documented SO₂ emissions decreases in both areas.

On June 12, 2024, DEP submitted the final version of this report to EPA Region 4, which approved the report on October 9, 2024.

Supplemental Amendment to Florida’s 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 Florida’s 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 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. No meeting was requested.

On March 8, 2024, DEP received written comments from the National Parks Conservation Association, Sierra Club, and the Coalition to Protect America’s National Parks. DEP drafted a Response to Comments, which DEP included in the final report.

On June 14, 2024, DEP submitted to EPA Part I to Florida’s Final Supplemental Amendment to the previously submitted Regional Haze Plan for the Second Implementation Period.

On October 28, 2024, DEP submitted to EPA Part II to Florida's Final Supplemental Amendment to the previously submitted Regional Haze Plan for the Second Implementation Period.

Florida’s State Implementation Plan 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. For ease of processing, EPA has divided this SIP amendment package into six parts: FL-173 (Removal of Obsolete and Redundant Rules), FL-174 (Removal of CAIR and removal of Rule 62-210.360 CAA 110(l) Noninterference), FL-175 (General Requirements Rule Amendments Miscellaneous Changes), FL-176 (Administrative Changes), FL-177 (Stack Height Policy) and FL-178 (Definitions).

Florida’s State Implementation Plan

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” [MMPP]). This proposed SIP revision consists of amendments that provide compliance alternatives to the 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 (“National Emission Standards for Aerospace Manufacturing and Rework Facilities”), adopted by reference in Rule 62-204.800, F.A.C. (“Federal Regulations Adopted by Reference”).

EPA proposed approval of this SIP Revision in the Federal Register on July 30, 2024 (89 FR 61055). On September 27, 2024, EPA published a final rule in the Federal Register approving this SIP Revision (89 FR 79147), effective October 28, 2024.

Florida’s State Implementation Plan

Chapter 62-204, F.A.C. (“Air Pollution Control – General Provisions”) Rule Repeals and Amendments

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”). For ease of processing, EPA divided this SIP amendment package into three parts: FL-168 (Administrative Changes); FL-169 (Delegations Actions); and FL-170 (General Conformity). This SIP revision removed outdated or superseded rule requirements in Chapter 62-204, F.A.C. The SIP revision also incorporated recent amendments to rules in Chapter 62-204, F.A.C., to make Florida’s SIP consistent with current state rules.

DEP subsequently submitted to EPA withdrawal letters for portions of Rules 62-204.340 (“Designation of Attainment, Nonattainment, Unclassifiable, and Maintenance Areas”), and 62-204.500, (“Conformity”). This was followed by withdrawal letters for 62-204.320 (due to its references to 62-204.340), and a withdrawal letter for 62-204.360, which closed out FL-169.

EPA published its proposed approval of FL-168 on May 15, 2024 (89 FR 42410) and a final approval on July 16, 2024 (89 FR 57734). DEP subsequently submitted a partial withdrawal letter to EPA for some sections of 62-204.500 for FL-170. EPA proposed approval of FL-170 on February 1, 2024 (89 FR 6475), followed by a final approval on March 28, 2024 (89 FR 21437).

Florida’s State Implementation Plan

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.

For ease of processing, EPA divided this SIP amendment package into five parts: FL-164 (Editorial Changes), which EPA proposed for final approval on November 6, 2023 (88 FR 76137) effective December 6, 2023); FL-165 (Substantive Changes), which EPA proposed for initial approval on November 28, 2023 (88 FR 83062) and, after DEP submitted a partial withdrawal letter for 62-296.320(3) on October 13, 2023, final approval on January 22, 2024 (89 FR 3886); FL-166 (Noninterference Demonstrations for Removal of Clean Air Interstate Rule and Obsolete Rules), which EPA proposed for final approval on October 3, 2023 (88 FR 67963, effective November 2, 2023); FL-167 (Non-Obsolete Rules – no action to date); and FL-167-1 (Miscellaneous Revisions to Chapter 62-296.500 [concurrent processing with Florida’s Excess Emissions SIP]), which EPA proposed for final approval on August 4, 2023 (88 FR 51702, effective September 5, 2023). Final approval of FL-165 was found to be missing some rules originally proposed for approval and this matter has been brought to EPA’s attention.

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Current Air Regulatory Projects

1. Asbestos Program – Proposed Amendments to Chapter 62-257, F.A.C.

12/11/24 NOPR published in the FAR
05/07/24 Notice of Rule Development published in the FAR

2. Adoption by Reference of EPA Regulations.

11/13/24 Notice of Intent to Adopt (Fast Track) published in the FAR

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

11/05/24 NOPR published in the FAR
12/05/23 Notice of Rule Development published in the FAR

4. Florida's DRAFT Regional Haze Progress Report for the 2nd Implementation Period, October 30, 2024

10/30/24 Draft Regional Haze Progress Report submitted to EPA and Federal Land Managers for review.

5. 2024 Hillsborough-Polk Verification of Continued Attainment Draft Annual Report

05/01/24 2024 Draft Annual Report Hillsborough-Polk Verification of Continued Attainment submitted to EPA.
06/12/24 2024 Final Annual Report submitted to EPA.
10/09/24 EPA approval letter received 10/09/24.

6. 2024 Florida Ongoing Data Requirements Draft Annual Report

05/01/24 2024 Draft Annual Report Florida Ongoing Data Requirements submitted to EPA.
06/12/24 2024 Final Annual Report submitted to EPA.
10/09/24 EPA approval letter received 10/09/24.

7. **Florida's Proposed Supplemental Amendment to the previously submitted Regional Haze Plan for the Second Implementation Period**
 - 06/14/24 Supplemental Amendment submitted to EPA
 - 03/20/24 Public Hearing, if requested, (hearing canceled; no hearing 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

8. **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.

9. **Proposed Amendment to Florida's State Implementation Plan (SIP) – Chapter 62-296, F.A.C. (Stationary Sources - Emission Standards): Rule Removals and Amendments**
 - 01/22/24 EPA published Final partial approval in FR (89 FR 3886) (FL-165, some rules missing)
 - 11/28/23 EPA Proposed partial approval in FR (88 FR 83062) (FL-165)
 - 11/06/23 EPA published Final partial approval in FR (88 FR 76137) (FL-164)
 - 10/13/23 Partial withdrawal letter submitted to EPA for Rule Subsection 62-296.320(3) (FL-165)
 - 10/03/23 EPA published Final partial approval in FR (88 FR 67963) (FL-166)
 - 09/11/23 EPA Proposed partial approval in FR (88 62303) (FL-164)
 - 08/11/23 EPA Proposed partial approval in FR (88 FR 54534) (FL-166)
 - 08/04/23 EPA published Final partial approval in FR (88 FR 51702) (FL-167-1 with FL-138)
 - 05/08/23 EPA Proposed partial approval in FR (88 FR 29591) (FL-167-1)
 - 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.

10. **Florida's Proposed Regional Haze Plan for the Second Implementation Period**
 - 10/08/21 Proposed Regional Haze Plan submitted to EPA (FL-163)
 - 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

11. **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/peal or by most recent date of submittal to EPA.

12. 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

09/27/24	EPA proposed final approval on 09/27/24 (89 FR 79147, effective 10/28/24) (FL-172)
07/30/24	EPA proposed initial approval on 07/30/24 (89 FR 61055) (FL-172)
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.

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

07/16/24	EPA published final approval in FR (89 FR 57734) (FL-168)
05/15/24	EPA published proposed approval in FR (89 FR 42410) (FL-168)
04/12/24	Partial withdrawal letter (Rule 62-204.360) submitted to EPA (FL-169, closed out)
03/28/24	EPA published Final partial approval in FR (89 FR 21437) (FL-170)
03/05/24	Partial withdrawal letter (Rule 62-204.320, F.A.C.) submitted to EPA (FL-169)
02/01/24	EPA published proposed approval in FR (89 FR 6475) (FL-170)
01/05/24	Partial withdrawal letters (Rules 62-204.340 and .500, F.A.C.) submitted to EPA (FL-170)
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.

14. 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) (FL-171 with FL-138 and FL-167-1)
05/08/23	EPA published proposed approval of Supplement to SIP (88 FR 29598) (FL-171)
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.

15. 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) (FL-138 with FL-171 and FL-167-1)
 05/08/23 EPA published proposed approval of Supplement to SIP (88 FR 29598) (FL-138)
 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.

16. 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

17. 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

18. 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

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