



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2024-0484; FRL-13036-01-R4]

Air Plan Approval; FL; Emissions Reporting Requirements and Permitting Forms

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Florida Department of Environmental Protection (FDEP) on August 15, 2023. The proposed revision makes minor updates to reporting requirements; adds, updates, and renames forms for several permit applications; renumbers and updates the effective dates of various forms to align with programmatic changes; and improves the process for submitting forms across several rules within the Florida SIP. Additionally, the revision removes a rule concerning administrative permit corrections from the SIP. EPA is proposing to approve these changes pursuant to the Clean Air Act (CAA or Act).

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R04-OAR-2024-0484 at www.regulations.gov. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file

sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Jeannie Williamson, Supervisor, Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9402. Ms. Williamson can also be reached via electronic mail at williamson.jeannie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On August 15, 2023, FDEP submitted a SIP revision to EPA regarding Chapter 62-210 Florida Administrative Code (F.A.C.), *Stationary Sources – General Requirements*. In Florida’s August 15, 2023, submission, the State is requesting that EPA approve the removal of Rule 62-210.360, *Administrative Permit Corrections*, in its entirety and approve changes to Rule 62-210.370, *Emissions Computation and Reporting*, and Rule 62-210.900, *Forms and Instructions*.¹ The August 15, 2023, SIP revision intends to streamline the SIP by removing procedures for facility owners or operators to request minor administrative corrections to existing permits. Additionally, the SIP revision seeks to update reporting requirements, revise and streamline FDEP forms for various permit applications, renumber and update the effective dates of forms to align with programmatic changes, and enhance the process for submitting forms across several rules in the Florida SIP. Further discussion of what the State submitted and why EPA is proposing to approve these changes to the Florida SIP is provided in the following section.

II. EPA’s Analysis of Florida’s August 15, 2023, SIP Revision

A. Rule 62-210.360, Administrative Permit Corrections

¹ The August 15, 2023, submittal contains revisions to other Florida SIP-approved rules that are not addressed in this document. EPA will act on those rule changes in separate rulemakings.

The State requests that EPA remove Rule 62-210.360, *Administrative Permit Corrections*, in its entirety from the Florida SIP. Rule 62-210.360 outlines the process for facility owners to request minor administrative corrections to existing air permits and to incorporate requirements resulting from new or revised construction permits into their operating permits. In addition to currently being approved into Florida's SIP, this regulation is also part of Florida's federally approved major stationary source operating permit program, required by title V of the CAA. *See* 60 FR 32292 (June 21, 1995); 60 FR 49343 (September 25, 1995); 66 FR 49837 (October 1, 2001). While FDEP requests the removal of this rule from the SIP, it would remain part of the title V program. Consequently, administrative permit amendments will continue to be available for modifications to title V permits in Florida.

The New Source Review (NSR) regulations at 40 CFR part 51.160-166 do not require administrative permit corrections procedures such as those in Rule 62-210.360 to be included in SIPs. Florida concludes that removing this rule from the SIP will not impact ambient air quality or the State's ability to permit and regulate major and minor stationary sources, nor will it affect Florida's ability to attain and maintain the NAAQS because the rule does not authorize the construction or modification of any regulated emissions unit or facility and the administrative permit corrections under Rule 62-210.360 cannot substantively change a permit to alter conditions affecting stationary sources' potential to emit, applicable emission limits, performance standards, or monitoring, recordkeeping, or reporting requirements. EPA agrees that this rule is not required for SIP purposes and is therefore proposing to approve the removal of Rule 62-210.360 from Florida's SIP, as the removal of this rule will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. *See* CAA section 110(l).

B. Rule 62-210.370, Emissions Computation and Reporting

The State requests that EPA approve into the SIP a revised version of Rule 62-210.370, *Emissions Computation and Reporting*. EPA most recently approved a modification to this rule

on June 27, 2008. *See* 73 FR 36435. Rule 62-210.370 ensures that facilities in the State accurately determine and report their air pollution emissions, and these general procedures are also used for determining actual emissions, baseline actual emissions, and net emissions increases for NSR permitting purposes. This rule also satisfied the State's emissions statement requirements pursuant to CAA section 182(a)(3)(B) for areas which were designated as nonattainment for the 1-hour ozone NAAQS.² This rule generally facilitates how Florida manages air quality planning by providing a mechanism through which to collect and understand stationary source emissions information.

The requested changes update the deadline to submit annual operating reports from March 1 of each year to April 1 of each year, add a cross-reference to Rule 62-213.205 within subsection 62-210.370(1), and include other minor wording changes. EPA is proposing to approve these revisions to Rule 62-210.370 since they are administrative in nature and will not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. *See* CAA section 110(l).

C. Rule 62-210.900, Forms and Instructions

Florida has revised Rule 62-210.900, *Forms and Instructions*, several times since the rule was last modified in the SIP. In general, this rule adopts and incorporates the referenced forms (as of the effective date) used by FDEP in its stationary source control program into the SIP. Under Florida's proposed SIP revision, forms included within subsections 62-210.900((1) through (4) and (7)) would not be included in the SIP. Forms included within subsections 62-210.900(5) and (6) would be included in the SIP. The form adopted by reference within 62-210.900(5) is entitled *Annual Operating Report for Air Pollutant Emitting Facility [Including Title V Source Emission Fee Calculation], Form and Instructions (DEP Form No. 62-*

² All of Florida's ozone nonattainment areas were redesignated to unclassifiable/attainment for the 1979 1-hour ozone NAAQS in 1995. *See* 60 FR 41 (January 3, 1995); 60 FR 10325 (February 24, 1995); and 60 FR 62748 (December 7, 1995). On June 15, 2005, the 1-Hour Ozone NAAQS was revoked for all areas except the 8-Hour Ozone nonattainment Early Action Compact areas (70 FR 44470).

210.900(5), *Effective 6-22-17*. The form adopted by reference within 62-210.900(6) is entitled *Facility Relocation Notification Form (DEP Form No. 62-210.900(6), Effective 7-3-18*. Florida has also added web addresses within Rule 62.210.900 for these forms.

Under Florida's proposal, existing forms currently adopted into the SIP at subparagraphs 1, 2, 3, and 4 of Rule 62-210.900 would be removed, including air permit application forms. The State explains that these forms are not necessary for SIP purposes because they do not relate directly to emission limits, emission control standards, or substantive requirements relating to air emissions or the potential to emit air emissions.

For the reasons discussed above, these proposed changes to the SIP would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. *See* CAA section 110(l). Therefore, EPA is proposing to approve the aforementioned changes to Rule 62-210.900 into the Florida SIP.

III. Incorporation by Reference

In this document, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, and as discussed in Sections I and II of this preamble, EPA is proposing to incorporate by reference Florida Rule 62-210.370, *Emissions Computation and Reporting*, state effective August 25, 2014, and Rule 62-210.900, *Forms and Instructions*, with the exception of numbered paragraphs 1 through 4 and 7, state effective July 3, 2018; which add, update, and rename forms; renumber and update the effective dates of various forms to reflect programmatic changes; update the process for submitting forms in several of Florida's rules; and make other minor revisions.³ Also in this document, EPA is proposing to remove Florida Rule 62-210.360, *Administrative Permit Corrections*, state effective November 23, 1994, from the Florida SIP, which is incorporated by

³ If this rulemaking is finalized, the SIP-approved version of Rule 62-210.900 will only contain numbered paragraphs 5 and 6 and the preceding unnumbered paragraph, state effective July 3, 2018.

reference in accordance with the requirements of 1 CFR part 51. EPA has made and will continue to make the State Implementation Plan generally available at the EPA Region 4 Office (please contact the person identified in the “**For Further Information Contact**” section of this preamble for more information).

IV. Proposed Action

For the reasons discussed above, EPA is proposing to approve the August 15, 2023, SIP revision submitted by Florida consisting of changes to Rule 62-210.370, *Emissions Computation and Reporting*, state effective August 25, 2014, and Rule 62-210.900, *Forms and Instructions*, state effective July 3, 2018. EPA is also proposing to remove Rule 62-210.360, *Administrative Permit Corrections*, state effective November 23, 1994, from the Florida SIP. EPA is proposing to approve these changes pursuant to the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not an Executive Order 14192 (90 FR 9065, February 6, 2025) regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 14, 2026.

Kevin McOmber,
Regional Administrator,
Region 4.

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