

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
PROPOSED REVISION TO FLORIDA'S SECTION 111(d)
STATE PLAN SUBMITTAL**



**COMMERCIAL AND INDUSTRIAL SOLID WASTE
INCINERATION UNITS**

July 2, 2020

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**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SUBMITTAL: REVISION TO FLORIDA’S PROPOSED SECTION 111(d) STATE PLAN
FOR COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS**

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Revision to Florida’s Proposed Section 111(d) State Plan Submittal	2
Response to 40 C.F.R. Part 60, Subpart B, Criteria	4
Legal Authority	7
Materials Proposed to be Incorporated into State Plan	9
State Administrative Materials - Chapter 62-204.800, F.A.C.....	12
Notice of Proposed Rule (January 22, 2020)	12
Rule Certification Package (March 13, 2020)	16
Public Participation	30
Notice of Opportunity to Submit Comments and Participate in Public Hearing	30
Requests for Districts/Locals to Provide Assistance to Public.....	32
Notifications to Other States	33
Public Comments on Pre-Hearing State Plan Notice	34
DEP Response to Public Comments.....	35
Pre-Hearing Submittal to EPA	36
Pre-Hearing State Plan Submittal Letter	36
EPA Comments on Pre-Hearing State Plan Submittal	38
DEP Response to EPA Comments.....	39

Revision to Florida’s Proposed Section 111(d) State Plan Submittal

Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units

On February 7, 2013, June 23, 2016, and April 16, 2019, the U.S. Environmental Protection Agency (EPA) amended the Code of Federal Regulations (C.F.R.), Title 40, Part 60, Subpart DDDD, Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration (CISWI) units. Developed under Sections 111 and 129 of the Clean Air Act, the Emission Guidelines of 40 C.F.R. Part 60, Subpart DDDD apply to existing CISWI units that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010, but no later than August 7, 2013.

Under Section 111(d) of the Clean Air Act, any state with one or more affected CISWI units must develop and submit to the EPA a “State Plan” to implement the Emission Guidelines. 40 C.F.R. Part 60, Subparts B and DDDD specify the content and the conditions for developing and adopting a Section 111(d) State Plan. On February 6, 2014, the Florida Department of Environmental Protection (Department) submitted its proposed Section 111(d) CISWI State Plan to EPA for approval. The Department subsequently submitted an amendment to the proposed plan on May 31, 2017, that incorporated an equivalent production-based mercury emission limit for waste-burning kilns. On June 4, 2018, the EPA published in the Federal Register, proposed approval of Florida’s February 6, 2014 initial 111(d) State Plan and Florida’s May 31, 2017 amendment to Florida’s proposed State Plan.

Pursuant to the authority specified in 40 C.F.R. 60.2515(b), the Department is now proposing additional revisions to the pending CISWI State Plan submittal to allow CISWI units in the waste-burning kiln subcategory to comply with an equivalent, production-based particulate matter (PM) emission limit of 0.07 pounds of PM per ton of clinker produced instead of the concentration-based emission limit included in EPA’s Emission Guidelines. Effective April 2, 2020, the Department completed a revision to Rule 62-204.800, Florida Administrative Code (F.A.C.), that established an equivalent, production-based PM emission limit. The rulemaking documents are included in the State Administrative Materials section of this submittal.

The proposed equivalent production-based PM emission limit of 0.07 pounds per ton of clinker “deviates from the format and content of the emission guidelines[.]” *See* 40 C.F.R. 60.2515(b). The Department, therefore, “must demonstrate that [its] state plan is at least as protective as the emission guidelines” before the revision can be approved. *See* 40 C.F.R. 60.2515(b). This demonstration is satisfied because EPA itself stated in the preamble to the 2016 CISWI revisions that a production-based limit of 0.07 pounds of PM per ton of clinker is equivalent to the concentration-based limit specified in the Emission Guidelines. *See* 81 Fed. Reg. 40,956, 40,963 (June 23, 2016).

The Department has also included in this revision additional monitoring and recordkeeping requirements that apply to waste-burning kilns that opt to comply with the equivalent production-based PM emission limit. These additional requirements are necessary for determining whether a facility is in compliance with the equivalent production-based emission limit. The additional monitoring and recordkeeping requirements are cross-references to specified provisions in the

National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Portland Cement Manufacturing Industry (40 C.F.R. 63 Subpart LLL), which are used to determine compliance with that subpart's production-based PM emission limit. Specifically, the cross-referenced provisions are: 40 C.F.R. 63.1348(a)(1) (requirements for demonstrating initial compliance with production-based PM limit); 40 C.F.R. 63.1348(b)(2) (continuous monitoring requirements for a production-based PM limit); 40 C.F.R. 63.1349(b)(1) (how to calculate a facility's production-based PM emission performance and requirement to perform annual PM test); 40 C.F.R. 63.1350(b) (PM emission monitoring requirements); 40 C.F.R. 63.1350(d) (clinker production monitoring requirements); 40 C.F.R. 63.1350(n) (continuous flow rate monitoring system); and the definition of "operating day" used in 40 C.F.R. 63.1341.

In essence, the Department is establishing the NESHAP PM Limit for the Portland Cement Manufacturing Industry as the equivalent, production-based limit for CISWI waste-burning kilns. This will streamline the regulatory regime for cement kilns that choose to switch between the CISWI and NESHAP categories for cement kilns as they will be subject to identical requirements as it relates to compliance with PM emission limits.

The Department developed Florida's proposed revision to its pending Section 111(d) CISWI State Plan submittal pursuant to Sections 111 and 129 of the Clean Air Act and in compliance with all of the standards and conditions of 40 C.F.R. Part 60, Subparts B and DDDD. This revision to Florida's previous CISWI State Plan submission, as set forth in this submittal document, includes the revisions to Rule 62-204.800, F.A.C., which codified: (1) the equivalent production-based PM limit for waste-burning kilns; (2) the monitoring and recordkeeping requirements necessary for determining compliance with the equivalent production-based PM emission limit; and (3) EPA's April 16, 2019 CISWI revisions.

Pursuant to 60.23(g), EPA has approved the Department's request for alternative public participation requirements for the submittal of this pre-hearing State Plan submittal. These approved alternative public participation requirements allowed the Department to cancel the July 8, 2020 public hearing if no hearing is requested by June 26, 2020. No request for hearing was received by June 26, 2020 and, therefore, no hearing was held. In support of the Department's requested approval of this plan, this submittal document also includes a demonstration of legal authority, identification of enforceable mechanisms, and a copy of the notice of opportunity to submit comments and request a public hearing on Florida's revision to its proposed Section 111(d) State Plan.

Response to 40 C.F.R. Part 60, Subpart B, Criteria

§ 60.23 Adoption and Submittal of State Plans; Public Hearings

(d) Any hearing required by paragraph (c) of this section shall be held only after reasonable notice. Notice shall be given at least 30 days prior to the date of such hearing and shall include:

(1) Notification to the public by prominently advertising the date, time, and place of such hearing in each region affected.

- On May 27, 2020, the Department published in the Florida Administrative Register (F.A.R.) a notice of opportunity to submit comments and request a public hearing pursuant to 40 C.F.R. 60.23 on Florida's revision to its Section 111(d) CISWI State Plan submittal. A public hearing was scheduled to be held on July 8, 2020, if requested. Pursuant to 60.23(g), EPA has approved the Department's request for alternative public participation requirements for the submittal of this pre-hearing State Plan submittal. These approved alternative public participation requirements allowed the Department to cancel the July 8, 2020 public hearing if no hearing is requested by June 26, 2020. No request for hearing was received by June 26, 2020 and, therefore, no hearing was held. The "Public Participation" section of this submittal document contains a copy of the notice which appeared in the F.A.R.

(2) Availability, at the time of public announcement, of each proposed plan or revision thereof for public inspection in at least one location in each region to which it will apply.

- A copy of the May 27, 2020 F.A.R. public notice and the proposed State Plan revision were posted on the Department's website and made available for public inspection at least 30 days prior to the scheduled hearing date. Notification of the availability of this information was also transmitted to each of the Department's district offices and the offices of each Department-approved local air pollution control program at least 30 days in advance of the scheduled hearing date. The "Public Participation" section of this submittal contains the notifications of transmittal.

(3) Notification to the Administrator.

- The Region 4 office of the EPA was notified at least 30 days in advance of the scheduled hearing date and was provided with copies of the material to be considered. The "Public Participation" section of this submittal contains the pre-hearing submittal letter.

(4) Notification to each local air pollution control agency in each region to which the plan or revision will apply.

- Notification to affected local programs occurred with the notification of availability of information for public inspection. (See response to (d)(2) above.)

(5) In the case of an interstate region, notification to any other State included in the region.

- The states of Georgia, Alabama, and Mississippi were notified on May 27, 2020 of the proposed plan and of the opportunity to submit comments and request a public hearing at least 30 days in advance of the scheduled hearing date. The “Public Participation” section of this submittal contains the notifications.

§ 60.24 Emission Standards and Compliance Schedules

(a) Each plan shall include emission standards and compliance schedules.

- The Department has adopted by reference all of the emission standards and test methods of 40 C.F.R. Part 60, Subpart DDDD into Rule 62-204.800(9)(f) of the Florida Administrative Code (F.A.C.) and, pursuant to the Department’s authority as specified in 40 C.F.R. 60.2515(b), included an equivalent, production-based PM emission limit of 0.07 pounds of PM per ton of clinker for units in the waste-burning kiln subcategory. The rule became effective on April 2, 2020. A certified copy of the full text of the amended rule is included in the “Materials to be Incorporated into State Plan” section of this plan.
- By adopting all of the standards and conditions of 40 C.F.R. Part 60, Subpart DDDD by reference and providing for an equivalent production-based PM emission limit of 0.07 pounds of PM per ton of clinker for units in the waste-burning kiln subcategory, the Department has demonstrated that the emission limitations and test methods adopted by the State of Florida are at least as protective as those in the emission guidelines.

§ 60.25 Emission Inventories, Source Surveillance, Reports

(a) Each plan shall include an inventory of all designated facilities, including emission data for the designated pollutants and information related to emissions as specified in appendix D to this part. Such data shall be summarized in the plan, and emission rates of designated pollutants from designated facilities shall be correlated with applicable emission standards. As used in this subpart, “correlated” means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under applicable emission standards.

- As required by 40 C.F.R. 60.25(a), the Department’s May 31, 2017 CISWI State Plan submittal included an inventory of affected units and emissions for comparison with the federal standards. On June 4, 2018, EPA proposed approval of the Department’s inventory of affected units. Since the May 31, 2017 CISWI State Plan submittal, there has been no change to the list of affected units. As such, no new inventory is included in this State Plan revision.
- The monitoring and correlation of compliance data will be conducted according to the conditions of 40 C.F.R. 60.25(b) and (c). The Department will commence annual progress reporting to EPA pursuant to 40 C.F.R. 60.25(e), with the first full year after

EPA approval of this plan. The manner and form of reporting will be in accordance with 40 C.F.R. 60.25(f) and will be coordinated with EPA Region 4.

§ 60.26 Legal Authority

- (a) Each plan shall show that the State has legal authority to carry out the plan, including authority to:
- (1) **Adopt emission standards and compliance schedules applicable to designated facilities.**
 - (2) **Enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.**
 - (3) **Obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.**
 - (4) **Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to the public as reported and as correlated with applicable emission standards.**
- The Department has the authority to carry out the conditions set forth in this plan as required by 40 C.F.R. 60.26(a). The laws that give the Department this authority are located in the Florida Statutes (F.S.) at Sections 403.031 (definitions), 403.061 (Department's powers and duties), and 403.0872 (Title V air operating permits). Subsections 403.061(6), (7), (8), and (13), F.S., give the Department the authority to obtain information and to require recordkeeping, use of monitors, etc. Most importantly, Subsection 403.061(35), F.S., gives the Department the authority to exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act. The sections of the Florida Statutes that give authority for compliance and enforcement are 403.121 (judicial and administrative remedies), 403.131 (injunctive relief), 403.141 (civil remedies), and 403.161 (civil and criminal penalties). Finally, Section 119.07, F.S., provides the authority for making the information available to the public.
 - An enforceable mechanism is a legal instrument by which the Department can enforce a set of standards and conditions. The Department has adopted 40 C.F.R. 60, Subpart DDDD, into Chapter 62-204 of the Florida Administrative Code (F.A.C.), thereby making it an enforceable rule. The Department's mechanism for enforcing the standards and conditions of 40 C.F.R. 60, Subpart DDDD, is Rule 62-204.800(9)(f), F.A.C.
 - The Department's statutory legal authorities under Chapter 403, F.S, are described in further detail on the following pages.

Legal Authority

Chapter 403 of the Florida Statutes (F.S.), entitled “Environmental Control,” provides the legal framework for most of the activities of the air resource management program within the Florida Department of Environmental Protection. Except as provided at Sections 403.8055 and 403.201, F.S., for fast-track rulemaking and the granting of variances under Chapter 403, F.S., respectively, Chapter 120, F.S., Florida’s “Administrative Procedure Act,” sets forth the procedures the Department must follow for rulemaking, variances, and public meetings. The most recent version of the Florida Statutes can be found online at <http://www.leg.state.fl.us/Statutes>.

The principal sections of Chapter 403, F.S., that grant the Department authority to operate its air program are listed below. Authority to develop and update Florida’s State Implementation Plan (SIP) and 111(d) Designated Facilities Plan is expressly provided by Subsection 403.061(35), F.S., which provides that “the department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to ... exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act, 42 U.S.C. ss. 7401 et seq.”

- 403.031 Definitions, including the definition of “regulated air pollutant” (403.031(19)).
- 403.061 Authority to promulgate plans to provide for air quality control and pollution abatement (403.061(1)); adopt rules for the control of air pollution in the state (403.061(7)); take enforcement action against violators of air pollution laws, rules and permits (403.061(8)); establish and administer an air pollution control program (403.061(9)); set ambient air quality standards (403.061(11)); monitor air quality (403.061(12)); require reports from air pollutant emission sources (403.061(13)); require permits for construction, operation, and modification of air pollutant emission sources (403.061(14)); and exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act (403.061(35)).
- 403.087 Authority to issue, deny, modify and revoke permits.
- 403.0872 Authority to establish an air operating permit program as required by Title V of the Clean Air Amendments of 1990.
- 403.0877 Authority to require engineering certification of permit applications.
- 403.121 Authority to seek judicial and administrative remedies for violations.
- 403.131 Authority to seek injunctive relief for violations.
- 403.141 Authority to find civil liability for violations.
- 403.161 Authority to assess civil and criminal penalties for violations.
- 403.182 Authority for local pollution control programs.
- 403.201 Authority to grant variances.
- 403.716 Authority to require training of medical waste incinerator operators.
- 403.8052 Authority to establish a Small Business Assistance Program for small-business sources of air pollutant emissions.

403.8055 Authority to adopt U.S. Environmental Protection Agency (EPA) standards by reference through a fast-track process.

403.814 Authority to allow use of general permits (permits-by-rule) for minor sources.

Other statutory authorities (outside of Chapter 403, F.S.) for Florida's air resource management program are as follows:

120.569 Authority of agency head to issue an emergency order in response to an immediate threat to public health, safety, or welfare.

316.2935 Authority to prohibit the sale and operation of motor vehicles whose emission control systems have been tampered with and to prohibit the operation of motor vehicles that emit excessive smoke.

320.03 Authority to establish an Air Pollution Control Trust Fund and use \$1 fee on every motor vehicle license registration sold in the state for air pollution control purposes, including support of approved local air pollution control programs.

376.60 Authority to establish a fee for asbestos removal projects.

Rules adopted by the Department under its statutory authority are codified in the Florida Administrative Code (F.A.C.). The most recent versions of the F.A.C. rules can be found online at <https://www.flrules.org>. Rule chapters containing SIP or 111(d) State Plan provisions are as follows:

62-204 Air Pollution Control – General Provisions

62-210 Stationary Sources – General Requirements

62-212 Stationary Sources – Preconstruction Review

62-243 Tampering with Motor Vehicle Air Pollution Control Equipment

62-252 Gasoline Vapor Control

62-256 Open Burning

62-296 Stationary Sources – Emission Standards

62-297 Stationary Sources – Emissions Monitoring

Other air-related Department rule chapters—not part of the SIP or 111(d) State Plan—include:

62-213 Operation Permits for Major Sources of Air Pollution (Title V)

62-214 Requirements for Sources Subject to the Federal Acid Rain Program

62-257 Asbestos Program

**Materials Proposed to be Incorporated into State Plan
Summary of Materials in Rule 62-204.800, F.A.C.
Strikethrough/Underline of April 2, 2020 Revisions**

(f) Commercial and Industrial Solid Waste Incineration (CISWI) Units. 40 C.F.R. Part 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before June 4, 2010, revised as of July 1, 2019 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11684>) 2009, ~~amended February 7, 2013, at 78 FR 9112 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>), amended June 23, 2016, at 81 FR 40956 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07493>),~~ is hereby adopted and incorporated by reference subject to the following provisions (all cross-references to 40 C.F.R. 63 Subpart LLL [40 C.F.R. §§63.1340 through 1359], ~~as amended February 12, 2013, at 78 FR 10005, as amended July 27, 2015, at Part 80 FR 44771,~~ are adopted and incorporated by reference at paragraph 62-204.800(11)(b), F.A.C.):

1. Applicability. The applicability of paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §60.2550. Units exempted from the applicability of paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §60.2555. For the purposes of 40 C.F.R. §60.2550, units that begin combusting solid waste that are not subject to 40 C.F.R. 60 Subpart CCCC are considered existing sources and must comply with paragraph 62-204.800(9)(f), F.A.C.

2. Increments of Progress. The requirements for meeting increments of progress and achieving final compliance applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2575 through 60.2615, provided that the final control plan shall be submitted no later than August 7, 2015, and the final compliance date is no later than February 7, 2018.

3. Waste Management Plan. The waste management plan requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2620 through 60.2630.

4. Operator Training and Qualification. The operator training and qualification requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2635 through 60.2665.5. Emission Limitations and Operating Limits. The emission limitations and operating limits applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2670 through 60.2680, except that a unit in the waste-burning kiln subcategory may instead comply with one or more of the following an alternative production-based emission limits:

a. ~~M~~ercury emission limit of 58 pounds of mercury per million tons of clinker as specified in Table 4 as published February 7, 2013 at 78 FR 9112, 9122 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>).

b. Particulate matter emission limit of 0.07 pounds per ton of clinker, as specified in specified at 40 C.F.R. §63.1343(b)(1), Table 1.

6. Performance Testing. The performance testing requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2690 and 60.2695, except that a unit in the waste-burning kiln subcategory complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., shall demonstrate compliance annually pursuant to 40 C.F.R. 63.1349(b)(1).

7. Initial Compliance Requirements. The initial compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2700 through 60.2706, except that:

a. A waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph ~~subparagraph~~ 62-204.800(9)(f)5.a., ~~62-204.800(9)(f)5.~~F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(5). The initial compliance test must begin on the first operating day following completion of the field testing and data collection that demonstrates that the continuous emissions monitoring system has satisfied the relevant performance acceptance criteria of Performance Specifications 12A or 12B in 40 C.F.R. Part 60 Appendix B.

b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(1). The waste burning kilns shall demonstrate initial compliance with the production-based particulate matter limit within 180 days of providing the notification required by sub-subparagraph 62-204.800(9)(f)7.c., F.A.C.

c. The notification required by 40 C.F.R. §60.2760 shall also include notification of whether an owner or operator of a unit in the waste-burning kiln subcategory intends to comply with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs ~~subparagraph~~ 62-204.800(9)(f)5.a. and b. ~~62-204.800(9)(f)5.~~, F.A.C.

8. Continuous Compliance Requirements. The continuous compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2710 through 60.2725, except that:

a. A waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph ~~subparagraph~~ 62-204.800(9)(f)5.a. ~~62-204.800(9)(f)5.~~, F.A.C., must demonstrate continuous compliance with this production-based alternative limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(7), and 40 C.F.R. §63.1349(b)(5).

b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate continuous compliance with this production-based limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(2) and 40 C.F.R. §63.1349(b)(1).

9. Monitoring. The monitoring requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2730 and 60.2735. A unit in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5., a. and b., ~~subparagraph 62-204.800(9)(f)5.~~ F.A.C., must also monitor mercury pursuant to 40 C.F.R. §63.1350(k), the clinker production rate pursuant to 40 C.F.R. §63.1350(d), and the flow rate pursuant to 40 C.F.R. §63.1350(n), and the following:-

a. For mercury, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(k).

b. For particulate matter, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(b).

c. An owner of a waste burning kiln is not required to develop an emissions monitoring plan pursuant to 40 C.F.R. §63.1350(p)(1) through (p)(4), if the owner prepares the emissions monitoring plan required pursuant to 40 C.F.R. §60.2710(k) and (l).

10. Recordkeeping and Reporting Requirements. The recordkeeping and reporting requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall

be the same as set forth in 40 C.F.R. §§60.2740 through 60.2800. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5., a. and b. subparagraph 62-204.800(9)(f)5., F.A.C., must also keep records of all data collected from the continuous flow rate monitoring system required by 40 C.F.R. §63.1350(n), all data collected from the clinker production monitoring system required by 40 C.F.R. §63.1350(d), and all calculated 30-operating day rolling average values derived from the mercury and particulate matter monitoring system. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5.a. and b., subparagraph 62-204.800(9)(f)5.F.A.C., must also report all deviations from the alternative production-based mercury limits in accordance with 40 C.F.R. §§60.2740 through 60.2800.

11. through 12. No change.

13. Definitions. The definitions applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §60.2875. For purposes of paragraph 62-204.800(9)(f), F.A.C., the definition of the term administrator means the department, except that the EPA is the administrator for purposes of 40 C.F.R. §60.2030(c). The terms used but not defined in 40 C.F.R. Part 60, Subpart DDDD, have the meaning given to them in the Clean Air Act and in 40 C.F.R. Part 60, Subparts A, B, and CCCC. For units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs 62-204.800(9)(f)5., a. and b., subparagraph 62-204.800(9)(f)5.F.A.C., the term operating day in 40 C.F.R. §63.1348(a)(5), 40 C.F.R. §63.1349, 40 C.F.R. §63.1350 §63.1348(b)(7) and 40 C.F.R. §63.1354 §63.1349(b)(5) means any 24-hour period beginning at 12:00 midnight, during which the kiln produces any amount of clinker.

State Administrative Materials - Chapter 62-204.800, F.A.C.

Notice of Proposed Rule (January 22, 2020)

Florida Administrative Register

Volume 46, Number 14, January 22, 2020

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-204.340
RULE TITLES: Designation of Attainment, Nonattainment, Unclassifiable, and Maintenance Areas

62-204.800 Federal Regulations Adopted by Reference
PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NOPR) is to revise Rules 62-204.340 and 62-204.800, F.A.C., to clarify and update references to area designations for National Ambient Air Quality Standards and designations of Air Quality Maintenance Areas, and to amend Florida's Commercial and Industrial Solid Waste Incinerator (CISWI) regulations to provide for an equivalent production-based emission limit for particulate matter.

SUMMARY: Air quality area designations in Florida and CISWI regulations.

OTHER RULES INCORPORATING RULE 62-204.340, F.A.C.: Rules 62-210.200, 62-212.500, 62-252.300, 62-296.412, 62-296.418 and 62-296.500, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be the intended effect on other rules.

OTHER RULES INCORPORATING RULE 62-204.800, F.A.C.: 62-204.500, 62-210.200, 62-210.300, 62-210.310, 62-210.350, 62-210.360, 62-210.370, 62-212.300, 62-212.400, 62-212.500, 62-212.720, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-214.320, 62-214.330, 62-214.350, 62-214.360, 62-214.370, 62-214.420, 62-214.430, 62-256.700, 62-257.200, 62-257.301, 62-285.421, 62-296.100, 62-296.320, 62-296.340, 62-296.401, 62-296.402, 62-296.403, 62-296.404, 62-296.405, 62-296.408, 62-296.409, 62-296.410, 62-296.412, 62-296.414, 62-296.415, 62-296.416, 62-296.470, 62-296.501, 62-296.502, 62-296.503, 62-296.504, 62-296.505, 62-296.506, 62-296.507, 62-296.508, 62-296.510, 62-296.511, 62-296.512, 62-296.513, 62-296.514, 62-296.515, 62-296.516, 62-296.570, 62-296.600, 62-296.602, 62-296.603, 62-296.604, 62-296.702, 62-296.704, 62-296.705, 62-296.707, 62-296.708, 62-296.711, 62-296.712, 62-297.310, 62-297.320, and 62-297.450, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

Any person who wishes to provide information regarding a statement of estimated regulatory costs or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hastings Read, 2600 Blair Stone Rd., MS 5500, Tallahassee, FL, 32399-2400, hastings.read@floridadep.gov, (850) 717-9017.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.340 Designation of Attainment, Nonattainment, Unclassifiable, and Maintenance Areas.

All area designations in Florida under the Clean Air Act are specified in 40 C.F.R. §81.310, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

~~(1) Designation of Areas Meeting Ambient Air Quality Standards (Attainment Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(2) Designation of Areas Not Meeting Ambient Air Quality Standards (Nonattainment Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C. As soon as practicable after notice of redesignation is published by the U.S. Environmental Protection Agency in the Federal Register, the Department shall publish notice of the effective date of redesignation in the Florida Administrative Register and a newspaper of general circulation in each county affected by the redesignation.~~

~~(3) Designation of Areas Which Cannot Be Classified as Attainment or Nonattainment (Unclassifiable Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(4) Designation of Air Quality Maintenance Areas.~~

~~(a) Each of the following areas is designated as an air quality maintenance area for the air pollutant ozone:~~

- ~~1. Orange County.~~
- ~~2. Duval County.~~
- ~~3. The area consisting of Broward, Dade, and Palm Beach Counties.~~
- ~~4. The area consisting of Hillsborough and Pinellas Counties.~~

287

(b) Each of the following areas is designated as an air quality maintenance area for the air pollutant, particulate matter:

1. That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of US 41 South and State Road 60 and a radius of 12 kilometers.

2. The downtown Jacksonville area in Duval County located within the following boundary lines: south and then west along the St. Johns River from its confluence with Long Branch Creek, to Main Street; north along Main Street to Eighth Street; east along Eighth Street to Evergreen Avenue; north along Evergreen Avenue to Long Branch Creek; and east along Long Branch Creek to the St. Johns River.

(c) Effective January 1, 1996, the area encompassed within a radius of five kilometers centered at UTM coordinates: 364.0 kilometers East, 3093.5 kilometers North, zone 17, in Hillsborough County, is designated as an air quality maintenance area for the air pollutant lead.

(d) As soon as practicable after notice of redesignation is published by the U.S. Environmental Protection Agency in the Federal Register, the Department shall publish notice of the effective date of redesignation in the Florida Administrative Register and a newspaper of general circulation in each county affected by the redesignation.

Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 3-13-96, Amended 10-23-16, _____.

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (8) No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times. This subsection contains regulatory language that implements EPA's Emission Guidelines for various source categories. These regulations have been submitted to EPA as Clean Air Act Section 111(d) State Plans. EPA's approvals of Florida's 111(d) State Plans are codified at 40 C.F.R. Part 62, Subpart K which are hereby adopted and incorporated by reference, revised as of July 1, 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09694>).

(a) through (e) No change.

(f) Commercial and Industrial Solid Waste Incineration (CISWI) Units. 40 C.F.R. Part 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and

Industrial Solid Waste Incineration Units that Commenced Construction on or Before June 4, 2010, revised as of July 1, 2019 ([link](https://www.flrules.org/Gateway/reference.asp?No=Ref-03695)) 2009, amended February 7, 2013, at 78 FR 9112 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>), amended June 23, 2016, at 81 FR 40956 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07493>), is hereby adopted and incorporated by reference subject to the following provisions (all cross-references to 40 C.F.R. 63 Subpart LLL [40 C.F.R. §§63.1340 through 1359], as amended February 12, 2013, at 78 FR 10005, as amended July 27, 2015, at Part 80 FR 44771, are adopted and incorporated by reference at paragraph 62-204.800(11)(b), F.A.C.):

1. through 4. No change.

5. Emission Limitations and Operating Limits. The emission limitations and operating limits applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2670 through 60.2680, except that a unit in the waste-burning kiln subcategory may instead comply with one or more of the following an alternative production-based emission limits:

a. Mercury emission limit of 58 pounds of mercury per million tons of clinker as specified in Table 4 as published February 7, 2013 at 78 FR 9112, 9122 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>).

b. Particulate matter emission limit of 0.07 pounds per ton of clinker, as specified in specified at 40 C.F.R. §63.1343(b)(1), Table 1.

6. Performance Testing. The performance testing requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2690 and 60.2695, except that a unit in the waste-burning kiln subcategory complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., shall demonstrate compliance annually pursuant to 40 C.F.R. 63.1349(b)(1).

7. Initial Compliance Requirements. The initial compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2700 through 60.2706, except that:

a. A a waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph 62-204.800(9)(f)5.a., 62-204.800(9)(f)5.F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(5). The initial compliance test must begin on the first operating day following completion of the field testing and data collection that demonstrates that the continuous emissions monitoring system has satisfied the relevant performance acceptance criteria of Performance Specifications 12A or 12B in 40 C.F.R. Part 60 Appendix B.

b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(1). The waste burning kilns shall demonstrate initial compliance with the production-based particulate matter limit within 180 days of providing the notification required by sub-subparagraph 62-204.800(9)(f)7.c., F.A.C.

c. The notification required by 40 C.F.R. §60.2760 shall also include notification of whether an owner or operator of a unit in the waste-burning kiln subcategory intends to comply with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs ~~subparagraph 62-204.800(9)(f)5.a. and b. 62-204.800(9)(f)5.,~~ F.A.C.

8. Continuous Compliance Requirements. The continuous compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2710 through 60.2725, except that:

a. A waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph ~~subparagraph 62-204.800(9)(f)5.a. 62-204.800(9)(f)5.,~~ F.A.C., must demonstrate continuous compliance with this production-based alternative limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(7), and 40 C.F.R. §63.1349(b)(5).

b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate continuous compliance with this production-based limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(2) and 40 C.F.R. §63.1349(b)(1).

9. Monitoring. The monitoring requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2730 and 60.2735. A unit in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5., a. and b., ~~subparagraph 62-204.800(9)(f)5.~~ F.A.C., must also monitor mercury pursuant to 40 C.F.R. §63.1350(k), the clinker production rate pursuant to 40 C.F.R. §63.1350(d), and the flow rate pursuant to 40 C.F.R. §63.1350(n), and the following:-

a. For mercury, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(k).

b. For particulate matter, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(b).

c. An owner of a waste burning kiln is not required to develop an emissions monitoring plan pursuant to 40 C.F.R. §63.1350(p)(1) through (p)(4), if the owner prepares the emissions monitoring plan required pursuant to 40 C.F.R. §60.2710(k) and (l).

10. Recordkeeping and Reporting Requirements. The recordkeeping and reporting requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2740 through 60.2800. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5., a. and b., ~~subparagraph 62-204.800(9)(f)5.,~~ F.A.C., must also keep records of all data collected from the continuous flow rate monitoring system required by 40 C.F.R. §63.1350(n), all data collected from the clinker production monitoring system required by 40 C.F.R. §63.1350(d), and all calculated 30-operating day rolling average values derived from the mercury and particulate matter monitoring system. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits in sub-subparagraphs 62-204.800(9)(f)5.a. and b., ~~subparagraph 62-204.800(9)(f)5.~~ F.A.C., must also report all deviations from the alternative production-based mercury limits in accordance with 40 C.F.R. §§60.2740 through 60.2800.

11. through 12. No change.

13. Definitions. The definitions applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §60.2875. For purposes of paragraph 62-204.800(9)(f), F.A.C., the definition of the term administrator means the department, except that the EPA is the administrator for purposes of 40 C.F.R. §60.2030(c). The terms used but not defined in 40 C.F.R. Part 60, Subpart DDDD, have the meaning given to them in the Clean Air Act and in 40 C.F.R. Part 60, Subparts A, B, and CCCC. For units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs 62-204.800(9)(f)5., a. and b., ~~subparagraph 62-204.800(9)(f)5.~~ F.A.C., the term operating day in 40 C.F.R. §63.1348(a)(5), 40 C.F.R. §63.1349, 40 C.F.R. §63.1350 §63.1348(b)(7) and 40 C.F.R. §63.1354 §63.1349(b)(5) means any 24-hour period beginning at 12:00 midnight, during which the kiln produces any amount of clinker.

(g) through (i) No change.

(10) through (26) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 11-18-09, 6-11-10, 7-1-10, 10-1-10, 12-30-10, 12-1-11, 12-1-12, 5-22-13, 12-17-13, 1-24-14, 1-14-15, 1-7-16, 10-23-16, 1-13-17, 12-21-17, 9-25-18, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hastings Read
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Secretary Noah Valenstein
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: 12/09/2019
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: 02/13/2019

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS
NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Janet Hartman, Executive Director,
Board of Athletic Training, 4052 Bald Cypress Way, Bin # C08,
Tallahassee, Florida 32399-1708, Janet.Hartman@flhealth.com

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee
and shall submit to the Department a completed DOH form
DOH-AT-001 entitled "~~Board of Athletic Training State of~~
~~Florida~~ Application for Licensure," (Revised 10/19 0248),
incorporated herein by reference. The application can be
obtained by writing the Department of Health, Board of
Athletic Training, 4052 Bald Cypress Way, Bin #C08,
Tallahassee, Florida 32399-3258, or at
[http://www.flrules.org/Gateway/reference.asp?No=Ref-
09444](http://www.flrules.org/Gateway/reference.asp?No=Ref-09444). The application is also available from the
website address as follows:
<http://www.floridasathletictraining.gov/licensing/>.

(1) through (2) no change.

Rulemaking Authority 456.013(7), 468.705, 468.707, 468.709 FS.
Law Implemented 456.013(7), 456.0135, 456.0635, 468.707, 468.709
FS. History--New 5-29-96, Formerly 61-25.002, 64B30-25.002,
Amended 8-22-00, 5-9-02, 3-6-07, 8-12-08, 5-27-09, 5-27-10, 12-25-
12, 1-5-16, 8-28-16, 6-5-18,_____.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: RULE TITLE:

64B33-2.001 Licensure Requirements

PURPOSE AND EFFECT: The Board proposes the rule
amendment to incorporate the revised application form.

SUMMARY: The proposed amendment updates and clarifies
the rule for licensure requirements and incorporates the
reformatted Board Form DOH-AT 001.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS AND LEGISLATIVE
RATIFICATION:

The Agency has determined that this will not have an adverse
impact on small business or likely increase directly or indirectly
regulatory costs in excess of \$200,000 in the aggregate within
one year after the implementation of the rule. A SERC has not
been prepared by the Agency.

The Agency has determined that the proposed rule is not
expected to require legislative ratification based on the
statement of estimated regulatory costs or if no SERC is
required, the information expressly relied upon and described
herein: During discussion of the economic impact of this rule at
its Board meeting, the Board concluded that this rule change
will not have any impact on licensees and their businesses or
the businesses that employ them. The rule will not increase any
fees, business costs, personnel costs, will not decrease profit
opportunities, and will not require any specialized knowledge
to comply. This change will not increase any direct or indirect
regulatory costs. Hence, the Board determined that a Statement
of Estimated Regulatory Costs (SERC) was not necessary and
that the rule will not require ratification by the Legislature. No
person or interested party submitted additional information
regarding the economic impact at that time.

Any person who wishes to provide information regarding a
statement of estimated regulatory costs, or provide a proposal
for a lower cost regulatory alternative must do so in writing
within 21 days of this notice.

RULEMAKING AUTHORITY: 456.013(7), 468.705,
468.707, 468.709 FS.

LAW IMPLEMENTED: 456.013(7), 456.0135, 456.0635,
468.707, 468.709 FS.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Athletic Training

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2019

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: January 07, 2020

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-12.002 General Methods of Taking Game and
Crows; Prohibitions

PURPOSE AND EFFECT: The proposed rule amendment
would clarify restrictions related to the use of semi-automatic
rifles for hunting game and for the use of shotguns for hunting
migratory game. The effect of the proposed rule amendment
will be to enable the agency to better manage fish and wildlife
resources.

Rule Certification Package (March 13, 2020)



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

March 13, 2020

Mr. Ernest Reddick
Program Administrator
Administrative Code and Register
500 South Bronough Street, Room 101
Tallahassee, Florida 32399-0250

FILED
2020 MAR 13 PM 4:35

Re: Certification Package for Rules 62-204.340, and 62-204.800, F.A.C.
OGC No: 19-0082

Dear Mr. Reddick:

Attached is the certification package for Rules 62-204.340, and 62-204.800, F.A.C. I am the attorney handling the rule and my telephone number is (850)-245-2937, or west.gregory@Floridadep.gov, and mailing address is Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000. The program staff person is Hastings Read, who may be reached at (850) 717-9017 or hastings.read@Floridadep.gov, and mailing address is Department of Environmental Protection, Florida Coastal Office, MS 5500, 2600 Bob Martinez Center., Tallahassee, Florida 32399-4000.

Sincerely,

[Handwritten signature]

N. West Gregory
Assistant Deputy General Counsel

NWG/tl

CERTIFICATION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

FILED
2020 MAR 13 PM 4:05

I hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and
- (2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S., and
 - (a) Are filed not more than 90 days after the notice; or
 - (b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or
 - (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
 - (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or
 - (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
 - (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
 - (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or
 - (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or
 - (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of the rule covered by this certification. The rule is hereby adopted by the undersigned agency by and upon its filing with the Department of State.

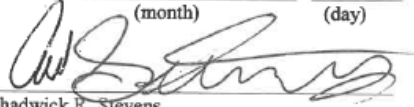
Rule Nos.

62-204.340

62-204.800

Under the provision of Section 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



Chadwick R. Stevens
Chief Deputy General Counsel

5

Number of Pages Certified

62-204.340 Designation of Attainment, Nonattainment, Unclassifiable, and Maintenance Areas.

All area designations in Florida under the Clean Air Act are specified in 40 C.F.R. §81.310, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

~~(1) Designation of Areas Meeting Ambient Air Quality Standards (Attainment Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(2) Designation of Areas Not Meeting Ambient Air Quality Standards (Nonattainment Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C. As soon as practicable after notice of redesignation is published by the U.S. Environmental Protection Agency in the Federal Register, the Department shall publish notice of the effective date of redesignation in the Florida Administrative Register and a newspaper of general circulation in each county affected by the redesignation.~~

~~(3) Designation of Areas Which Cannot Be Classified as Attainment or Nonattainment (Unclassifiable Areas). As designated in 40 C.F.R. Part 81, §81.310, and as adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~(4) Designation of Air Quality Maintenance Areas:~~

~~(a) Each of the following areas is designated as an air quality maintenance area for the air pollutant ozone:~~

- ~~1. Orange County.~~
- ~~2. Duval County.~~
- ~~3. The area consisting of Broward, Dade, and Palm Beach Counties.~~
- ~~4. The area consisting of Hillsborough and Pinellas Counties.~~

~~(b) Each of the following areas is designated as an air quality maintenance area for the air pollutant, particulate matter:~~

~~1. That portion of Hillsborough County which falls within the area of the circle having a centerpoint at the intersection of US 41 South and State Road 60 and a radius of 12 kilometers.~~

~~2. The downtown Jacksonville area in Duval County located within the following boundary lines: south and then west along the St. Johns River from its confluence with Long Branch Creek, to Main Street; north along Main Street to Eighth Street; east along Eighth Street to Evergreen Avenue; north along Evergreen Avenue to Long Branch Creek; and east along Long Branch Creek to the St. Johns River.~~

~~(c) Effective January 1, 1996, the area encompassed within a radius of five kilometers centered at UTM coordinates: 364.0 kilometers East, 3093.5 kilometers North, zone 17, in Hillsborough County, is designated as an air~~

~~quality maintenance area for the air pollutant lead.~~

~~(d) As soon as practicable after notice of redesignation is published by the U.S. Environmental Protection Agency in the Federal Register, the Department shall publish notice of the effective date of redesignation in the Florida Administrative Register and a newspaper of general circulation in each county affected by the redesignation.~~

~~Rulemaking Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—New 3-13-96, Amended 10-23-16, _____.~~

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (8) No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times. This subsection contains regulatory language that implements EPA's Emission Guidelines for various source categories. These regulations have been submitted to EPA as Clean Air Act Section 111(d) State Plans. EPA's approvals of Florida's 111(d) State Plans are codified at 40 C.F.R. Part 62, Subpart K which are hereby adopted and incorporated by reference, revised as of July 1, 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09694>).

(a) through (e) No change.

(f) Commercial and Industrial Solid Waste Incineration (CISWI) Units. 40 C.F.R. Part 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before June 4, 2010, revised as of July 1, 2019 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11684>) 2009, amended February 7, 2013, at 78 FR 9112 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>), amended June 23, 2016, at 81 FR 40956 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07493>), is hereby adopted and incorporated by reference subject to the following provisions (all cross-references to 40 C.F.R. 63 Subpart LLL [40 C.F.R. §§63.1340 through 1359], as amended February 12, 2013, at 78 FR 10005, as amended July 27, 2015, at Part 80 FR 44771, are adopted and incorporated by reference at paragraph 62-204.800(11)(b), F.A.C.):

1. through 4. No change.

5. Emission Limitations and Operating Limits. The emission limitations and operating limits applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2670 through 60.2680, except that a unit in the waste-burning kiln subcategory may instead comply with one or more of the following an alternative production-based emission limits:

a. Mercury emission limit of 58 pounds of mercury per million tons of clinker as specified in Table 4 as published February 7, 2013 at 78 FR 9112, 9122 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03695>).

b. Particulate matter emission limit of 0.07 pounds per ton of clinker, as specified in specified at 40 C.F.R. §63.1343(b)(1), Table 1.

6. Performance Testing. The performance testing requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2690 and 60.2695, except that a unit in the waste-burning kiln subcategory complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., shall demonstrate compliance annually pursuant to 40 C.F.R. 63.1349(b)(1).

7. Initial Compliance Requirements. The initial compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2700 through 60.2706, except that:

a. A waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph subparagraph 62-204.800(9)(f)5.a., 62-204.800(9)(f)5.F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(5). The initial compliance test must begin on the first operating day following completion of the field testing and data collection that demonstrates that the continuous emissions monitoring system has satisfied the relevant performance acceptance criteria of Performance Specifications 12A or 12B in 40 C.F.R. Part 60 Appendix B.

b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate initial compliance pursuant to 40 C.F.R. §63.1348(a)(1). The waste burning kilns shall demonstrate initial compliance with the production-based particulate matter limit within 180 days of providing the notification required by sub-subparagraph 62-204.800(9)(f)7.c., F.A.C.

c. The notification required by 40 C.F.R. §60.2760 shall also include notification of whether an owner or operator of a unit in the waste-burning kiln subcategory intends to comply with one or more of the alternative production-based

~~mercury emission limits limit in sub-subparagraphs subparagraph 62-204.800(9)(f)5.a. and b. 62-204.800(9)(f)5., F.A.C.~~

8. Continuous Compliance Requirements. The continuous compliance requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2710 through 60.2725, except that:

~~a. A waste-burning kiln complying with the alternative production-based mercury emission limit in sub-subparagraph subparagraph 62-204.800(9)(f)5.a. 62-204.800(9)(f)5., F.A.C., must demonstrate continuous compliance with this production-based alternative limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(7), and 40 C.F.R. §63.1349(b)(5).~~

~~b. A waste-burning kiln complying with the production-based particulate matter emission limit in sub-subparagraph 62-204.800(9)(f)5.b., F.A.C., must demonstrate continuous compliance with this production-based limit pursuant to the procedures of 40 C.F.R. §63.1348(b)(2) and 40 C.F.R. §63.1349(b)(1).~~

9. Monitoring. The monitoring requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2730 and 60.2735. A unit in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission ~~limits limit in sub-subparagraphs 62-204.800(9)(f)5., a. and b., subparagraph 62-204.800(9)(f)5., F.A.C., must also monitor mercury pursuant to 40 C.F.R. §63.1350(k), the clinker production rate pursuant to 40 C.F.R. §63.1350(d), and the flow rate pursuant to 40 C.F.R. §63.1350(n), and the following:~~

~~a. For mercury, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(k).~~

~~b. For particulate matter, the owner or operator shall monitor emissions pursuant to 40 C.F.R. § 63.1350(b).~~

~~c. An owner of a waste burning kiln is not required to develop an emissions monitoring plan pursuant to 40 C.F.R. §63.1350(p)(1) through (p)(4), if the owner prepares the emissions monitoring plan required pursuant to 40 C.F.R. §60.2710(k) and (l).~~

10. Recordkeeping and Reporting Requirements. The recordkeeping and reporting requirements applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §§60.2740 through 60.2800. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission ~~limits limit in sub-subparagraphs 62-204.800(9)(f)5.a. and b., subparagraph 62-204.800(9)(f)5., F.A.C., must also keep records of all data collected from the continuous flow rate monitoring system~~

required by 40 C.F.R. §63.1350(n), all data collected from the clinker production monitoring system required by 40 C.F.R. §63.1350(d), and all calculated 30-operating day rolling average values derived from the mercury and particulate matter monitoring system. Units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs 62-204.800(9)(f)5.a. and b., subparagraph 62-204.800(9)(f)5.F.A.C., must also report all deviations from the alternative production-based mercury limits limit in accordance with 40 C.F.R. §§60.2740 through 60.2800.

11. through 12. No change.

13. Definitions. The definitions applicable to each CISWI unit subject to paragraph 62-204.800(9)(f), F.A.C., shall be the same as set forth in 40 C.F.R. §60.2875. For purposes of paragraph 62-204.800(9)(f), F.A.C., the definition of the term administrator means the department, except that the EPA is the administrator for purposes of 40 C.F.R. §60.2030(c). The terms used but not defined in 40 C.F.R. Part 60, Subpart DDDD, have the meaning given to them in the Clean Air Act and in 40 C.F.R. Part 60, Subparts A, B, and CCCC. For units in the waste-burning kiln subcategory complying with one or more of the alternative production-based mercury emission limits limit in sub-subparagraphs 62-204.800(9)(f)5., a. and b., subparagraph 62-204.800(9)(f)5.F.A.C., the term operating day in 40 C.F.R. §63.1348(a)(5), 40 C.F.R. ~~§63.1349~~, 40 C.F.R. ~~§63.1350~~ ~~§63.1348(b)(7)~~ and 40 C.F.R. ~~§63.1354~~ ~~§63.1349(b)(5)~~ means any 24-hour period beginning at 12:00 midnight, during which the kiln produces any amount of clinker.

(g) through (i) No change.

(10) through (26) No change.

*Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—
New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-
98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03,
4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07,
1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 11-18-09, 6-11-10, 7-1-10, 10-1-10, 12-30-
10, 12-1-11, 12-1-12, 5-22-13, 12-17-13, 1-24-14, 1-14-15, 1-7-16, 10-23-16, 1-13-17, 12-21-17, 9-25-18.*

SUMMARY OF THE RULE

The purpose of the proposed rule (OGC No. 19-0082) is amend Rules 62-204.340, and 62-204.800, F.A.C. The revisions will clarify and update the designations in the Attainment, Nonattainment, and Maintenance Areas rule for the air pollutants ozone, sulfur dioxide (SO₂) and lead (Pb). The rule revisions also provide for an equivalent alternative production-based emission limit for particulate matter for cement kilns subject to Florida's Commercial and Industrial Solid Waste Incinerator (CISWI) rules. 40 CFR 60.2515(b) provides that a "state plan may deviate from the format and content of the emission guidelines," but if a state plan does deviate, the state "must demonstrate that your state plan is at least as protective as the emission guidelines contained in this subpart." This rulemaking will provide for such an equivalent alternative production-based emission limit for CISWI cement kilns, consistent with the authority in 40 CFR 60.2515(b).

- Rule 62-204.340, F.A.C., will be updated to clarify and update the designations in the Attainment, Nonattainment, and Maintenance Areas rule for the air pollutants ozone, sulfur dioxide (SO₂) and lead (Pb) by referencing the federal rule.
- Rule 62-204.800, F.A.C., will be revised to update the equivalent alternative production-based emission limit for particulate matter for cement kilns subject to Florida's Commercial and Industrial Solid Waste Incinerator (CISWI) rules.

FILED
2020 MAR 13 PM 4:35
TALLAHASSEE, FLORIDA

SUMMARY OF THE HEARING

No timely request for hearing was received by the agency and no hearing was held.

FILED
2020 MAR 13 PM 4:36
TALLAHASSEE, FLORIDA

DETAILED STATEMENT OF FACTS AND CIRCUMSTANCES

JUSTIFYING PROPOSED RULE

Re: Rules 62-204.340 and 62-204.800, F.A.C.
Project: Air Pollution Control – General Provisions
OGC No.: 19-0082

FILED
2020 MAR 13 PM 4:36
ALLIANCE FOR THE ENVIRONMENT

Introduction

The Department is proposing to revise Rules 62-204.340 and 62-204.800, F.A.C. The proposed rule amendments address Air Pollution Control – General Provisions.

Need for Rule Change

The purpose of this Notice of Proposed Rule (NOPR) is to revise Rule 62-204.340, F.A.C., to clarify and update the designations in the Attainment, Nonattainment, and Maintenance Areas rule for the air pollutants ozone, sulfur dioxide (SO₂) and lead (Pb). The NOPR also proposes to revise Rule 62-204.800, F.A.C., to provide for an equivalent alternative production-based emission limit for particulate matter for cement kilns subject to Florida's Commercial and Industrial Solid Waste Incinerator (CISWI) rules. 40 CFR 60.2515(b) provides that a "state plan may deviate from the format and content of the emission guidelines," but if a state plan does deviate, the state "must demonstrate that your state plan is at least as protective as the emission guidelines contained in this subpart." This rulemaking will provide for such an equivalent alternative production-based emission limit for CISWI cement kilns, consistent with the authority in 40 CFR 60.2515(b).

Summary of Rule Amendments

The specific rule amendments are as follows:

Rule Number	Detailed Explanation
62-204.340	Rule 62-204.340, F.A.C., will be updated to clarify and update the designations in the Attainment, Nonattainment, and Maintenance Areas rule for the air pollutants ozone, sulfur dioxide (SO ₂) and lead (Pb) by referencing the federal rule.
62-204.800	Rule 62-204.800, F.A.C., will be revised to update the equivalent alternative production-based emission limit for particulate matter for cement kilns subject to Florida's Commercial and Industrial Solid Waste Incinerator (CISWI) rules.

**DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION
CERTIFICATION**

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

Rule No(s).

62-204.340

62-204.800

Signature of Agency Head

Title

Secretary

FILED
2020 MAR 13 PM 4:36
ALACHUA COUNTY FLORIDA

Form: DS-FCR-6
Rule 1-1.010(3)(f), F.A.C.; effective 10-17

CERTIFICATION OF MATERIALS INCORPORATED
BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code:


(1) That materials incorporated by reference in Rule 62-204.800, F.A.C, have been electronically filed with the Department of State.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials described below electronically, a true and complete paper copy of the incorporated materials are attached to this certification for filing. Paper copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

Federal Regulation	Title of Federal Regulation Adopted by Reference
40 CFR Part 60, Subpart DDDD as of July 1, 2019	Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units

Under the provisions of Section 120.54(3)(e)6., F.S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.


Chadwick R. Stevens
Chief Deputy General Counsel

FILED
2020 MAR 13 PM 4:36
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

From: FL-Rules@dos.state.fl.us
To: Lona.Terri
Cc: frules@dos.state.fl.us
Subject: 62-204.800 Reference Material for Rule Adoption Approved
Date: Wednesday, February 19, 2020 9:11:40 AM

Dear terril:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 62-204.800

Reference Number: Ref-11684; Reference Name: 40 CFR Part 60 Subpart DDDD as of July 1 2019

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State

FILED
2020 MAR 13 PM 4:36
TALLAHASSEE, FLORIDA

Public Participation

Notice of Opportunity to Submit Comments and Participate in Public Hearing

Florida Administrative Register

Volume 46, Number 103, May 27, 2020

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Division of Air Resource Management, announces a hearing, if requested, to which all persons are invited.

DATE AND TIME: July 8, 2020, 2:00 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 195, Tallahassee, Florida.

The Department will hold the hearing, if requested, at the date, time and place above and will also offer accessibly through a teleconference option. The teleconference option is being provided to allow maximum public participation if the hearing is requested. Parties can access the teleconference by telephone (regular long-distance telephone charges will apply). Parties may access the teleconference at the following number:

July 8, 2020, 1(888)585-9008, ID number: 416-112-909#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 CFR 51.102, the Department of Environmental Protection (DEP) announces a public hearing and opportunity **to offer comments on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act. This proposed SIP revision consists of removing Chapters 62-243 and 62-244, Florida Administrative Code (F.A.C.), Florida's Motor Vehicle Rules from Florida's SIP.**

A public hearing will be held, if requested, at the date and time, given above. The public hearing, if requested, will also be accessible via a teleconferencing service. It is not necessary that the hearing be held or attended for persons to comment on **DEP's proposed revisions to Florida's pending SIP submission.** Any comments or requests for a public hearing must be submitted by email to Hastings.Read@FloridaDEP.gov, and received no later than June 26, 2020. If no request for a public hearing is received, the hearing (and teleconference) will be cancelled, and notice of the cancellation will be posted at the following website:

https://floridadep.gov/events/month?field_county_tid=All&field_is_a_public_notice_value=Yes.

Persons may also contact Mr. Read at (850)717-9017 to find out if the hearing has been cancelled. The materials comprising **DEP's revision to the pending SIP submission are accessible at the website above by clicking on the July 8, 2020 hearing link or at the following website:**

<http://www.dep.state.fl.us/air/rules/regulatory.htm>. A copy of the agenda may be obtained by contacting: Mr. Read by email at the above email address or by calling (850)717-9017.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Terri Long at (850)717-9023 or Terri.Long@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ms. Long by email or by calling (850)717-9023.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Air Resource Management announces a hearing to which all persons are invited.

DATE AND TIME: July 8, 2020, 10:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 195, Tallahassee, Florida

The Department will hold the hearing, if requested, at the date, time and place above and will also offer accessibly through a teleconference option. The teleconference option is being provided to allow maximum public participation if the hearing is requested. Parties can access the teleconference by telephone (regular long-distance telephone charges will apply). Parties may access the teleconference at the following number:

July 8, 2020, 1(888)585-9008, ID number: 416-112-909#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 C.F.R. 60.23, the Department of Environmental Protection (DEP) announces the opportunity to offer comments and participate in a public hearing, if requested, on a proposed **revision to DEP's pending Commercial Industrial Solid Waste Incinerator (CISWI) State Plan submission that was transmitted to EPA on May 27, 2020. Specifically, DEP is proposing to revise its pending CISWI State Plan submission to include EPA's April 26, 2019 revisions to the model rules contained in 40 C.F.R. 60, Subpart DDDD and, pursuant to DEP's authority under 40 C.F.R. 60.2515(b), to provide for an equivalent production-based particulate matter emission limit for units in the waste-burning kiln subcategory. Once the State Plan is approved by EPA, DEP will be the agency tasked with ensuring that CISWI facilities are in compliance with applicable emissions limitations.**

A public hearing will be held, if requested, at the date and time, given above. The public hearing, if requested, will also be accessible via a teleconferencing service. It is not necessary that the hearing be held or attended for persons to comment on **DEP's proposed revisions to Florida's pending SIP submission.** Any comments or requests for a public hearing must be

2098

submitted by email to Hastings.Read@FloridaDEP.gov, and received no later than June 26, 2020. If no request for a public hearing is received, the hearing (and teleconference) will be cancelled, and notice of the cancellation will be posted at the following website: https://floridadep.gov/events/month?field_county_tid=All&field_is_a_public_notice_value=Yes.

Persons may also contact Mr. Read at (850)717-9017 to find out if the hearing has been cancelled. The materials comprising **DEP's** revision to the pending SIP submission are accessible at the website above by clicking on the July 8, 2020 hearing link or at the following website: <http://www.dep.state.fl.us/air/rules/regulatory.htm>. A copy of the agenda may be obtained by contacting: Mr. Read by email at the above email address or by calling (850)717-9017.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Terri Long at (850)717-9023 or Terri.Long@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1 (800) 955-8770 (Voice). For more information, you may contact Ms. Long by email or by calling (850)717-9023.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Members of the Electrolysis Council, under the Board of Medicine, will participate in the following public Board of Medicine meeting and announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Monday, June 3, 2020, 1:00 p.m. (Rules/Legislative); Friday, June 5, 2020, 8:00 a.m. (Full Board)

Both meetings will be held via teleconference call only.

PLACE: Conference Call In #: 1(888)585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Rules and Legislative Committee and the full Board, respectively. Meetings may be cancelled prior to the meeting date. Please check the Board Web Site at <https://flboardofmedicine.gov/meeting-information/> for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Board of Medicine at <https://flboardofmedicine.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 10 days before the workshop/meeting by contacting: BOM Meeting Materials at BOM.MeetingMaterials@flhealth.gov or call at (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: BOM Meeting Materials at BOM.MeetingMaterials@flhealth.gov or call at (850)245-4131.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2020, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 1211 Governors Square Boulevard, Suite 300 Tallahassee, Florida 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disposition of cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman's report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission by phone at (850)487-2685 or RAAC.Inquiries@deo.myflorida.com.

SPECIAL COVID-19 CONSIDERATIONS: As the Governor of the State of Florida and Leon County have declared a state of emergency due to the COVID-19 Pandemic, the Commission must limit the manner in which the public may participate; accordingly, no member of the public may attend in person. Any interested person who would like to attend telephonically should contact the Commission in advance at (850)487-2685 or RAAC.Inquiries@deo.myflorida.com to be advised of the current method for conference meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: The Reemployment Assistance Appeals Commission at (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Reemployment Assistance Appeals Commission at (850) 487-2685.

EMERGENCY CANCELLATION OF CONFERENCE: If a named storm or other disaster requires cancellation of the

Requests for Districts/Locals to Provide Assistance to Public

From: [Long, Terri](#)
To: [Andreotta, Jason](#); [Yeagan, Mary](#); [Watkins, Aaron](#); [Strong, Greg](#); [long melissa](#); [woodard@epchc.org](#); [Palomino, Susana \(RER\)](#); [Wanda.Parker@ocfl.net](#); ["Tallam, Laxmana"](#); [Schneider, Sheila](#); ["John Hickey"](#); [Iglehart, Jon](#); ["Fernandez, Lorenzo"](#); [Orr, Elizabeth](#)
Cc: [Read, Hastings](#)
Subject: Florida DEP - Notice of Proposed State Plan Revision - Districts - Locals
Date: Wednesday, May 27, 2020 2:19:30 PM
Attachments: [FAR Notice State Plan 2020-02 5-27-20.pdf](#)

Good afternoon,

Pursuant to 40 C.F.R. 60.23, the Department of Environmental Protection (DEP) announces the opportunity to offer comments and participate in a public hearing, if requested, on a proposed revision to DEP's pending Commercial Industrial Solid Waste Incinerator (CISWI) State Plan submission that was transmitted to EPA on May 27, 2020.

Attached please find the notice of opportunity to offer comments and request a public hearing. This notice was published on Wednesday, May 27, 2020, in the Florida Administrative Register. The comment period for this proposed State Plan revision will close on June 26, 2020, and the public hearing, if requested, will be held on Wednesday, July 8, 2020.

The materials comprising the proposed State Plan revision will be posted at <https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>. Please assist any member of the public who may contact you to view these materials. In the event that members of the public have substantive questions related to the proposed revision, please direct them to Hastings.Read@FloridaDEP.gov, (850) 717-9017.

Thank you,
Terri Long
Office of Business Planning
Division of Air Resource Management
Florida Department of Environmental Protection
(850) 717-9023
Terri.long@FloridaDEP.gov

Notifications to Other States

From: [Long, Terri](#)
To: "clafontaine@mded.ms.gov"; "Karen.Hays@dnr.ga.gov"; "RWG@adem.alabama.gov"
Cc: [Read, Hastings](#)
Subject: Florida DEP - Notice of Proposed Revision to the Pending 111(d) State Plan (CISWI)
Date: Wednesday, May 27, 2020 2:23:00 PM
Attachments: [2020-02_FAR Notice 5-27-20_CISWI_PM Amendment.pdf](#)

Good afternoon,

Notice is hereby given, that pursuant to 40 CFR 60.23, the Department of Environmental Protection (DEP) is accepting comments and will hold a public hearing, if requested, on a proposed revision to the Department's pending 111(d) Commercial Industrial Solid Waste Incinerator (CISWI) State Plan. Florida's original 111(d) State Plan was submitted on February 6, 2014 and was subsequently amended on May 31, 2017. This second revision to Florida's 111(d) State Plan submittal proposes to revise the previous submittals to provide for an equivalent production-based particulate matter emission limit for units in the waste-burning kiln subcategory. Please find the attached notice of opportunity to offer comments and request a public hearing that will be published on May 27, 2020, in the Florida Administrative Register. The materials comprising the proposed State Plan will be posted at <http://www.dep.state.fl.us/air/rules/regulatory.htm>.

Thank you,

Terri Long
Office of Business Planning
Division of Air Resource Management
Florida Department of Environmental Protection
(850) 717-9023
Terri.long@FloridaDEP.gov

Public Comments on Pre-Hearing State Plan Notice

No public comments were received on the Pre-Hearing State Plan submittal.

DEP Response to Public Comments

No public comments were received on the Pre-Hearing State Plan submittal.

Pre-Hearing Submittal to EPA

Pre-Hearing State Plan Submittal Letter



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

May 27, 2020

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

Re: Air Program Pre-Hearing Submittal: Proposed Revision to Florida's Pending
111(d) State Plan for Commercial and Industrial Solid Waste Incinerators

Dear Ms. Walker,

Notice is hereby given that, pursuant to 40 C.F.R. 60.23, the Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to Florida's Pending 111(d) State Plan submittal for Commercial Industrial Solid Waste Incinerators (CISWIs).

Florida's original 111(d) State Plan was submitted on February 6, 2014 and was subsequently amended on May 31, 2017. This second revision to Florida's 111(d) State Plan submittal proposes to revise the previous submittals to provide for an equivalent production-based particulate matter emission limit for units in the waste-burning kiln subcategory.

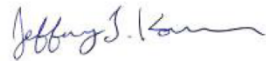
The notice of opportunity to submit comments and request a public hearing was published on May 27, 2020, in the Florida Administrative Register. The public hearing, if requested, will be held on July 8, 2020. Copies of the public notice and pre-hearing State Plan submittal are enclosed. Pursuant to 60.23(g), the Department is using alternative public participation procedures that EPA has approved for the submittal of this pre-hearing State Plan submittal. These approved alternative public participation requirements allow the Department to cancel the July 8, 2020 public hearing if no hearing is requested by June 26, 2020.

Your review and comments prior to the hearing will be appreciated. The Department respectfully requests that EPA provide any comments on this submittal by June 26, 2020.

Ms. Mary Walker
Page 2 of 2
May 27, 2020

If you have any questions about this proposed revision to Florida's Pending 111(d) CISWI State Plan submittal, please contact Hastings Read at (850) 717-9017 or by e-mail at Hastings.Read@FloridaDEP.gov.

Sincerely,



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

JFK/tl

cc (with State Plan package):

Kenneth L. Mitchell, PhD, Acting Division Director, Air & Radiation Division, EPA
Region 4;

Katy Lusky, Acting Chief, Air Analysis and Support Branch, Region 4.

Enclosures:

1. Notice published May 27, 2020 in the Florida Administrative Register;
2. Pre-Hearing State Plan Submittal: Proposed Revision to Florida's Pending 111(d) State Plan for Commercial and Industrial Solid Waste Incinerators

EPA Comments on Pre-Hearing State Plan Submittal

EPA did not provide comments to DEP on the Pre-Hearing State Plan submittal.

DEP Response to EPA Comments

EPA did not provide comments to DEP on the Pre-Hearing State Plan submittal.