



FLORIDA DEPARTMENT OF Environmental Protection

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Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Via Electronic Mail

October 13, 2023

Ms. Jeaneanne Gettle
Acting Regional Administrator
U.S. Environmental Protection Agency (EPA) – Region 4
61 Forsyth Street, SW – Mail Code: 9T25
Atlanta, GA 30303-8909

Re: Withdrawal of Specified Provisions in Florida’s Proposed Revision to Florida’s State Implementation Plan – Florida SIP 2021-03, Chapter 62-296, F.A.C., Rule Removals and Amendments

Dear Administrator Gettle:

On April 1, 2022, the Florida Department of Environmental Protection (Department) submitted a final proposed revision to the Florida State Implementation Plan (SIP) that, among other requests, including revisions to specific regulatory provisions in Rule 62-296.320, Florida Administrative Code (F.A.C.) (“General Pollutant Emission Limiting Standards”). For administrative purposes, the Department has identified this SIP submittal as Florida SIP 2021-03, and EPA has identified the suite of proposed SIP revisions contained within Florida SIP 2021-03 as FL-164 through FL-167.

EPA is in the process of evaluating Florida’s proposed amendments to subsection 62-296.320(3), F.A.C., as a component of FL-165. After re-evaluating the provisions of Rule 62-296.320, F.A.C., as they pertain to existing elements of Florida’s SIP, the Department hereby withdraws Florida’s proposed amendments to subsection 62-296.320(3), F.A.C. (effective October 6, 2008), which applies to open burning. For reference, the Department has excerpted this subsection below, as submitted to EPA:

(3) ~~Permitted Industrial, Commercial, and Municipal Open Burning Prohibited. Open burning in connection with industrial, commercial, institutional, or governmental municipal operations is allowed only as provided at Chapter 62-256, F.A.C. or prohibited, except when:~~

(a) ~~Open burning is determined by the Department to be the only available method of disposal feasible method of operation and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; and or~~

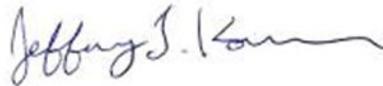
~~(b) Such open burning does not involve any material prohibited from being burned at Rule 62-256.300, F.A.C. An emergency exists which requires immediate action to protect human health and safety; or~~

~~(c) A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.~~

The Department respectfully requests that EPA disregard these proposed revisions to subsection 62-296.320(3), F.A.C., and retain the rule language in this subsection as currently reflected in Florida's SIP.

If you have any questions about the withdrawal of this proposed SIP revision, please contact Preston McLane at (850) 717-9041 or by email at Preston.McLane@FloridaDEP.gov.

Sincerely,



Jeffery F. Koerner
Director
Division of Air Resource Management
Florida Department of Environmental Protection