

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**PROPOSED REVISION TO
STATE IMPLEMENTATION PLAN**



SUBMITTAL NUMBER 2022-02

**RULE 62-296.513, F.A.C.,
STATIONARY SOURCES – EMISSION STANDARDS
SURFACE COATING OF MISCELLANEOUS METAL PARTS
AND PRODUCTS AMENDMENTS**

October 12, 2022

TABLE OF CONTENTS

Letter of Submittal..... 3

PROPOSED REVISION TO STATE IMPLEMENTATION PLAN..... 5

Introduction..... 5

Background 5

Details of Rule 62-296.513, F.A.C., Amendments 7

SIP Development Process..... 8

Response to 40 CFR Part 51, Appendix V, Criteria 9

Administrative Materials 9

Technical Support..... 11

Exceptions..... 14

Materials Proposed to be Incorporated into Florida’s SIP 15

Current SIP Rule 62-296.513, F.A.C..... 16

SIP Rule 62-296.513, F.A.C., after EPA Approval of Florida SIP 2021-03 18

Requested Revisions to SIP Rule 62-296.513, F.A.C..... 21

SIP Rule 62-296.513, F.A.C., after EPA Approval of Requested Revisions 22

Legal Authority 25

State Administrative Materials..... 27

Certification Packages for Rule Amendments Effective June 16, 2022 27

Public Participation 33

Notice of Opportunity to Submit Comments and Participate in Public Hearing 33

Locals Program and District Office Assistance to the Public 35

Public Comments on Pre-Hearing SIP Notice..... 36

DEP Response to Public Comments..... 37

Pre-Hearing Submittal Letter..... 38

EPA Comments on Pre-Hearing Submittal..... 40

DEP Response to EPA Comments..... 42

APPENDIX A – Rule 62-296.513, F.A.C. – Coded Copy 43

Letter of Submittal



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Via Electronic Mail and EPA's State Planning Electronic Collaboration System

October 12, 2022

Mr. Daniel Blackman
Regional Administrator
U. S. Environmental Protection Agency (EPA) – Region 4
61 Forsyth Street, SW – Mail Code: 9T25
Atlanta, Georgia 30303-8909

Re: Final Submittal; Proposed Revision to State Implementation Plan – Rule 62-296.513, F.A.C., Surface Coating of Miscellaneous Metal Parts and Products Rule Amendments

Dear Mr. Blackman:

In accordance with 40 C.F.R. 51.103, the Florida Department of Environmental Protection (Department) requests approval of a State Implementation Plan (SIP) revision for Rule 62-296.513, F.A.C., Air Pollution Control – Surface Coating of Miscellaneous Metal Parts and Products Rule Amendments.

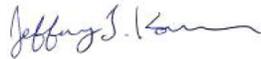
On August 31, 2022, the Department published in the Florida Administrative Register a notice of opportunity to submit comments regarding this proposed SIP revision, request a public hearing, or participate in a public hearing on October 5, 2022, if requested. No hearing was requested, and no hearing was held. This process met the public participation requirements of 40 C.F.R. 51.102.

The rule language that DEP is requesting be amended in Florida's SIP is contained in Rule 62-296.513, F.A.C. ("Surface Coating of Miscellaneous Metal Parts and Products [MMPP]"). This proposed SIP revision consists of amendments providing compliance alternatives to the MMPP requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG ("National Emission Standards for Aerospace Manufacturing and Rework Facilities"), which Florida has adopted by reference in Rule 62-204.800, F.A.C. Florida's proposed SIP revision also includes the required CAA Section 110(l) noninterference demonstration.

Mr. Daniel Blackman
Page 2 of 2
October 12, 2022

The Department has sent the complete final SIP submittal package directly to the Region 4 Air Planning & Implementation Branch via EPA's State Planning Electronic Collaboration System (SPeCS). If you have any questions about this SIP submittal, please contact Elizabeth Rogers at (850) 717-9019 or by email at Elizabeth.Rogers@FloridaDEP.gov.

Sincerely,



Jeffery F. Koerner, Director
Division of Air Resource Management

JFK/tl

cc:

Caroline Freeman, Division Director, Air & Radiation Division, EPA Region 4;
Lynorae Benjamin, Chief, Air Planning & Implementation Branch, EPA Region 4

Enclosure:

Final SIP 2022-02 - Rule 62-296.513, F.A.C., Surface Coating of Miscellaneous Metal Parts and Products Rule Amendments

PROPOSED REVISION TO STATE IMPLEMENTATION PLAN

Submittal Number 2022-02 Amendments to Rule 62-296.513, F.A.C., Stationary Sources – Emission Standards

Introduction

The Florida Department of Environmental Protection (DEP) is proposing a revision to Florida's State Implementation Plan (SIP) under the Clean Air Act (CAA). This proposed SIP revision consists of amendments to one rule section in the Florida Administrative Code (F.A.C.). The rule section is contained in Chapter 62-296, F.A.C., "Stationary Sources – Emission Standards."

On June 16, 2022, DEP amended through state rulemaking Rule 62-296.513, F.A.C., "Surface Coating of Miscellaneous Metal Parts and Products" (MMPP). DEP hereby requests that the U.S. Environmental Protection Agency (EPA) approve this revision to Rule 62-296.513, F.A.C., in Florida's SIP.

Background

On November 15, 1990, EPA designated Duval, Hillsborough, Pinellas, Broward, Miami-Dade, Orange, and Palm Beach Counties as nonattainment for the one-hour ozone National Ambient Air Quality Standard (NAAQS). Following these nonattainment designations, Florida created a number of Reasonably Available Control Technology (RACT) rules in Chapter 17-2, F.A.C. Specifically, Florida created a RACT rule section in Rule 17-2.650 (1), F.A.C., titled "Volatile Organic Compounds (VOCs)," which addressed emissions impacting ozone nonattainment and maintenance areas.

In 1994, Florida reorganized and renumbered numerous rules in the F.A.C. Florida divided Rule 17-2, F.A.C., into multiple chapters, and the newly created Chapter 62-296, F.A.C., became the location of the RACT rules in Florida.

In September 1995, EPA promulgated a NESHAP for Aerospace Manufacturing and Rework Facilities (40 CFR Part 63, Subpart GG). (EPA subsequently amended this NESHAP in 1996, 1998, 2000, 2006, 2015, and 2016.) In December 1997, EPA published the Control Technology Guideline (CTG) EPA Guideline Series, "Control of Volatile Organic Compound Emissions from Coating Operations at Aerospace Manufacturing and Rework Operations, Publication No. EPA-453/R-97-004." The NESHAP references the CTG for Aerospace Manufacturing and Rework Operations, EPA-453/R-97-004, in the definition of "specialty coatings" (40 CFR § 63.742). EPA updated the NESHAP in 2015 to add requirements for aerospace facilities using specialty coatings that were formerly regulated under the Miscellaneous Metal Parts and Products CTG (RACT) requirements for manufacturing and rework operations of aerospace vehicles and components.

Operators in the aerospace manufacturing and rework industry are frequently required to meet various U.S. Department of Defense (DOD) Military Specifications (MILSPECs) for coatings, the chemical constituents of which are often dictated by the function of the coating and the specific role performed by each surface-treated part or component in the aerospace vehicle. The use of aerospace specialty coatings that may not individually meet the VOC requirements of Florida's MMPP Rule is often dictated by the process and material requirements specified by DOD. Use of such coatings is not self-imposed or discretionary on the part of the operator.

Earlier this year, DEP amended the applicability of Rule 62-296.513, F.A.C. ("Surface Coating of Miscellaneous Metal Parts and Products" or "MMPP Rule"), to clarify that the provisions of this rule do not apply to aerospace parts and products coating operations that: (1) comply with specified sections of the Federal NESHAP for Aerospace Manufacturing and Rework Facilities as area sources; or (2) comply with all of the NESHAP requirements for major HAP sources.

- Aerospace parts and products coating operations classified as **area sources** of Hazardous Air Pollutants (HAPs) may, in lieu of complying with the VOC requirements of the MMPP Rule, comply with specific elements of EPA's NESHAP for Aerospace Manufacturing and Rework Operations, 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C. More specifically, area sources that are subject to the MMPP Rule, and which choose to comply with the primer, topcoat, and specialty coating VOC control requirements in the NESHAP, would not be subject to the requirements of the MMPP Rule.
- Any such **area source** electing to comply with the VOC control requirements of Subpart GG, would be subject to specific provisions of §63.745 ("Standards; Primer, Topcoat, and Specialty Coating Application Operations") pertaining to VOC control, which include: §63.745(a) (addressing applicability); §63.745(b) (addressing spill minimization); §63.745(c)(2), (4), and (6) (addressing the VOC content levels of uncontrolled coatings, including the contents of "Table 1 – Specialty Coatings – HAP and VOC Content Limits," but excluding exempted substances in §63.741(f)); §63.745(d) and the cross references to §63.750 therein (addressing the control system requirements for controlled coatings); §63.745(e) and the cross reference to §63.743 therein (addressing compliance methods); and §63.745(f) and the cross references to §63.742 and §63.750 therein (addressing application equipment). The terms applicable to facilities, operations, and activities addressed under §63.745, as defined under §63.742, would apply to area sources electing to comply with the VOC control requirements of Subpart GG in lieu of complying with Florida's MMPP Rule.
- Facilities comprising aerospace parts and products coating operations that are classified as **major sources** of HAPs, which are required to comply with Aerospace Manufacturing and Rework Operations NESHAP, 40 CFR Part 63, Subpart GG, would not be subject to the requirements of the MMPP Rule.

Documentation of the state rule development process for these amendments are included in the "State Administrative Materials" section of this submittal.

Details of Rule 62-296.513, F.A.C., Amendments

(See **Appendix A** for coded language of the amended rule.)

Rule	Action	Description/Reason
Subsection 62-296.513(b)11., F.A.C.	Amended 06/16/2022	Amended to add a new source category of aerospace parts and products coating operations to the exemptions from Florida's MMPP Rule.
Subsection 62-296.513(b)11.a., F.A.C.	Amended 06/16/2022	Amended to add new specific criteria under which area sources may choose to utilize the aerospace parts and products coating operations exemption from Florida's MMPP Rule.
Subsection 62-296.513(b)11.b., F.A.C.	Amended 06/16/2022	Amended to add new specific criteria under which major sources may choose to utilize the aerospace parts and products coating operations exemption from Florida's MMPP Rule.

SIP Development Process

Section 403.061(35), Florida Statutes, authorizes DEP to “exercise the duties, powers, and responsibilities required of the state under the federal Clean Air Act.” These duties and responsibilities include the development and periodic updating of Florida’s SIP. Pursuant to this statutory authority, DEP has developed this proposed SIP revision.

All of the rule amendments addressed in this proposed SIP revision were adopted in accordance with Florida administrative procedures, which include publication in the Florida Administrative Register (FAR) of proposed rule language and notice of the opportunity to submit comments, request a rule adoption hearing, or participate in any scheduled rule adoption hearing. Documentation of the state rule development process for the rule amendments addressed in this proposed revision to Florida’s SIP is included in the “State Administrative Materials” section of this submittal.

In accordance with 40 CFR 51.102 (“Public hearings”), DEP published a notice in the FAR on August 31, 2022, announcing an opportunity for the public to submit comments and request a public hearing to be held on October 5, 2022, if requested, regarding this proposed revision to Florida’s SIP.

In accordance with the 30-day notice requirement of 40 CFR 51.102, on August 31, 2022, DEP transmitted to the U.S. Environmental Protection Agency a pre-hearing submittal package, which provided details about this proposed SIP revision and the associated state administrative procedures.

Response to 40 CFR Part 51, Appendix V, Criteria

Pursuant to 40 CFR Part 51, Appendix V (“Criteria for Determining the Completeness of Plan Submissions”), the following materials shall be included in State Implementation Plan (SIP) submissions for review and approval by the U.S. Environmental Protection Agency (EPA).

Administrative Materials

(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter “the plan”).

- A copy of the “Letter of Submittal,” signed by the Director of the Division of Air Resource Management, Florida Department of Environmental Protection, on behalf of the Governor of the State of Florida, is submitted with this document.

(b) Evidence that the State has adopted the plan in the State code or body of regulations or issued the permit, order, consent agreement (hereafter “document”) in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

- This proposed revision to Florida’s SIP consists of the following F.A.C. rule as amended effective upon the date shown in the table.

F.A.C. Rule	Title	State Effective Date
62-296.513	Surface Coating of Miscellaneous Metal Parts and Products	Amended 06/16/2022

A copy of this state rule amendment is included in the “Materials Proposed to be Incorporated into the SIP” section of this submittal. The certified copy of this rule amendment and accompanying documentation, as filed with the Florida Secretary of State for adoption into the F.A.C., is included in the “State Administrative Materials” section of this submittal.

(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

- DEP has the necessary legal authority to adopt and implement this proposed revision to Florida’s SIP. References to the pertinent Florida Statutes and F.A.C. rules are included in the “Legal Authority” section of this submittal.

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The

effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself, otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date. If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.

- The certified copy of this rule amendment and accompanying documentation, as filed with the Florida Secretary of State for adoption into the F.A.C., are included in the “State Administrative Materials” section of this submittal.

(e) Evidence that the State followed all of the procedural requirements of the State’s laws and constitution in conducting and completing the adoption/issuance of the plan.

- DEP has complied with all state procedural requirements in adopting the rule proposed to be incorporated into Florida’s SIP. Evidence of compliance with these requirements is provided by certification of the materials filed with the Florida Secretary of State for adoption of the rule amendments into the F.A.C. These materials may be found in the “State Administrative Materials” section of this submittal.
- State law (Section 120.525, Florida Statutes) requires DEP to provide notice of all public meetings, hearings, and workshops in the Florida Administrative Register (FAR) no fewer than seven days before the event. By publishing in the FAR a notice of opportunity to participate in a SIP public hearing, if requested, at least 30 days before the event, DEP has complied with all state procedural requirements relevant to the development of this proposed SIP revision. A copy of this notice may be found in the “Public Participation” section of this submittal.

(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.

- DEP has complied with all public hearing requirements of 40 CFR 51.102. Copies of all relevant notices and notification emails may be found in the “Public Participation” section of this submittal.

(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State’s laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.

- Certification of compliance with all state and federal public notice and hearing requirements is provided in the “Letter of Submittal.”

(h) Compilation of public comments and the State’ response thereto.

- All written comments received during the public notice period on this proposed SIP revision, and DEP’s response thereto, are incorporated into the “Public Participation” section of the final submittal.

Technical Support

(a) Identification of all regulated pollutants affected by the plan.

- This SIP revision addresses regulated pollutants emitted from stationary sources of air pollution, including volatile organic compounds.

(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).

- In November 1990, EPA initially classified Duval, Hillsborough, Pinellas, Broward, Miami-Dade, Orange, and Palm Beach Counties as nonattainment for the one-hour ozone standard.
- In the early 1990s, Florida created Reasonably Available Control Technology (RACT) rules in Chapter 62-296, F.A.C., (originally Rule 17-2.650, F.A.C.; transferred to Chapter 62-296, F.A.C., in 1994) to address air quality concerns in Florida's ozone nonattainment and maintenance areas.
- In 1996, EPA re-classified Duval, Hillsborough, Pinellas, Broward, Miami-Dade, Orange, and Palm Beach Counties as attainment/maintenance for the one-hour ozone standard.
- The rule addressed in this SIP revision applies in Florida's RACT areas for ozone. Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, and Pinellas Counties constitute Florida's RACT areas for ozone.
- In 2008, EPA revised the ozone NAAQS from a one-hour standard to an eight-hour standard.
- The Florida counties subject to the RACT rules in Chapter 62-296, F.A.C., remain in attainment for both the one-hour ozone standard and the eight-hour ozone standard to date.

(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

- Some specialty coatings may have higher VOC contents, which could contribute to de minimus increases in potential to emit for VOC at those facilities that use surface coatings with VOC contents allowed for under the NESHAP for Aerospace Manufacturing and Rework Operations, but there is no expectation that actual VOC emissions will increase to any measurable extent. Operators' adherence to the VOC control requirements of the NESHAP should not result in any ascertainable emission increases.
- As detailed in the response to (d) below, it is important to observe that the 2019-2021 modeled ozone (O₃) NAAQS design values for the State of Florida range from a high of 66 parts per billion (ppb) (eight-hour average concentration) in the Hillsborough County area to a low of 55 ppb in the Wakulla County area. (The 2015 primary and secondary ozone NAAQS is 70 ppb, determined by calculating the annual fourth-highest daily maximum eight-hour average concentration, averaged over three years.)

- The cumulative VOC emissions increases that could occur at any existing facility subject to Florida’s RACT Rule 62-296.513, F.A.C., or the NESHAP for Aerospace Manufacturing and Rework Operations, under a hypothetical scenario in which the facility utilized the maximum allowable quantities of specialty coatings containing the maximum VOC contents allowed under applicable rules, would be well below levels that could, as precursors to ozone formation, significantly impact local or regional air quality. Any construction activity, modification, or project at a facility resulting in projected VOC emissions increases exceeding significance thresholds would be subject to Prevention of Significant Deterioration (PSD) permitting review in the state of Florida.

(d) The State’s demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

- The rule amendments included in this proposed SIP revision relate to the applicability of federal standards to specified operations. Aerospace parts and products coating operations classified as area sources of HAPs may, in lieu of complying with the VOC requirements of Rule 62-296.513, F.A.C. (“Surface Coating of Miscellaneous Metal Parts and Products” or “MMPP Rule”), choose to comply with specified elements of EPA’s NESHAP for Aerospace Manufacturing and Rework Operations, 40 CFR Part 63, Subpart GG, which Florida has adopted by reference in Rule 62-204.800, F.A.C. More specifically, area sources that are subject to the MMPP Rule, and which choose to comply with the primer, topcoat and specialty coating VOC control requirements and other applicable requirements listed in the NESHAP, would not be subject to the requirements of the MMPP Rule. Facilities comprising aerospace parts and products coating operations that are classified as major sources of HAPs, and which are required to comply with Aerospace Manufacturing and Rework Operations NESHAP, 40 CFR Part 63, Subpart GG, would not be subject to the requirements of the MMPP Rule.
- Applying the VOC control requirements of the NESHAP for Aerospace Manufacturing and Rework Operations to aerospace parts and products coating operations in Florida, which may be area sources of HAPs or major sources of HAPs depending upon the size of their operations, will not result in emission increases that could cause or contribute to the degradation of Florida’s air quality or interfere with attainment of the NAAQS. On December 7, 2015, EPA amended the Aerospace Manufacturing and Rework Operations NESHAP to regulate specialty coating application operations and to remove exemptions for periods of startup, shutdown, and malfunctions. Although EPA did not include emission limitations for specialty coatings in the Aerospace NESHAP in 1995 or in any subsequent amendments prior to 2015, EPA did include VOC content limits for the specialty coating categories in the 1997 Aerospace Control Technology Guideline (CTG). The NESHAP establishes organic HAP and VOC content limits for 57 specialty coating categories, and it requires specialty coating operations to meet the same inorganic HAP control requirements as for primers and topcoats. These standards and control requirements represent the

maximum achievable control technology for specialty coating operations. As such, compliance with the applicable NESHAP is presumed to meet standards consistent with protection of the NAAQS.

- The 2019-2021 modeled ozone NAAQS design values for the State of Florida range from a high of 66 ppb (eight-hour average concentration) in the Hillsborough County area to a low of 55 ppb in the Wakulla County area. (The 2015 primary and secondary ozone NAAQS is 70 ppb, determined by calculating the annual fourth-highest daily maximum eight-hour average concentration, averaged over three years.)
- The cumulative VOC emissions increases that could occur at any existing facility subject to Florida's RACT Rule 62-296.513, F.A.C., or the NESHAP for Aerospace Manufacturing and Rework Operations, under a hypothetical scenario in which the facility utilized the maximum allowable quantities of specialty coatings containing the maximum VOC contents allowed under applicable rules, would be well below levels that could, as precursors to ozone formation, significantly impact local or regional air quality. Any construction activity, modification, or project at a facility resulting in projected VOC emissions increases exceeding significance thresholds would be subject to Prevention of Significant Deterioration (PSD) permitting review in the state of Florida.
- As EPA is aware, VOCs are not the primary driving precursors to ozone formation in the state of Florida. Any increase in VOC emitting activities significant enough to impact the ozone NAAQS in a specific area would require VOC emissions increases well above the thresholds for which permitting is required. To illustrate, using the Modeled Emission Rates for Precursors (MERPs) tool for a hypothetical source located in the most VOC-limited area of the state (at present, Broward County, an area of the state in which ozone RACT rules apply), it would take an emission increase of over 1,174 tons per year (tpy) to result in a 1-part per billion (ppb) increase in the local ozone design value. The 2019-2021 ozone design value for ambient air monitors in the Broward County area range from 57 to 59 ppb, which is well below the current ozone NAAQS of 70 ppb.
- Facilities classified as area sources that apply specialty coatings to aerospace parts and products will remain subject to Florida's Minor New Source Review permitting program, and provisions detailing the specific controls and compliance obligations from the NESHAP will be incorporated into each facility's permit.
- These rule amendments are protective of the NAAQS, protective of prevention of significant deterioration increments, and protective of visibility, and operators' compliance with the VOC requirements of EPA's NESHAP for Aerospace Manufacturing and Rework Operations will not interfere with measures required of Florida or any other state for reasonable further progress towards attainment of any NAAQS.

(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

- Not applicable. No modeling has been performed to support this proposed SIP revision as no emission reduction requirements or changes in allowable or actual emissions will result from the rule amendment included in this proposed SIP revision.

(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

- Not applicable. No emission reduction technologies or allowable emission rates are established by the rule addressed in this proposed SIP revision.

(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.

- Not applicable.

(h) Compliance/enforcement strategies, including how compliance will be determined in practice.

- Not applicable.

(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

- Not applicable.

Exceptions

- Not applicable.

Materials Proposed to be Incorporated into Florida’s SIP

In this section of the submittal, the rule amendments proposed for incorporation into Florida’s SIP are arranged by *State Citation* and, where possible, are shown in “coded” format where ~~strike through~~ denotes deleted text, and underline denotes new text.

Rule 62-296.513, F.A.C. (“Surface Coating of Miscellaneous Metal Parts and Products”), with a state effective date of 11/23/1994, was last approved and incorporated into Florida’s SIP on 06/16/1999 (64 FR 32346).

DEP subsequently amended Rule 62-296.513, F.A.C., on 07/10/2014 and 06/16/2022.

DEP included in Florida SIP Submittal Number 2021-03 the 07/10/2014 amendments to Rule 62-296.513, F.A.C. DEP submitted to EPA Florida SIP Submittal Number 2021-03 on 04/01/2022.

In this submittal (Florida SIP Submittal Number 2022-02), DEP is proposing to revise Florida’s SIP to reflect the 06/16/2022 amendments to Rule 62-296.513, F.A.C.

Certified copies of the 06/16/2022 amendments to Rule 62-296.513, F.A.C., as filed with the Florida Secretary of State for adoption into the F.A.C., are included in the “State Administrative Materials” section of this submittal.

Current SIP Rule 62-296.513, F.A.C.

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) The emission limiting standards set forth in Rule 62-296.513(2), F.A.C., shall apply to surface coating of the following metal parts and products:

1. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors and combines;
2. Small farm machinery, such as lawn and garden tractors, lawn mowers and rototillers;
3. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers and vacuum cleaners;
4. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators and vending machines;
5. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers and transformers;
6. Fabricated metal products, such as metal covered doors, frames, etc.; and,
7. Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries). The Standard Industrial Classification Code is available from the superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, and may be examined at the Department of Environmental Regulation, Tallahassee.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. Automobiles and light-duty trucks;
2. Metal cans;
3. Flat metal sheets and strips in the form of rolls or coils;
4. Magnet wire for use in electrical machinery;
5. Metal furniture;
6. Large appliances;
7. Exterior of airplanes;
8. Automobile refinishing;
9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per day; and,
10. Exterior of marine vessels.

(c) The provisions of Rule 62-296.513, F.A.C., apply to the application area(s), flashoff area(s), air and forced air dryer(s), and oven(s) used in the surface coating of the metal parts and products listed in Rule 62-296.513(1)(a), F.A.C. These provisions also apply to prime coat, top coat, and single coat operations. Credit for transfer efficiency above the baseline of 60% for spray coating operations can be granted according to the following formula:

$$X = (TE) (Z) (Y)$$

$$Y + (TE) (Z)$$

Where

X = allowable maximum VOC content (kg VOC/liter of coating less water)

Y = density of the VOC in the maximum VOC content coating (kg/liter)

Z = applicable emission limit (kg VOC/liter of coating solids deposited)

TE = transfer efficiency

An EPA and state approved test method for determination of transfer efficiency above the baseline is required.

(2) Emission Limiting Standards

(a) No owner or operator of a coating line for miscellaneous metal parts and products shall cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

1. 4.3 pounds per gallon of coating (0.52 kilograms per liter), excluding water, delivered to a coating applicator that applies clear coatings;
2. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194 degrees Fahrenheit (90 degrees Celsius);
3. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator that applies extreme performance coatings; or,
4. 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to a coating applicator for all other coatings and coating application systems.

(b) If more than one emission limitation in Rule 62-296.513(2)(a), F.A.C., applies to a specific coating, then the least stringent emission limitation shall be applied.

(c) All volatile organic compound emissions from solvent washings shall be considered in the emission limitations in Rule 62-296.513(2)(a), F.A.C., unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(3) Control Technology. The emission limits in Rule 62-296.513(2)(a), F.A.C., shall be achieved by:

- (a) The application of low solvent coating technology; or,
- (b) Incineration, provided that 90 percent of the volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(4) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24 or EPA 450/3-84-019, incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25 or Attachment 3 of EPA 450/2-78-041, incorporated and adopted by reference in Chapter 62-297, F.A.C.
2. Non-destructive. The test method for volatile organic compounds shall be EPA VOC Capture Efficiency Test Procedures Rule 62-297.440(7), F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

History: Formerly 17-2.650(1)(f)14.; Formerly 17-296.513; Amended 11-23-94, 1-1-96.

62-296.513

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg	01/11/1993	10/20/1994	59 FR 52916
1st Revision	12/21/1994	06/16/1999	64 FR 32346

SIP Rule 62-296.513, F.A.C., after EPA Approval of Florida SIP 2021-03

On April 1, 2022, DEP submitted to EPA Florida SIP Submittal Number 2021-03, a proposed SIP revision that encompasses numerous rule sections and subsections of Chapter 62-296, F.A.C. (“Stationary Sources – Emissions Standards”). Florida SIP 2021-03 included the July 10, 2014, amendments to Rule 62-296.513, F.A.C.

Florida is not resubmitting the July 10, 2014, revisions to Rule 62-296.513, F.A.C., as a part of this proposed SIP revision. DEP includes here for reference only the proposed revisions to Rule 62-296.513, F.A.C., as requested in Florida SIP 2021-03.

The revisions to Rule 62-296.513, F.A.C, addressed in this proposed SIP revision are detailed under the Background section of this submittal, under the Response to 40 CFR Part 51, Appendix V, Criteria section of this submittal, and under subsequent headings of the “Materials to be Incorporated into Florida’s SIP” section of this submittal.

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) The emission limiting standards set forth in subsection 62-296.513(2), F.A.C., shall apply to surface coating of the following metal parts and products:

1. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors and combines,
2. Small farm machinery, such as lawn and garden tractors, lawn mowers and rototillers,
3. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers and vacuum cleaners,
4. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators and vending machines,
5. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers and transformers,
6. Fabricated metal products, such as metal covered doors, frames, etc.; and,
7. Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries). The Standard Industrial Classification Code is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, and may be examined at the Department of Environmental Protection, Tallahassee.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. Automobiles and light-duty trucks,
2. Metal cans,
3. Flat metal sheets and strips in the form of rolls or coils,
4. Magnet wire for use in electrical machinery,
5. Metal furniture,
6. Large appliances,
7. Exterior of airplanes,
8. Automobile refinishing,
9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per

day; and,

10. Exterior of marine vessels.

(c) The provisions of Rule 62-296.513, F.A.C., apply to the application area(s), flashoff area(s), air and forced air dryer(s), and oven(s) used in the surface coating of the metal parts and products listed in paragraph 62-296.513(1)(a), F.A.C. These provisions also apply to prime coat, top coat, and single coat operations. Credit for transfer efficiency above the baseline of 60% for spray coating operations can be granted according to the following formula:

$$X = \frac{(TE)(Z)(Y)}{Y + (TE)(Z)}$$

where

- X = allowable maximum VOC content (kg VOC/liter of coating less water)
Y = density of the VOC in the maximum VOC content coating (kg/liter)
Z = applicable emission limit (kg VOC/liter of coating solids deposited)
TE = transfer efficiency

An EPA and state approved test method for determination of transfer efficiency above the baseline is required.

(2) Emission Limiting Standards.

(a) No owner or operator of a coating line for miscellaneous metal parts and products shall cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:

1. 4.3 pounds per gallon of coating (0.52 kilograms per liter), excluding water, delivered to a coating applicator that applies clear coatings,
2. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194 degrees Fahrenheit (90 degrees Celsius),
3. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator that applies extreme performance coatings, or
4. 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to a coating applicator for all other coatings and coating application systems.

(b) If more than one emission limitation in paragraph 62-296.513(2)(a), F.A.C., applies to a specific coating, then the least stringent emission limitation shall be applied.

(c) All volatile organic compound emissions from solvent washings shall be considered in the emission limitations in paragraph 62-296.513(2)(a), F.A.C., unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(3) Control Technology. The emission limits in paragraph 62-296.513(2)(a), F.A.C., shall be achieved by:

- (a) The application of low solvent coating technology, or
- (b) Incineration, provided that 90 percent of the volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(4) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic

Compounds Emitted by Paint, Ink, and Other Coatings (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04298>), hereby adopted and incorporated by reference.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer, adopted and incorporated by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be VOC Capture Efficiency Test Procedures as described at Rule 62-297.450, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

History—Formerly 17-2.650(1)(f)14., 17-296.513, Amended 11-23-94, 1-1-96, 7-10-14.

62-296.513

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Recodification	01/11/93	10/20/94	59 FR 52916
1 st Revision	12/21/94 & 04/15/96	06/16/99	64 FR 32346
2 nd Revision	04/01/22		

Requested Revisions to SIP Rule 62-296.513, F.A.C.

DEP is requesting that EPA incorporate into Florida's SIP the 06/16/2022 amendments to Rule section 62-296.513(1), F.A.C.

As detailed under the Background section of this submittal and under the Response to 40 CFR Part 51, Appendix V, Criteria, the amendments to Rule section 62-296.513(1), F.A.C., allow for aerospace parts and products coating operations in Florida to elect to comply with the federal NESHAP (40 C.F.R Part 63, Subpart GG [National Emission Standards for Aerospace Manufacturing and Rework Facilities]) in lieu of the VOC standards in Florida's Surface Coating of Miscellaneous Parts and Products RACT rule in Rule 62-296.513, F.A.C.

Effective 06/16/2022, Rule subsection 62-296.513(1), F.A.C., was updated to revise the applicability requirements of Rule 62-296.513, F.A.C. This revision provides alternatives to the Miscellaneous Metal Parts and Products requirements for aerospace parts and products coating operations by cross-referencing the requirements of Subpart GG, which Florida adopted by reference in Rule 62-204.800, F.A.C. ("Federal Regulations Adopted by Reference").

DEP requests that EPA approve the following amendments to Rule subsection 62-296.513(1), F.A.C., in Florida's SIP:

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) No change.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. through 8. No change.

9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per day; ~~and,~~

10. Exterior of marine vessels; ~~and,~~

11. Aerospace parts and products coating operations that are either:

a. Facilities classified as area sources that comply with primer, topcoat, and specialty coating VOC control requirements of 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.; or

b. Facilities classified as major sources that are subject to 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) No change.

(2) through (4) No change.

SIP Rule 62-296.513, F.A.C., after EPA Approval of Requested Revisions

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) The emission limiting standards set forth in subsection 62-296.513(2), F.A.C., shall apply to surface coating of the following metal parts and products:

1. Large farm machinery, such as harvesting, fertilizing and planting machines, tractors and combines,
2. Small farm machinery, such as lawn and garden tractors, lawn mowers and rototillers,
3. Small appliances, such as fans, mixers, blenders, crock pots, dehumidifiers and vacuum cleaners,
4. Commercial machinery, such as office equipment, computers and auxiliary equipment, typewriters, calculators and vending machines,
5. Industrial machinery, such as pumps, compressors, conveyor components, fans, blowers and transformers,
6. Fabricated metal products, such as metal covered doors, frames, etc.; and,
7. Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries). The Standard Industrial Classification Code is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, and may be examined at the Department of Environmental Protection, Tallahassee.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. Automobiles and light-duty trucks,
2. Metal cans,
3. Flat metal sheets and strips in the form of rolls or coils,
4. Magnet wire for use in electrical machinery,
5. Metal furniture,
6. Large appliances,
7. Exterior of airplanes,
8. Automobile refinishing,
9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per day;
10. Exterior of marine vessels; and,
11. Aerospace parts and products coating operations that are either:
 - a. Facilities classified as area sources that comply with primer, topcoat, and specialty coating VOC control requirements of 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.; or
 - b. Facilities classified as major sources that are subject to 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) The provisions of Rule 62-296.513, F.A.C., apply to the application area(s), flashoff area(s), air and forced air dryer(s), and oven(s) used in the surface coating of the metal parts and products listed in paragraph 62-296.513(1)(a), F.A.C. These provisions also apply to prime coat, top coat, and single coat operations. Credit for transfer efficiency above the baseline of 60% for spray coating operations can be granted according to the following formula:

$$X = \frac{(TE)(Z)(Y)}{Y + (TE)(Z)}$$

where

- X = allowable maximum VOC content (kg VOC/liter of coating less water)
- Y = density of the VOC in the maximum VOC content coating (kg/liter)
- Z = applicable emission limit (kg VOC/liter of coating solids deposited)
- TE = transfer efficiency

An EPA and state approved test method for determination of transfer efficiency above the baseline is required.

(2) Emission Limiting Standards.

- (a) No owner or operator of a coating line for miscellaneous metal parts and products shall cause, allow, or permit the discharge into the atmosphere of any volatile organic compounds in excess of:
 1. 4.3 pounds per gallon of coating (0.52 kilograms per liter), excluding water, delivered to a coating applicator that applies clear coatings,
 2. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194 degrees Fahrenheit (90 degrees Celsius),
 3. 3.5 pounds per gallon of coating (0.42 kilograms per liter), excluding water, delivered to a coating applicator that applies extreme performance coatings, or
 4. 3.0 pounds per gallon of coating (0.36 kilograms per liter), excluding water, delivered to a coating applicator for all other coatings and coating application systems.

(b) If more than one emission limitation in paragraph 62-296.513(2)(a), F.A.C., applies to a specific coating, then the least stringent emission limitation shall be applied.

(c) All volatile organic compound emissions from solvent washings shall be considered in the emission limitations in paragraph 62-296.513(2)(a), F.A.C., unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(3) Control Technology. The emission limits in paragraph 62-296.513(2)(a), F.A.C., shall be achieved by:

- (a) The application of low solvent coating technology, or
- (b) Incineration, provided that 90 percent of the volatile organic compounds (VOC measured as total combustible carbon) which enter the incinerator are oxidized to carbon dioxide and water.

(4) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) Low Solvent Technology. The test method for volatile organic compounds shall be EPA Method 24, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or EPA 450/3-84-019, Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink, and Other Coatings (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04298>), hereby adopted and incorporated by reference.

(b) Add-on Control Device.

1. Destructive. The test method for volatile organic compounds shall be EPA Method 25, as described at 40 C.F.R. Part 60, Appendix A-7, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or Attachment 3 of EPA 450/2-78-041, Alternate Test Method for Direct Measurement of Total Gaseous Organic Compounds Using a Flame Ionization Analyzer,

adopted and incorporated by reference in Chapter 62-297, F.A.C.

2. Non-destructive. The test method for volatile organic compounds shall be VOC Capture Efficiency Test Procedures as described at Rule 62-297.450, F.A.C. The sampling time for each capture efficiency test run shall be at least 8 hours, unless otherwise approved by the Department pursuant to Rule 62-297.620, F.A.C.

(c) Test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C.

History—Formerly 17-2.650(1)(f)14., 17-296.513, Amended 11-23-94, 1-1-96, 7-10-14, 06-16-22.

62-296.513

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Recodification	01/11/93	10/20/94	59 FR 52916
1 st Revision	12/21/94 & 04/15/96	06/16/99	64 FR 32346
2 nd Revision	04/01/22		
3 rd Revision	__/__/22		

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 (DEP). 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 DEP 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 DEP 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 DEP 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.
- [403.8052](#) 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 program are as follows:

[112.3143](#) Requirement that public officials disclose potential conflicts of interest.

[112.3144](#) Requirement for disclosure of financial interests by public officials.

[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 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.

Current and historical versions of Florida Administrative Code (F.A.C.) rule sections and chapters back to January 1, 2006, may be accessed from the Florida Department of State (DOS) website <https://www.flrules.org>. The DOS website also provides access to materials adopted by reference since January 1, 2011. DEP rule chapters containing State Implementation Plan (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

[62-252](#) Gasoline Vapor Control

[62-256](#) Open Burning

[62-296](#) Stationary Sources – Emission Standards

[62-297](#) Stationary Sources – Emissions Monitoring

Other air-related DEP 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

[62-243](#) Tampering with Motor Vehicle Air Pollution Control Equipment

[62-257](#) Asbestos Program

State Administrative Materials

Certification Packages for Rule Amendments Effective June 16, 2022



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 16, 2022

Stephanie A. Gray
Assistant Deputy General Counsel
Florida Department of Environmental Protection
Office of the General Counsel
3900 Commonwealth Blvd.
Tallahassee, FL 32399

Attention: Joy Cottrell

Dear Stephanie Gray:

Your adoption package for Rule 62-296.513, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 8:07 a.m. on June 16, 2022. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is June 16, 2022.

Sincerely,

Arya C. Owens
Program Administrator

ACO/mas

**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270**

Swain, Margaret A.

From: Cottrell, Joy <Joy.Cottrell@FloridaDEP.gov>
Sent: Thursday, June 16, 2022 8:07 AM
To: RuleAdoptions; Owens, Anya C.; Swain, Margaret A.
Cc: Gregory, West; Gray, Stephanie A; Read, Hastings; Rogers, Elizabeth; Long, Terri
Subject: Certification Package - Rule 62-296.513, F.A.C.
Attachments: Fast-Track Certification Package_62-296.513.pdf; Coded Rule Text_62-296.513.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good morning Anya,

Attached for filing is the Department's fast-track certification package for the proposed rule amendments to rule 62-296.513, F.A.C.

Please let me know if you need any additional information.

Thank you,

Joy



Joy Cottrell
Florida Department of Environmental Protection
Office of General Counsel
Administrative Assistant II
Joy.Cottrell@FloridaDEP.gov
Office: 850.245.2282
Fax: 850.245.2298





FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

June 16, 2022

Ms. Anya Owens
Program Administrator
Administrative Code and Register
500 South Bronough Street, Room 101
Tallahassee, Florida 32399-0250

Re: Certification Package for Rule 62-296.513, F.A.C.
OGC No: 22-1696

Dear Ms. Owens:

Attached is the certification package for Rule 62-296.513, F.A.C. Please note that this rulemaking is being done pursuant to Section 403.8055, F.S., which provides authority for the Department of Environmental Protection to adopt federal Environmental Protection Agency standards by a special fast track process.

If you have any questions, please call me at (850) 245-2277 or Mr. Hastings Read at (850) 717-9017. You can reach me directly at (850) 245-2277 or Stephanie.A.Gray@FloridaDEP.gov, and my mailing address is Department of Environmental Protection, Office of General Counsel, M.S. 35, 3900 Commonwealth Blvd., Tallahassee, Florida, 32399-3000.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Gray".

Stephanie Gray
Assistant Deputy General Counsel

SG/tl

Enclosures:

Signed Certification Form of the Rule
Signed Certification Form of Minor Violation
Coded Copy of Rule 62-296.513, F.A.C.

CERTIFICATION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE
PURSUANT TO SECTION 403.8055, FLORIDA STATUTES
(ADOPTION OF FEDERAL STANDARDS)

I hereby certify:

(1) That the time limitations prescribed by Section 403.8055, F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

(2) That there is no non-frivolous objection, under Section 403.8055(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed not less than 21 days after the notice required by Section 403.8055(1), F.S.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

62-296.513

Under the provisions of Section 403.8055(2), F.S., the rule(s) take effect upon the date designated below (but not earlier than the date of filing):

Effective Date: June 16, 2022
(month) (day) (year)



Chadwick R. Stevens

Acting General Counsel

Title

1
Number of Pages Certified

**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).

62-296.513, F.A.C.



Signature of Agency Head

Secretary

Title

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

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) No change.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. through 8. No change.

9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per day; and,

10. Exterior of marine vessels; and,

11. Aerospace parts and products coating operations that are either:

a. Facilities classified as area sources that comply with primer, topcoat, and specialty coating VOC control requirements of 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.;

or

b. Facilities classified as major sources that are subject to 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) No change.

(2) through (4) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.8055 FS.

History—Formerly 17-2.650(1)(f)14., 17-296.513, Amended 11-23-94, 1-1-96, 7-10-14, -----.

Public Participation

Notice of Opportunity to Submit Comments and Participate in Public Hearing

Florida Administrative Register

Volume 48, Number 170, August 31, 2022

1(800)955-8770 (Voice). 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: Thomas Campbell, Building Codes and Standards Office, Division of Professions, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, call (850)487-1824 or access the Commission website: <https://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

The Committee on Continuing Professional Education announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 7, 2022, 10:00 a.m.

PLACE: Teleconference

Conference Number: 1-888-585-9008

Conference Room Number: 624-410-563

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee on Continuing Professional Education will meet to discuss items relating to CPE credit.

A copy of the agenda may be obtained by contacting: Karan Lee, Florida Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607.

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 2 days before the workshop/meeting by contacting: Karan Lee. 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: Karan Lee.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Policy Analysis & Program Management

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

DATE AND TIME: October 5, 2022, 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 accessibility 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: 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, if requested, and opportunity to offer comments on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act (CAA). This proposed SIP revision consists of amendments that provide alternatives to the Miscellaneous Metal Parts and Products (MMPP) requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C. EPA incorporates F.A.C. rules into Florida's SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP is requesting be amended in Florida's SIP is contained in Rule 62-296.513, F.A.C. ("Surface Coating of Miscellaneous Metal Parts and Products").

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 Elizabeth.Rogers@FloridaDEP.gov, and received no later than September 30, 2022. 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 Ms. Rogers at (850)717-9019 to find out if the hearing has been cancelled. The materials comprising DEP's revision to the pending SIP submission are accessible at the following website:

<http://www.dep.state.fl.us/air/rules/regulatory.htm>. A copy of the agenda may be obtained by contacting: Ms. Rogers by email at the above email address or by calling (850)717-9019.

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

3527

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. Rogers by email or by calling (850)717-9019.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2022, 1:00 p.m. ET

PLACE: Le Meridien Dania Beach at Fort Lauderdale Airport, 1825 Griffin Road, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting regarding discussion and actions regarding current and proposed rules.

A copy of the agenda may be obtained by contacting: www.floridaspharmacy.gov.

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 7 days before the workshop/meeting by contacting: (850)245-4474. 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: (850)245-4474.

DEPARTMENT OF HEALTH

Board of Pharmacy

The Florida Board of Pharmacy announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2022, 8:30 a.m. ET

PLACE: Le Meridien Dania Beach at Fort Lauderdale Airport, 1825 Griffin Road, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Disciplinary Matters.

A copy of the agenda may be obtained by contacting: www.floridaspharmacy.gov.

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 7 days before the workshop/meeting by contacting: (850)245-4474. 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: (850)245-4474.

BOARD OF GOVERNORS

The Florida Board of Governors, State University System announces a public meeting to which all persons are invited.

DATES AND TIMES: September 13, 2022, 8:30 a.m.; September 14, 2022, 9:00 a.m.

PLACE: University of West Florida, 11000 University Parkway, University Conference Center, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board and its committees will meet to conduct the regular business of the Board.

A copy of the agenda may be obtained by contacting: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, and will be available at www.flbog.edu.

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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399-0400, (850)245-0466. 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: Vikki Shirley, Corporate Secretary, Board of Governors, 325 W. Gaines St., Suite 1614, Tallahassee, FL 32399.

GULF CONSORTIUM

The Gulf Consortium Executive Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 7, 2022, 4:00 p.m. ET

PLACE: This meeting will be conducted exclusively via teleconference. Interested persons may participate by telephone via the following: <https://global.gotomeeting.com/join/615887485>, Dial in Number: (408)650-3123, Participant Passcode: 615-887-485

Interested persons who wish to participate may also contact Valerie Seidel at (407)629-2185 ext. 104 or vseidel@balmoralgroup.us at least three (3) days in advance of the meeting to arrange for access to be provided to the

Locals Program and District Office Assistance to the Public

From: [Long, Terri](#)
To: "[Suarez, Ana](#)"; [long_melissa](#); "[Palomino, Susana \(RFR\)](#)"; "[sanford@epchc.org](#)"; "[Wanda.Parker@ocfl.net](#)"; "[Laxmana.Tallam@flhealth.gov](#)"; "[Schneider, Sheila](#)"; "[John Hickey](#)"; [Strong, Greg](#); [Boatwright, Kelley M.](#); [Andreotta, Jason](#); [Iglehart, Jon](#); [Carpenter, Jennifer](#)
Cc: [Rogers, Elizabeth](#); [McLane, Preston](#)
Subject: Florida State Implementation Plan 2022-02, Rule 62-296.513, F.A.C., Stationary Source-Emission Standards, Surface Coating of Miscellaneous Metal Parts and Products Pre-Hearing Submittal
Date: Wednesday, August 31, 2022 11:33:34 AM
Attachments: [SIP_2022-02_FAR_8-31-22.pdf](#)

Notice is hereby given that, pursuant to 40 CFR 51.102, the Florida Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to the Florida's State Implementation Plan (SIP). Please find attached the notice of opportunity to offer comments or request a public hearing. This notice was published on August 31, 2022, in the Florida Administrative Register. The comment period for the proposed SIP revision will close on September 30, 2022. The public hearing, if requested, will be held on October 5, 2022.

The materials comprising Florida's State Implementation Plan 2022-02, Rule 62-296.513, F.A.C., Stationary Source-Emission Standards, Surface Coating of Miscellaneous Metal Parts and Products Pre-Hearing Submittal revision can be accessed through this website:

<https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>

If you have any questions, please contact Elizabeth Rogers at Elizabeth.Rogers@FloridaDEP.gov or (850) 717-9019.

Terri Long

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

Public Comments on Pre-Hearing SIP Notice

Florida did not receive any public comments during the pre-hearing SIP notice and comment period.

DEP Response to Public Comments

Florida did not receive any public comments during the pre-hearing SIP notice and comment period.

Pre-Hearing 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

Shawn Hamilton
Secretary

Via Electronic Mail and EPA's State Planning Electronic Collaboration System

August 31, 2022

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

Re: Pre-Hearing Submittal: Proposed Revision to State Implementation Plan – Rule
62-296.513, F.A.C., Surface Coating of Miscellaneous Metal Parts and Products
Rule Amendments

Dear Mr. Blackman:

Notice is hereby given that, pursuant to 40 CFR 51.102, the Florida Department of Environmental Protection (Department) is accepting comments and will hold a public hearing, if requested, on a proposed revision to Florida's State Implementation Plan (SIP), Rule 62-296.513, Florida Administrative Code (F.A.C.), Surface Coating of Miscellaneous Metal Parts and Products (MMPP) Rule Amendments. On August 31, 2022, the Department published in the Florida Administrative Register (FAR) public notice of this proposed SIP revision and public hearing. The comment period for this proposed SIP revision will close on September 30, 2022, and the public hearing, if requested, will be held on October 5, 2022.

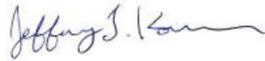
This proposed SIP revision consists of amendments providing alternatives to the MMPP requirements for aerospace parts and products coating operations by cross-referencing the requirements of the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C., and it includes the required CAA Section 110(l) noninterference demonstration. EPA incorporates F.A.C. rules into Florida's SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP is requesting be amended in Florida's SIP is contained in Rule 62-296.513, F.A.C. ("Surface Coating of Miscellaneous Metal Parts and Products").

The Department has sent the complete pre-hearing SIP submittal package directly to the Region 4 Air Planning & Implementation Branch via EPA's State Planning Electronic Collaboration System (SPeCS). The public notice and pre-hearing SIP submittal are

Mr. Daniel Blackman
Page 2 of 2
August 31, 2022

enclosed. The Department requests that all comments on the Pre-Hearing SIP submittal be provided to the Department by September 30, 2022. If you have any questions about this Pre-Hearing SIP submittal, please contact Elizabeth Rogers at (850) 717-9019 or by email at Elizabeth.Rogers@FloridaDEP.gov.

Sincerely,



Jeffery F. Koerner, Director
Division of Air Resource Management

JFK/tl

cc:

Caroline Freeman, Division Director, Air & Radiation Division, EPA Region 4;
Lynorae Benjamin, Chief, Air Planning & Implementation Branch, EPA Region 4

Enclosure:

Pre-Hearing SIP 2022-02 - Rule 62-296.513, F.A.C., Surface Coating of Miscellaneous Metal Parts and Products Rule Amendments

EPA Comments on Pre-Hearing Submittal

On September 30, 2022, DEP received written comments from EPA on Florida's August 31, 2022, Pre-Hearing Submittal. EPA's transmittal letter and comments are incorporated below.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

September 30, 2022

Mr. Jeff Koerner
Director
Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Koerner:

Thank you for your letter dated August 30, 2022, transmitting a prehearing package regarding revisions to Florida's State Implementation Plan. Specifically, the prehearing package revising Chapter 62-296.513, *Surface Coating of Miscellaneous Metal Parts and Products*. We understand that this submittal is the subject of a public hearing on October 6, 2022, if requested, with written comments due by the close of business on September 30, 2022. We have completed our review of the prehearing submittal and offer the comments included in the enclosure.

Thank you for the opportunity to review the prehearing package. If you have any questions, please contact Mr. Joel Huey, Acting Chief, Air Regulatory Management Section at (404) 562-9104, or have your staff contact Ms. Tiereny Bell at (404) 562-9088.

Sincerely,

LYNORAE BENJAMIN
Digitally signed by LYNORAE BENJAMIN
Date: 2022.09.30 14:58:53 -0400

Lynorae Benjamin
Chief
Air Planning and Implementation Branch

Enclosure

**The U.S. Environmental Protection Agency Comments on Florida Prehearing
Submittal Regarding Florida's Chapter 62-296.513, F.A.C. – Surface Coating of
Miscellaneous Parts and Products Rule Amendments**

General Comment

Please clarify that paragraph (a) of new provision 62-296.513(1)(b)(11) allows aerospace parts and products coating operations that are area sources to choose to comply with certain portions of 40 CFR part 60, subpart GG, in lieu of the otherwise applicable Rule 62-296.513, F.A.C. Also identify which provisions of subpart GG would be applicable to such facilities and how those requirements would be incorporated into the operating permit.

DEP Response to EPA Comments

In response to EPA's **General Comment** with regard to clarifying that paragraph (a) of new provision 62-296.513(1)(b)11., F.A.C., allows for aerospace parts and products coating operations that are area sources to choose to comply with certain portions of 40 CFR Part 63, Subpart GG, in lieu of the otherwise applicable Rule 62-296.513, F.A.C, Florida reiterates that aerospace parts and products coating operations classified as area sources of Hazardous Air Pollutants (HAPs) may, in lieu of complying with the VOC requirements of the MMPP Rule, elect to comply with specified elements of EPA's National Emission Standard for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Operations, 40 CFR Part 63, Subpart GG, adopted by reference in Rule 62-204.800, F.A.C. Area sources that are subject to the MMPP Rule, and which choose instead to comply with the primer, topcoat, and specialty coating VOC control requirements and other applicable requirements in the NESHAP, would not be subject to the requirements of the MMPP Rule.

In addition to addressing EPA's General Comment under this section of the SIP submittal, Florida has added comparable clarifying language under the **Background** heading, under the **Details of Rule 62-296.513, F.A.C., Amendments** heading, and under the **Response to 40 CFR Part 51, Appendix V, Criteria** heading.

In response to EPA's **General Comment** with regard to identifying which provisions of 40 C.F.R. Part 63, Subpart GG, would be applicable to such facilities and how those requirements would be incorporated into the operating permit, Florida would work with any aerospace manufacturing and rework facility or aerospace parts and product coating operation subject to Florida's MMPP Rule to determine the specific provisions of Subpart GG that would be applicable to that facility, and those specific provisions would be incorporated by reference into the operating permit for that facility.

For any **major source** subject to Subpart GG, the facility would be required to comply with all provisions of Subpart GG. As clearly stated in the revised Rule 62-296.513, F.A.C., the provisions of the MMPP rule shall not apply to the surface coating of metal parts and products performed by facilities classified as major sources that are subject to Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

For any **area source** that is not already subject to Subpart GG, the facility could, in lieu of complying with Florida's MMPP Rule, elect to comply with the VOC control requirements of 40 CFR Part 63, Subpart GG.¹ Any such area source aerospace manufacturing and rework facility or aerospace parts and product coating operation electing to comply with the VOC control requirements of Subpart GG, would be subject to specific provisions of §63.745 ("Standards; Primer, Topcoat, and Specialty Coating Application Operations") pertaining to VOC control, which include:

¹ The exemption to Rule 62-296.513, F.A.C., states that area sources that elect to comply with the "VOC control requirements of 40 CFR Part 63, Subpart GG" are exempt from the state RACT rule. Compliance with HAP-related requirements of 40 CFR Part 63, Subpart GG, is not, therefore, a condition of the exemption. *See e.g.*, 40 CFR 63.745(c)(1), (3), and (5), and 63.745(g).

- §63.745(a) (which addresses applicability);
- §63.745(b) (which addresses spill minimization);
- §63.745(c)(2), (4), and (6) (which address the VOC content levels of uncontrolled coatings, including the contents of “Table 1 – Specialty Coatings – HAP and VOC Content Limits,” but excluding exempted substances in §63.741(f));
- §63.745(d) and the cross references to §63.750 therein (which address the control system requirements for controlled coatings);
- §63.745(e) and the cross reference to §63.745(c)(1) through (6) and §63.743(d) therein (which address compliance methods for the uncontrolled coating VOC content limits); and
- §63.745(f) and the cross references to §63.750(i) therein (which address application equipment).

The definitions of §63.742 apply to the terms and phrases used in §63.745 and the pertinent cross-referenced provisions. For areas sources electing to comply with the VOC control requirements of Subpart GG in lieu of complying with Florida’s MMPP rule, “Title V” permit and “Part 70 permit” are understood to include a state operating permit issued pursuant to Section 62-210.300(2) F.A.C.

Note that depending on the facility type, specific control methods may or may not be required by 40 CFR §63.745. The state’s minor air construction permitting process will address facility-specific requirements, as applicable.

**APPENDIX A –
Rule 62-296.513, F.A.C. – Coded Copy**

Rule 62-296.513, F.A.C. Coded (strikethrough) Copy of Rule Section Requested to be Amended in Florida’s SIP:

62-296.513 Surface Coating of Miscellaneous Metal Parts and Products.

(1) Applicability.

(a) No change.

(b) The provisions of Rule 62-296.513, F.A.C., shall not apply to the surface coating of the following metal parts and products:

1. through 8. No change.

9. Customized top coating of automobiles and trucks if production is less than 35 vehicles per day; ~~and,~~

10. Exterior of marine vessels; ~~and,~~

11. Aerospace parts and products coating operations that are either:

a. Facilities classified as area sources that comply with primer, topcoat, and specialty coating VOC control requirements of 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.; or

b. Facilities classified as major sources that are subject to 40 CFR Part 63, Subpart GG, as adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(c) No change.

(2) through (4) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.650(1)(f)14., 17-296.513, Amended 11-23-94, 1-1-96, 7-10-14, 6-16-22.