

Chapter 62-204

Air Pollution Control - General Provisions

62-204.100 Purpose and Scope.

- (1) This chapter establishes maximum allowable levels of pollutants in the ambient air, or ambient air quality standards, necessary to protect human health and public welfare. This chapter also establishes maximum allowable increases in ambient concentrations for subject pollutants to prevent significant deterioration of air quality in areas where ambient air quality standards are being met. It further specifies approved air quality monitoring and modeling methods.
- (2) In addition, this chapter designates all areas of the state as attainment, nonattainment, or unclassifiable with respect to each pollutant for which ambient air quality standards have been adopted; further designates certain attainment and unclassifiable areas of the state as air quality maintenance areas for particular pollutants; classifies all areas of the state as Class I, Class II, or Class III for determining which set of prevention of significant deterioration (PSD) increments apply; and designates all attainment and unclassifiable areas of the state as one or more PSD areas for determining which pollutant-specific PSD baseline dates apply. This chapter also sets forth procedures for redesignating and reclassifying areas as above.
- (3) The Department of Environmental Protection adopts this chapter to identify the Florida State Implementation Plan (SIP) required by the U.S. Environmental Protection Agency pursuant to 40 CFR Part 51; to set forth the public notice and hearing requirements that the Department will adhere to for making SIP revisions; and to set forth the definitions, criteria, and procedures that the Department will use to review a federal agency's general conformity determination, made pursuant to 40 CFR Part 51, Subpart W; and to adopt by reference an interagency memorandum of agreement that the Department will comply with pursuant to 40 CFR Part 51, Subpart T. The provisions of 40 CFR 51.853 require that a federal agency make a general conformity determination for any federal agency action in a nonattainment or maintenance area, to ensure that such action is consistent with the SIP and that such federal conformity determination be reviewed by the affected state. The provisions of 40 CFR 51.394 require that a transportation conformity determination be made for the adoption, acceptance, approval, or support of certain transportation plans, transportation improvement programs, and transportation projects in nonattainment and maintenance areas for transportation-related criteria pollutants to ensure that such actions are consistent with the SIP.
- (4) Finally, this chapter adopts and incorporates by reference federal air pollution control regulations which are referenced in whole or in part throughout the Department's air pollution control rules.

History: New 11-30-94, Amended 3-13-96.

62-204.100

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62-204.200 Definitions.

The following words and phrases when used in this chapter, unless content clearly indicates otherwise, have the following meanings:

(1) "Actual emissions" The actual rate of emission of a pollutant: from an emissions unit as determined in accordance with the following provision.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a consecutive 24 - month period which precedes the particular date and which is representative of the normal operation of the emissions unit. The Department shall allow the use of a different time period upon a determination that it is more representative of the normal operation of the emissions unit. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates and types of materials processed, stored, or combusted during the selected time period.

(b) The Department may presume that unit-specific allowable emissions for an emissions unit are equivalent to the actual emissions of the emissions unit provided that such unit-specific allowable emissions limits are federally enforceable.

(c) For any emissions unit that has not begun normal operations on a particular date, actual emissions shall equal the potential emissions of the emissions unit on that date.

- (2) "Administrator" - The Administrator of the United States Environmental Protection Agency or the Administrator's designee.
- (3) "Air Pollutant" - Any substance (particulate, liquid, gaseous, organic or inorganic) which if released, allowed to escape, or emitted, whether intentionally or unintentionally, into the outdoor atmosphere may result in or contribute to air pollution.
- (4) "Air Pollution" - The presence in the outdoor atmosphere of the state of any one or more substances or pollutants in quantities which are or may be harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (5) "Air Quality Control Region" - Any air quality control region designated pursuant to Section 107 of the Clean Air Act. The boundaries of the air quality control regions in Florida are set forth in 40 CFR Part 81, Sections 81.49, 81.68, 81.91, 81.95, 81.96 and 81.97, adopted and incorporated by reference in 62-204.800, F.A.C.
- (6) "Ambient Air Quality Standard" or "Ambient Standard" - A restriction established to limit the quantity or concentration of an air pollutant that may be allowed to exist in the ambient air for any specific period of time.
- (a) "National Ambient Air Quality Standard" means an ambient standard established by EPA and specified at 40 C.F.R. Part 50, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
- (b) "Primary Standard" means an ambient standard established to protect public

health.

- (c) "Secondary Standard" means an ambient standard established to protect the public welfare including the protection of animal and plant life, property, visibility and atmospheric clarity, and the enjoyment of life and property.
- (d) "State Ambient Air Quality Standard" means an ambient standard established or adopted by the Department.
- (7) "Baseline Area" - The area (and every part thereof) designated as a prevention of significant deterioration (PSD) area under Rule 62-204.360, F.A.C., in which the facility or major modification establishing the minor source baseline date would construct or in which the emissions of the facility (or the significant net increase in emissions for a major modification) would have a predicted air quality impact equal to or greater than one microgram per cubic meter (annual average) of the pollutant for which the minor source baseline date is established. For purposes of this definition, "major modification" has the meaning given at Rule 62-210.200, F.A.C.
- (8) "Baseline Concentration" - The ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and for each averaging time for which a maximum allowable increase is established in Rule 62-204.260, F.A.C.

(a) The baseline concentration shall include the concentration attributable to:

1. The actual emissions representative of sources in existence on the applicable minor source baseline date, except as provided at Rule 62-204.200(8)(b), F.A.C.; and

2. The federally enforceable allowable emissions of major stationary sources on which construction commenced on or before the major source baseline date but which were not in operation by the applicable minor source baseline date.

(b) The baseline concentration shall not include the concentration attributable to the following emissions; rather, such emissions shall affect the amount of any applicable maximum allowable increase remaining available:

1. The actual emissions from any major-stationary source on which construction commenced after the major source baseline date; and

2. Any increase or decrease in the actual emissions of facilities occurring after the applicable minor source baseline date.

(c) For purposes of this definition, "construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition,

shutdown or modification of an emissions unit) that would result in a change in emissions; and "commence construction" has the meaning given at Rule 62-210.200, F.A.C., provided, however, that in the case of demolition or shutdown of an emissions unit, "commence construction" means that owner or operator has permanently ceased all operations of the unit .

(d) Notwithstanding the provisions of paragraph (b) above:

1. The change in concentration attributable to any decrease in the actual emissions of a facility on which the Department has relied in demonstrating attainment, defining reasonable further progress, or issuing a permit under the provisions of Rule 17-2.17 (repealed), 17-2.510 (transferred), 17-2.650 (transferred), 62-212.500, 62-296.500 through 62-296.570, or 62-296.700 through 62-296.712, F.A.C., shall be included in the baseline concentration and not be considered in determining the amount of any maximum allowable increase remaining available; and

2. Concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities shall be excluded in determining compliance with any maximum allowable increase.

- (9) "Cause or Contribute" - With respect to a violation of an ambient air quality standard, to have a significant impact on the ambient air concentration of a pollutant at any locality that does not or would not meet the applicable standard.
- (10) "Clean Air Act (CAA)" or "Act" - The Federal Clean Air Act (42 U.S.C. s. 7401 et seq.)
- (11) "Department" - The State of Florida Department of Environmental Protection.
- (12) "Emission" - The discharge or release into the atmosphere of one or more air pollutants.
- (13) "Emission Limiting Standard" or "Emission Standard" or "Emission Limitation" or "Performance Standard" - Any restriction established in or pursuant to a regulation adopted by the Department which limits the quantity, rate, concentration or opacity of any pollutant released, allowed to escape or emitted, whether intentionally or unintentionally, into the atmosphere, including any restriction which prescribes equipment, sets fuel specifications, or prescribes operation or maintenance procedures for an emissions unit to assure emission reduction or control.
- (14) "Emissions Unit"- Any part or activity of a facility that emits or has the potential to emit any air pollutant.
- (15) "Environmental Protection Agency" or "EPA" - The United States Environmental Protection Agency.
- (16) "Facility" - All of the emissions units which are located on one or more contiguous or adjacent properties and which are under the control of the same person (or persons under common control).
- (17) "Federal Land Manager" - With respect to any lands in the United States, the Secretary of the department with authority over such lands.
- (18) "Indian Governing Body" - The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as

- possessing power of self-government.
- (19) "Indian Reservation" - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
 - (20) "Major Source Baseline Date" - Pursuant to 40 CFR 51.166(b)(14)(i), adopted and incorporated by reference in Rule 62-204.800, F.A.C.:
 - (a) In the case of particulate matter and sulfur dioxide, January 6, 1975; and
 - (b) In the case of nitrogen dioxide, February 8, 1988.
 - (21) "Marginal Nonattainment Area for Ozone" - The lowest category of five classifications of nonattainment for the air pollutant ozone as defined in the Clean Air Act (42 U.S.C. s. 7511).
 - (22) "Minor Source Baseline Date" - Pursuant to 40 CFR 51.166(b)(14)(ii), adopted and incorporated by reference in Rule 62-204.800, F.A.C., the minor source baseline date for each pollutant for which maximum allowable increases have been established under Rule 62-204.260, F.A.C., is the earliest date after August 7, 1977, for particulate matter and sulfur dioxide, and February 8, 1988, for nitrogen dioxide, that a facility or a modification subject to preconstruction review under 40 CFR 52.21, Rule 17-2.500, F.A.C. (transferred), or Rule 62-212.400, F.A.C., submits a complete application for permit under such regulations provided that:
 - (a) On the date the complete application is filed, the area in which the facility or modification would be constructed is designated as attainment or unclassifiable for the applicable pollutant under 42 U.S.C. Section 7407(d)(1) of the Clean Air Act (if the application is filed under 40 CFR 52.21), or as a PSD area under Rule 17-2.450 (transferred), 62-275.700 (repealed) or 62-204.360, F.A.C., (if the application is filed under Rule 17-2.500 (transferred) or 62-212.400, F.A.C.); and
 - (b) In the case of a facility, the emissions of the applicable pollutant would be equal to or greater than the significant emissions rate as defined at Rule 62-210.200, F.A.C., or, in the case of modification, there would be a significant net emissions increase of the pollutant.
 - (23) "Moderate Nonattainment Area for Ozone" - The second-lowest category of five classifications of nonattainment for the air pollutant ozone as defined in the Clean Air Act (42 U.S.C. s. 7511).
 - (24) "Modification" -
Any physical change in, change in the method of operation of, or addition to a facility which would result in an increase in the actual emissions of any air pollutant subject to regulation under the Act, including any not previously emitted, from any emissions unit or facility.
 - a. A physical change or change in the method of operation shall not include:
 - 1. Routine maintenance, repair, or replacement of component parts of an emissions unit; or
 - 2. A change in ownership of an emissions unit or facility.
 - b. For any pollutant that is specifically regulated by the EPA under the Clean Air Act, a change in the method of operation shall not include an increase in the hours of operation or in the production rate, unless such change would be prohibited under any federally enforceable permit condition

which was established after January 6, 1975.

- c. For any pollutant that is not specifically regulated by the EPA under the Clean Air Act, a change in the method of operation shall not include an increase in the hours of operation or in the production rate, unless such change would exceed any restriction on hours of operation or production rate included in any applicable Department air construction or air operation permit.
- (25) "Nonattainment Area" - Any area not meeting ambient air quality standards and designated as a nonattainment area under Rule 62-204.340, F.A.C. Such an area may be designated as a particulate, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead or ozone nonattainment area, depending on which ambient standard has been violated. An area may be designated as nonattainment for more than one air pollutant. Ozone nonattainment areas may be transitional, marginal, moderate, serious, severe, or extreme as classified in Rule 62-204.340, F.A.C.
- (26) "Particulate Matter"
- (a) With respect to concentrations in the atmosphere, particulate matter means any airborne finely divided solid or liquid material.
 - (b) With respect to emissions, particulate matter means all finely divided solid or liquid material, other than uncombined water, emitted to the atmosphere as measured by applicable reference methods, or an equivalent or alternative method, specified in 40 CFR Part 60, Appendix A, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
- (27) "PM₁₀"
- (a) With respect to concentrations in the atmosphere, PM₁₀ means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50, Appendix J, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
 - (b) With respect to emissions, PM₁₀ means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the atmosphere as measured by an applicable reference method or by an equivalent or alternative method specified in 40 CFR Part 60, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
- (28) "Redesignation of an Area" - A change in the designation or a redefinition of the boundaries of an area for any of the designations listed under Rule 62-204.340 or 62-204.360, F.A.C.
- (29) "Significant Impact" - An impact of emissions on ambient air quality in excess of any of the following pollutant-specific concentration values:
- (a) Sulfur Dioxide.
 - 1. Maximum three-hour concentration not to be exceeded more than once per year -- 25.0 micrograms per cubic meter.
 - 2. Maximum 24-hour concentration not to be exceeded more than once per

- year -- 1.0 microgram per cubic meter for Class I areas; 5.0 micrograms per cubic meter for all other areas.
3. Annual arithmetic mean -- 1.0 microgram per cubic meter.
- (b) PM₁₀.
1. Maximum 24-hour concentration not to be exceeded more than once per year -- 1.0 microgram per cubic meter for Class I areas; 5.0 micrograms per cubic meter for all other areas.
 2. Annual arithmetic mean -- 1.0 microgram per cubic meter.
- (c) Nitrogen Dioxide. Annual arithmetic mean -- 1.0 microgram per cubic meter.
- (d) Carbon Monoxide.
1. Maximum one-hour concentration not to be exceeded more than once per year -- 2.0 milligrams per cubic meter.
 2. Maximum eight-hour concentration not to be exceeded more than once per year -- 0.5 milligram per cubic meter.
- (e) Lead. Maximum quarterly arithmetic mean -- 0.03 microgram per cubic meter.
- (30) "State Implementation Plan (SIP)" or "Implementation Plan" - The plan which Section 110 of the Clean Air Act requires a state to submit to the Administrator. The State Implementation Plan for the State of Florida, as approved by the U.S. Environmental Protection Agency, is identified in 40 CFR Part 52, Subpart K, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

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62-204.200

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2 nd Revision	2/3/2006	6/27/2008	73 FR 36435

62-204.220 Ambient Air Quality Protection.

- (1) Except as provided in Rule 62-212.500, F.A.C., Preconstruction Review for Nonattainment Areas, or in the Reasonably Available Control Technology rules of Chapter 62-296, F.A.C., the Department shall not issue an air permit authorizing a person to build, erect, construct, or implant any new emissions unit; operate, modify, or rebuild any existing emissions unit; or by any other means release or take action which would result in the release of an air pollutant into the atmosphere which would cause or contribute to a violation of an ambient air quality standard established under Rule 62-204.240, F.A.C.
- (2) Except as provided in Rule 62-212.400, F.A.C., Prevention of Significant Deterioration (PSD), the Department shall not issue an air permit authorizing the construction or modification of any emissions unit or facility that would cause or contribute to an ambient concentration at any point within a baseline area that exceeds either the appropriate baseline concentration for the point plus the appropriate maximum allowable increase or the appropriate ambient air quality standard, whichever is less.
- (3) Ambient air quality monitors used to establish a violation of an ambient air quality standard shall meet the requirements of 40 CFR Part 58, adopted and incorporated by reference in Rule 62-204.800, F.A.C.
- (4) For any provision of the air pollution rules of the Department which requires that an estimate of concentrations of pollutants in the ambient air be made, the estimates shall be based on the applicable air quality models, data bases, and other requirements approved by the Department and specified in 40 CFR Part 51, Appendix W - Guideline on Air Quality Models (Revised), adopted and incorporated by reference in Rule 62-204.800, F.A.C.

History: New 3-13-96.

62-204.220

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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62-204.240 Ambient Air Quality Standards.

- (1) Sulfur Dioxide.
 - (a) Maximum three-hour concentration not to be exceeded more than once per year -- 1300 micrograms per cubic meter (0.5 ppm).
 - (b) Maximum 24-hour concentration not to be exceeded more than once per year -- 260 micrograms per cubic meter (0.1 ppm).
 - (c) Annual arithmetic mean -- 60 micrograms per cubic meter (0.02 ppm).
- (2) PM₁₀.
 - (a) 24-hour average concentration not to be exceeded more than once per year, as determined in accordance with 40 C.F.R. Part 50, Appendix K, adopted and incorporated by reference in Rule 62-204.800, F.A.C. -- 150 micrograms per cubic meter.
 - (b) Expected annual arithmetic mean concentration as determined in accordance with 40 CFR Part 50 Appendix K -- 50 micrograms per cubic meter.
- (3) Carbon Monoxide.
 - (a) Maximum one-hour concentration not to be exceeded more than once per year -- 35 parts per million (40 milligrams per cubic meter).
 - (b) Maximum eight-hour concentration not to be exceeded more than once per year -- 9 parts per million (10 milligrams per cubic meter).
- (4) Ozone. Daily maximum one-hour concentration, not to be exceeded an average of more than one day per year -- 0.12 parts per million (235 micrograms per cubic meter).
 - (a) Exceedances. An exceedance will occur for any calendar day when the maximum hourly average concentration for that day exceeds the standard. A day with more than one hourly value exceeding the standard shall count as a single exceedance.
 - (b) Determination of Compliance with Standard. At the end of each calendar year, the number of days with maximum hourly concentrations above 0.12 ppm shall be determined as specified in Rule 62-204.220(4)(a)3., F.A.C., below, and that number averaged with the results of the immediately preceding two year's data. As long as this average remains less than or equal to 1.0, the site is in compliance.
 - (c) Estimating the Number of Exceedances per Year. When a valid daily maximum hourly average value is not available for each day of the year, the following method shall be used to account for those missing values when determining the number of exceedances for a particular calendar year. If a site has two or more observed exceedances each year, the standard is not met and no requirement exists to account for the missing values in accordance with this paragraph. The term "missing values" means all days that do not have an associated ozone measurement. A daily maximum ozone value is the highest hourly ozone value recorded for that day. This daily maximum is considered to be valid if 75 percent of the hours from 9:01 A.M. to 9:00 P.M. (LST) were measured or if the highest hourly value is greater than the level of the standard. A missing daily maximum ozone value may be assumed to be less than the level of the standard if the valid daily maxima on both the preceding day and the following day do not exceed 75 percent of the level of the standard (0.09 ppm in this case). No assumption can be

made if more than one consecutive day's data are missing. The following equation shall be used to estimate the number of exceedances for the year:

$e = v + (v/n) (N - n - z)$; where:
e = the estimated number of exceedances for the year;
v = the number of daily values above the standard;
n = the number of valid daily maxima;
N = the number of days in the year; and
z = the number of days assumed to be less than the standard level.

This estimated number of exceedances shall be rounded to one decimal place (fractional part equal to or greater than 0.05 rounds up).

- (5) Nitrogen Dioxide. Annual arithmetic mean -- 100 micrograms per cubic meter (0.05 ppm).
- (6) Lead. Maximum quarterly arithmetic -- 1.5 Micrograms per cubic meter.

History: New 3-13-96.

62-204.240

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62-204.260 Prevention of Significant Deterioration Maximum Allowable Increases (PSD Increments).

At any location within a baseline area, any increase in pollutant concentration over the baseline concentration shall be limited to the applicable amount, set forth below. For any averaging period other than the annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

(1) Class I Area Increments.

(a) Particulate Matter.

1. PM₁₀, Annual arithmetic mean -- 4 micrograms per cubic meter.
2. PM₁₀, Twenty-four hour maximum -- 8 micrograms per cubic meter.

(b) Sulfur Dioxide.

1. Annual arithmetic mean -- 2 micrograms per cubic meter.
2. Twenty-four hour maximum -- 5 micrograms per cubic meter.
3. Three hour maximum -- 25 micrograms per cubic meter.

(c) Nitrogen Dioxide. Annual arithmetic mean -- 2.5 micrograms per cubic meter.

(2) Class II Area Increments.

(a) Particulate Matter.

1. PM₁₀, Annual arithmetic mean -- 17 micrograms per cubic meter.
2. PM₁₀, Twenty-four hour maximum -- 30 micrograms per cubic meter.

(b) Sulfur Dioxide.

1. Annual arithmetic mean -- 20 micrograms per cubic meter.
2. Twenty-four hour maximum -- 91 micrograms per cubic meter.
3. Three-hour maximum -- 512 micrograms per cubic meter.

(c) Nitrogen Dioxide. Annual arithmetic mean -- 25 micrograms per cubic meter.

(3) Class III Area Increments.

(a) Particulate Matter.

1. PM₁₀, Annual arithmetic mean -- 34 micrograms per cubic meter.
2. PM₁₀, Twenty-four hour maximum -- 60 micrograms per cubic meter.

(b) Sulfur Dioxide.

1. Annual arithmetic mean -- 40 micrograms per cubic meter.
2. Twenty-four hour maximum -- 182 micrograms per cubic meter.
3. Three hour maximum -- 700 micrograms per cubic meter.

(c) Nitrogen Dioxide. Annual arithmetic mean -- 50 micrograms per cubic meter.

History: New: 3-13-96, 2-12-06.

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62-204.320 Procedures for Designation and Redesignation of Areas.

- (1) General.
 - (a) Under Rules 62-204.340(1) through (3), F.A.C., all areas of the state shall be designated as attainment, nonattainment, or unclassifiable with respect to each air pollutant for which an ambient air quality standard is established under Rule 62-204.240, F.A.C. The designation of each such area determines which emission limiting standards, new and modified facility review requirements, and other air pollution control measures shall apply to sources and activities which emit the pollutant or the precursor of the pollutant for which the area is designated. Following the redesignation of an area as nonattainment, a revision to the State Implementation Plan (SIP) may be required to establish the emission limiting standards and other air pollution control measures appropriate for the area.
 - (b) Under Rule 62-204.360(1), F.A.C., all areas of the state that are not designated as nonattainment with respect to a pollutant for which a maximum allowable increase is defined in Rule 62-204.260, F.A.C., shall be designated as one or more prevention of significant deterioration (PSD) areas with respect to each such pollutant. The designation of a PSD area determines the area for which a PSD baseline date shall be established.
 - (c) Under Rule 62-204.360(2), F.A.C., all areas of the state shall be designated as Class I, Class II, or Class III. For an area that is designated as a PSD area, the designation of the area as Class I, II or III determines which set of maximum allowable increases in particulate matter, sulfur dioxide, and nitrogen dioxide concentrations established under Rule 62-204.260, F.A.C., shall apply in the area after a PSD baseline date is established.
 - (d) Under Rule 62-204.340(4), F.A.C., certain areas of the state shall be designated as air quality maintenance areas. Areas that have been redesignated from nonattainment to attainment or unclassifiable may be designated as air quality maintenance areas with the effect that all emission limiting standards and permit limitations that were established pursuant to Rules 17-2.17 (repealed), 17-2.510 (transferred), 17-2.650 (transferred), 62-212.500, Chapter 62-252, and the Reasonably Available Control Technology rules in Chapter 62-296, F.A.C., or otherwise as a result of the SIP or nonattainment corrective plan, and all other air pollution control measures that were required under the SIP or nonattainment corrective plan, shall remain in effect in such areas.
- (2) Redesignation of Nonattainment, Attainment, and Unclassifiable Areas (Reserved).
- (3) Reclassification of Class I, Class II and Class III Areas.
 - (a) Reclassification of an area classified under Rule 62-204.360(2), F.A.C., may be proposed by filing a petition for rulemaking with the Environmental Regulation Commission showing sufficient justification for such action provided that lands within the exterior boundaries of Indian Reservations may be reclassified only by the appropriate Indian Governing Body. This petition shall conform to the requirements of Section 120.54(5), Florida Statutes. The Department may also initiate reclassification procedures. All reclassifications shall be submitted as revisions to the State Implementation Plan.

- (b) Decisions regarding whether an area should be reclassified shall be based on the following criteria.
1. For areas which are proposed to be reclassified as Class I or Class II:
 - a. A public hearing shall be held in accordance with the notice requirements of Rule 62-204.400, F.A.C.
 - b. At least 30 days notice of the proposed reclassification shall be given to other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposal.
 - c. A description and analysis of the health, environmental, economic, social, and energy effects of the proposed reclassification shall be prepared and made available for public inspection at least 30 days prior to the hearing. The notice shall state the availability of the required analysis.
 - d. If the reclassification includes any Federal lands, the state shall notify the Federal Land Manager of the proposal not more than 60 days prior to the hearing and allow an opportunity for the Federal Land Manager to confer with the state and submit written comments and recommendations. If an area is reclassified against the recommendations of the Federal Land Manager, the state shall publish a notice listing the inconsistencies and the reasons for reclassifying the area against the Federal Land Manager's recommendations in the Florida Administrative Weekly.
 - e. Prior to proposing a reclassification, the state shall confer with the elected leadership of any local general purpose government in the area covered by the proposed reclassification.
 2. For areas which are proposed to be reclassified as Class III (except areas proposed to be reclassified by an Indian Governing Body):
 - a. All of the requirements of Rule 62-204.320(3)(b)1., F.A.C., above, shall be met.
 - b. The proposal shall be specifically approved by the Governor after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session.
 - c. Each unit of local general purpose government representing a majority of the residents of the area to be reclassified shall enact or adopt a resolution or other legislation concurring in the reclassification.
 - d. The reclassification may not cause or contribute to a violation of any state or national ambient air quality standard, or a violation of a maximum allowable increase in any other Class I, Class II, or Class III area.
 - e. To the extent practicable, any permit application and supporting documentation for a facility subject to Rule 62-212.400, F.A.C., which could receive a permit only if the area in question were

reclassified as Class III, shall be made available for public inspection prior to the hearing on reclassification.

3. For areas which are proposed to be reclassified as Class I, Class II, or Class III by an Indian Governing Body:
 - a. All of the requirements of Rule 62-204.320(3)(b)1., F.A.C., and the additional requirements of Rules 62-204.320(3)(b)2.d. and e., F.A.C., shall be met, or equivalent procedures shall be followed.
 - b. Prior to proposing the reclassification, the Indian Governing Body shall consult with the state within which the Indian Reservation is located and any state which borders the Indian Reservation.
- (c) The following areas shall not be reclassified as Class III:
 1. An area which, as of August 7, 1977, exceeded ten thousand acres in size and was a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; or
 2. A national park or national wilderness area established after August 7, 1977, which exceeds ten thousand acres in size.
- (d) Any area other than an area referred to in Rule 62-204.320(3)(c)1. or 2., F.A.C., above, or an area designated as Class I under Rule 62-204.360(2)(a)2., F.A.C., may be reclassified as Class III.
- (4) Designation or Redesignation of Prevention of Significant Deterioration (PSD) Areas.
 - (a) Designation or redesignation of an area designated under Rule 62-204.360(1), F.A.C., may be proposed by filing a petition for rulemaking with the Environmental Regulation Commission. The petition shall conform to the requirements of Section 120.54(5), Florida Statutes. The Department may also initiate designation or redesignation procedures.
 - (b) PSD areas shall be designated only for those pollutants for which maximum allowable increases have been established under Rule 62-204.260, F.A.C.
 - (c) A PSD area for a pollutant shall not include any areas designated nonattainment for the pollutant under Rule 62-204.240(2), F.A.C.
 - (d) A PSD area may not be redesignated if the redesignation would result in the violation of any maximum allowable increase in the area proposed to be redesignated.
 - (e) Procedures for proposing the designation or redesignation of PSD areas are as follows:
 1. A public hearing shall be held in accordance with the notice requirements of Rule 62-204.400, F.A.C.
 2. At least 30 days notice of the hearing shall be given to Federal Land Managers whose lands may be affected by the proposed designation or redesignation.
 3. The petition for rulemaking shall be made available for public inspection at least 30 days prior to the hearing and shall include a description and analysis of the health, environmental, economic, social and energy effects of the proposed designation or redesignation.

(5) Designation or Redesignation of Air Quality Maintenance Areas (Reserved).

History: New 3-13-96.

62-204.320

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	4/15/1996	6/16/1999	64 FR 32346

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

- (1) Designation of Areas Meeting Ambient Air Quality Standards (Attainment Areas).
 - (a) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(a), F.A.C., is designated as attainment for the air pollutant ozone.
 - (b) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(b), F.A.C., or as unclassifiable under Rule 62-204.340(3)(a), F.A.C., is designated as attainment for the air pollutant PM₁₀.
 - (c) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(c), F.A.C., or as unclassifiable under Rule 62-204.340(3)(b), F.A.C., is designated as attainment for the air pollutant sulfur dioxide.
 - (d) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(d), F.A.C., is designated as attainment for the air pollutant carbon monoxide.
 - (e) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(e), F.A.C., is designated as attainment for the air pollutant nitrogen dioxide.
- (2) Designation of Areas Not Meeting Ambient Air Quality Standards (Nonattainment Areas).
 - (a) Ozone Nonattainment Areas. (Reserved.)
 - (b) PM₁₀ Nonattainment Areas. (Reserved.)
 - (c) Sulfur Dioxide Nonattainment Areas. (Reserved.)
 - (d) Carbon Monoxide Nonattainment Areas. (Reserved.)
 - (e) Nitrogen Dioxide Nonattainment Areas. (Reserved.)
 - (f) Lead Nonattainment Areas. (Reserved.)
 - (g) 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 Weekly 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).
 - (a) All of the state except those areas designated as nonattainment under Rule 62-204.340(2)(b), F.A.C., is designated as unclassifiable for the air pollutant PM₁₀.
 - (b) The following areas are designated as unclassifiable for the pollutant sulfur dioxide.
 1. Duval County
 2. Escambia County
 3. Hillsborough County
 4. The Southwest corner of Pasco County
 - (c) All of the state except those areas designated as nonattainment under Rule 62-204.340, F.A.C., is designated as unclassifiable for the air pollutant lead.
- (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 U. S. 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 Weekly and a newspaper of general circulation in each county affected by the redesignation.

History: New 3-13-96.

62-204.340

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	4/15/1996	6/16/1999	64 FR 32346

62-204.360 Designation of Prevention of Significant Deterioration Areas.

- (1) The following areas are designated as PSD areas for the air pollutant particulate matter:
 - (a) All of the state except those areas designated under Rule 62-204.360(1)(b), F.A.C., below. The particulate matter minor source baseline date established for this area is December 27, 1977.
 - (b) No other areas of the state.
- (2) The following areas are designated as PSD areas for the air pollutant sulfur dioxide:
 - (a) All of the state except those areas designated nonattainment under Rule 62-204.340(2), F.A.C., and those areas designated under Rule 62-204.360(2)(b), F.A.C., below. The sulfur dioxide minor source baseline date established for this area is December 27, 1977.
 - (b) No other areas of the state.
- (3) The following areas are designated as PSD areas for the air pollutant nitrogen dioxide:
 - (a) All of the state except those areas designated under Rule 62-204.360(3)(b), F.A.C., below. The nitrogen dioxide minor source baseline date established for this area is March 28, 1988.
 - (b) No other areas of the state.
- (4) All areas of the state shall be classified as Class I, Class II, or Class III.
 - (a) Class II Areas. All areas of the state are designated Class II except for those areas specified in Rule 62-204.360(4)(b), F.A.C., below.
 - (b) Class I Areas. The following areas are designated as Class I areas and shall not be reclassified.
 - 1. Everglades National Park.
 - 2. Chassahowitzka National Wilderness Area.
 - 3. St. Marks National Wilderness Area.
 - 4. Bradwell Bay National Wilderness Area.
- (5) Federally designated Class I Areas outside of Florida but within 100 kilometers of the state are as follows:
 - (a) Okefenokee National Wilderness Area.
 - (b) Wolf Island National Wilderness Area.

History: New 3-13-96.

62-204.360

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	4/15/1996	06/16/1999	64 FR 32346

62-204.400 Public Notice and Hearing Requirements for State Implementation Plan Revisions.

- (1) The Department shall hold a public hearing prior to adoption of any proposed revision to the Florida State Implementation Plan (SIP).
 - (a) In addition to the notice required by Section 120.54, F.S., for rulemaking, the Department shall publish notice of the hearing by prominent advertisement in a newspaper of general circulation in each air quality control region affected at least 30 days prior to the hearing. The notice shall specify the date, time, and place of the hearing and state that a copy of the proposed SIP revision is available for public inspection in each affected region.
 - (b) The Department shall also furnish a copy of the notice and proposed SIP revision to:
 - 1. The Region IV office of the EPA;
 - 2. Each local air pollution control agency in an affected region; and
 - 3. In the case of an interstate air quality control region, each other state included in whole or in part in the region.
- (2) A record of the public hearing, including a list of witnesses together with the text of each presentation, shall be made available by the Department to the Administrator upon his/her request.
- (3) The Department shall include with each proposed SIP revision submitted to the EPA a certification that the hearing was held in accordance with the notice required by Rule 62-204.400(1)(a), F.A.C.

History: New 11-30-94.

62-204.400

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	11/22/1994	6/16/1999	64 FR 32353

62-204.500 Conformity.

(1) General Conformity. The provisions of this rule apply to state review of all federal general conformity determinations submitted to the state pursuant to 40 CFR Part 51, Subpart W, adopted and incorporated by reference at Rule 62-204. 800, F.A.C. Pursuant to 40 CFR Part 51, Subpart W, federal agencies are required to make conformity determinations to ensure that certain federal actions are consistent with the State Implementation Plan.

(2) Transportation Conformity. Pursuant to 40 CFR 93.105, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the Department has certain consultation and conflict resolution responsibilities in the transportation conformity process. The Department will carry out these responsibilities for transportation conformity pursuant to the interagency memorandum of agreement as revised in 1998, and hereby adopted and incorporated by reference.

History- -New 11-30-94, Amended 3-13-96, 3-23-97, 9-1-98

62-204.500

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	8/14/1998	8/11/2003	68 FR 47468

NOTE: Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Conformity Rule.