

## Via Electronic Mail

**TO:** Air Rulemaking Distribution List

**FROM:** Larry George, Program Administrator  
Office of Policy Analysis and Program Management  
Division of Air Resource Management

**DATE:** July 16, 2010

**SUBJECT:** Air Rulemaking Update No. 2010-04

## Distribution of Air Rulemaking Updates

To keep regulatory staff and other interested persons informed of Division of Air Resource Management (DARM) rulemaking activities, an air rulemaking update memo is transmitted via e-mail upon publication in the Florida Administrative Weekly (F.A.W.) of a notice of rule development, notice of rule workshop, notice of proposed rulemaking, or notice of change; or upon the adoption of a new or amended air rule into the Florida Administrative Code (F.A.C.). It is also transmitted upon publication in the F.A.W. of a notice of opportunity to request a public hearing or submit written comments on a proposed revision to Florida's state implementation plan (SIP) or any designated facilities plan (111(d) plan) under the Clean Air Act. The F.A.W. and F.A.C. are available online at <https://www.flrules.org/default.asp>.

In addition, each air rulemaking update memo lists all air rules adopted or amended by the department within the past six months and all air regulatory projects currently underway. It also lists all air guidance memoranda issued within the past six months. For additional information on current and recently completed air regulatory projects, including workshop materials and other project documents, visit the DARM Regulatory Projects web page at <http://www.dep.state.fl.us/air/rules/regulatory.htm> and click on the links to individual projects of interest.

Please contact Lynn Searce at 850-921-9551 or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us) to add, remove or update any e-mail address for future distribution of air rulemaking update memos.

## This Update

**Regional Haze Plan (Amended) – Proposed SIP Revision.** On July 16, 2010, the DARM published notice in the F.A.W. of the opportunity to request a public hearing or submit written comments on the department's proposal to submit to EPA, as a proposed revision to Florida's State Implementation Plan (SIP), amendments to its Regional Haze Plan as previously submitted to EPA on March 19, 2010. The public hearing, if requested, will be held August 18, 2010. Specifically, the department is proposing to remove the Reasonable Progress Control Technology (RPCT) rule (Rule 62-296.341, F.A.C.) from the March 19, 2010, Regional Haze Plan and rely instead on the emission reductions from the EPA Clean Air Interstate Rule and EPA proposed boiler MACT rule to demonstrate reasonable progress toward the visibility goals for Class I areas. Any person wishing to request the public hearing must do so by notifying Lynn Searce by letter or e-mail of such request no later than August 6, 2010. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed amendments to its Regional Haze Plan. Persons may submit comments by letter or e-mail to Ms. Searce prior to the scheduled hearing date of August 18, 2010. A copy of the draft Regional Haze Plan amendments and related information is posted on the DARM Regulatory Projects website.

### Current Air Regulatory Projects

#### **1. Regional Haze Plan (Amended) – Proposed SIP Revision 2010-01**

- 7/16/10 SIP notice published in FAW – opportunity to request hearing or submit written comments on proposed amendments to SIP Revision 2010-01 (deletion of RPCT rule; substitution of CAIR and boiler MACT)
- 3/19/10** Proposed SIP revision submitted to EPA
- 1/28/10 SIP hearing on draft final regional haze plan – Tallahassee
- 12/18/09 SIP notice published in FAW – opportunity to request hearing or submit written comments on draft final regional haze plan
- 1/15/09 Finding of failure to submit regional haze plan published by EPA, effective 1/15/09 (**74FR2392**)
- 12/13/06 SIP hearing on BART rules – Tallahassee
- 11/13/06 SIP hearing notices published on BART rules (62-296.340, 62-204.800)
- Contact: Tom Rogers, 850-921-9554; or [tom.rogers@dep.state.fl.us](mailto:tom.rogers@dep.state.fl.us)

#### **2. Hospital/Medical/Infectious Waste Incinerator (HMIWI) Amendments for 111(d) State Plan**

- Rule noticed: 62-204.800 (OGC 10-0879)
- 5/26/10 Workshop – Tallahassee
- 4/30/10 Notice of rule development published
- Contact: Tiffany Miesel, 850-921-8306 or [tiffany.miesel@dep.state.fl.us](mailto:tiffany.miesel@dep.state.fl.us)

#### **3. Electric Utility Greenhouse Gas (GHG) Cap-and-Trade Program**

- Rules noticed: 62-285.300, .301, .302, .303, .304 (OGC 07-1262)
- 5/19/09 Workshop – Tallahassee
- 5/1/09 Revised notice of rule development published
- 3/11/09 Workshop – Tallahassee
- 12/11/08 Workshop – Tallahassee
- 12/5/07 Workshop – Tallahassee
- 8/22/07 Workshop – Tallahassee
- 7/27/07 Notice of rule development published
- Contact: Greg DeAngelo, 850-921-9548 or [Gregory.DeAngelo@dep.state.fl.us](mailto:Gregory.DeAngelo@dep.state.fl.us)

### Recently Completed Air Regulatory Projects

#### **1. Adoption by Reference of EPA Regulations – Update through March 31, 2010**

(Updates to 40 CFR Parts 50 and 58)

- Rule amended: 62-204.800 (OGC 10-1323)
- 7/1/10** Rule adopted 6/11/10, effective 7/1/10
- 4/30/10 Notice of fast-track rulemaking published
- Contact: Lynn Searce, 850-921-9551 or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us)

#### **2. Adoption by Reference of EPA Regulations – Hospital/Medical/Infectious Waste Incinerator (HMIWI) Rules (10/6/09 Revisions to 40 CFR Part 60, Subparts A, Ce, and Ec)**

- Rule amended: 62-204.800 (OGC 10-1322)
- 6/11/10** Rule adopted 5/28/10, effective 6/11/10
- 4/30/10 Notice of fast-track rulemaking published
- Contact: Tiffany Miesel, 850-921-8306 or [tiffany.miesel@dep.state.fl.us](mailto:tiffany.miesel@dep.state.fl.us)

**3. Miscellaneous Hg Budget/Acid Rain Rule Clean-Ups**

Rules amended: 62-210.200, .900 (OGC 09-3575)  
62-213.205, .420, .440, .460 (OGC 09-3576)  
62-214.320 (OGC 09-3574)

**3/11/10** Rule amendments adopted 2/19/10, effective 3/11/10  
12/31/09 Notices of proposed rulemaking to be published  
10/9/09 Notices of rule development published

Contact: Terri Long, 850-921-9556 or [terri.long@dep.state.fl.us](mailto:terri.long@dep.state.fl.us)

**4. Removal of Obsolete Nonattainment Area-Related Provisions**

Rules amended: 62-296.412, .418, .500 (OGC 09-3577)

**3/11/10** Rule amendments adopted 2/19/10, effective 3/11/10  
12/31/09 Notice of proposed rulemaking to be published  
10/9/09 Notice of rule development published

Contact: Terri Long, 850-921-9556 or [terri.long@dep.state.fl.us](mailto:terri.long@dep.state.fl.us)

**Recently Issued Air Guidance Memoranda**

**1. Guidance Regarding Temporary Facility/Emissions Unit Shutdown and Start-Up**

**4/22/10** DARM-OGG-19