

Chapter 62-204
Air Pollution Control - General Provisions

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the effect that all emission limiting standards and permit limitations that were established pursuant to Rules 17-2.17 (repealed), 17-2.510 (transferred), 17-2.650 (transferred), 62-212.500, Chapter 62-252, and the Reasonably Available Control Technology rules in Chapter 62-296, F.A.C.,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

62-204.500 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 93, Subpart B, adopted and incorporated by reference at Rule 62-204. 800, F.A.C. Pursuant to 40 CFR Part 93, Subpart B, 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
1 ST Revision	8/12/2022	3/28/2024	89 FR 21437

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